

2003

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REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Fees for Analytical Testing of Community Drinking Water Supply Samples for Radionuclides
- 2) Code Citation: 32 Ill. Adm. Code 336
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
336.10	Amendment
336.20	Amendment
336.30	Amendment
336.40	Amendment
336.50	Amendment
336.55	New Section
336.60	Amendment
336.70	Amendment
336.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 2005/2005-40 of the Civil Administrative Code of Illinois [20 ILCS 2005/2005-40].
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing this amendment to accommodate changes in USEPA's drinking water rule (40 CFR 141 and 142). Starting in 2004, different sampling schedules are going to be prescribed by USEPA. Laboratories performing drinking water analysis for radionuclides need to offer a different set of services.
- 6) Will this rulemaking replace any emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues. (Local governments that want the Agency to test their water supplies will be required to expend money.)

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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:
- Laura Stolpman
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9884 (voice)
(217) 782-6133 (TDD)
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking may have an effect on small businesses, small municipalities or not for profit corporations that request testing of their community water supply.
- 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 in either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Agency when the regulatory agendas were published.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 336

FEES FOR ANALYTICAL TESTING OF COMMUNITY
DRINKING WATER SUPPLY SAMPLES FOR RADIONUCLIDES

Section

336.10	Purpose and Scope
336.20	Incorporation by Reference
336.30	Definitions
336.40	Procedures for Requesting Testing Services and Payment of Fee
336.50	Community Water Supply Testing Categories
<u>336.55</u>	<u>Changes to Community Water Supply Testing Categories</u>
336.60	New Sampling Points for Existing Community Water Supplies
336.70	Testing Fees
336.80	Conditions

AUTHORITY: Implementing and authorized by Section 2005-40 of the Civil Administrative Code of Illinois [20 ILCS 2005/2005-40].

SOURCE: Adopted by emergency rule at 25 Ill. Reg. 10233, effective August 1, 2001, for a maximum of 150 days; adopted at 25 Ill. Reg. 14877, effective October 30, 2001; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 28 Ill. Reg. _____, effective _____.

Section 336.10 Purpose and Scope

- a) Under the provisions of 20 ILCS 2005/2005-40 ~~the 2001 amendments to the Department of Nuclear Safety Law~~, the Illinois Emergency Management Agency (Agency)~~Department of Nuclear Safety (Department)~~ is authorized to analyze community drinking water samples for radionuclides and is authorized to assess a reasonable fee for such services. The Agency's~~Department's~~ laboratory is certified by the U.S. Environmental Protection Agency (USEPA) to conduct such analyses for compliance with the Safe Drinking Water Act (42 USC 300f, et seq.). This Part sets forth the procedure for requesting analytical services and the fees that the Agency~~Department~~ charges for providing analytical services.

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- b) Participation in the ~~Agency's~~~~Department's~~ testing program is open to Illinois community water supplies for those samples required for compliance with Illinois Pollution Control Board drinking water regulations (35 Ill. Adm. Code Subtitle F). The fee schedule found in Section 336.70 of this Part is effective from the effective date of this amendment August 1, 2001 to December 31, ~~2007~~~~2003~~. In ~~January 2008~~~~December 2003~~, new USEPA testing requirements will go into effect, thus requiring a new fee schedule.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 336.20 Incorporations by Reference

All rules, standards and guidelines of agencies of the State of Illinois, United States, or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Illinois Emergency Management Agency~~Department of Nuclear Safety~~, 1035 Outer Park Drive, Springfield, Illinois.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 336.30 Definitions

- a) *"Community water supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. [415 ILCS 5/3.05]*
- b) "Grandfather monitoring" means radium-228 results generated between June 2000 and December 8, 2003 and used to satisfy the initial monitoring requirements in accordance with 35 Ill. Adm. Code 611.731(b)(2).
- cb) "New community water supply" means a community water supply that begins operation on or after the effective date of this amendment August 1, 2001.
- de) "New sampling point" means a sampling point that was not in existence or in use at the time a community water supply committed to participate in the Agency's~~Department's~~ testing program.
- ed) "Properly certified operator" means an operator certified in accordance with the Public Water Supply Operations Act [415 ILCS 45].

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- fe)** "Sampling point" refers to either a point in the distribution system or a finished water entry point where drinking water samples are collected.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 336.40 Procedures for Requesting Testing Services and Payment of Fee

- a) The ~~Agency/Department~~ shall send to all community water supplies a notice indicating the testing category to which they have been assigned by Illinois Environmental Protection Agency (IEPA) qualify and the fee that would apply for the period from the effective date of this amendment August 1, 2001 to December 31, 2007/2003 (testing fee period).
- b) New community water supplies that commit to participate in the ~~Agency's/Department's~~ testing program will automatically be assigned to Category BC or BQ and shall pay the fee specified in Section 336.70 of this Part.
- c) A community water supply that chooses to participate in the ~~Agency's/Department's~~ testing program must commit in writing to participate in the program for the entire testing fee period. A new community water supply that chooses to participate in the ~~Agency's/Department's~~ testing program must commit in writing to participate in the program for whatever portion of the testing fee period that remains when the commitment is made.
- d) A community water supply that commits to participate must sign the prescribed commitment form provided and return it to the ~~Agency/Department~~ at least 30 days prior to the date that a test needs to be conducted.
- e) A community water supply that commits to participate in the ~~Agency's/Department's~~ testing program and returns the signed form to the ~~Agency/Department~~ shall be billed the appropriate fee by the ~~Agency/Department~~. ~~Except as described in subsection (f) of this Section, the The Agency/Department~~ will not perform any tests on samples submitted until the fee is paid.
- f) ~~All fees are to be paid on a quartely basis. Category C and D community water supplies, as defined in Section 336.50 of this Part, shall pay the appropriate testing fee in two equal installments. The first installment shall be due before the Department performs any tests on samples submitted to the Department after August 1, 2001. The second installment shall be due on or before August 1, 2002.~~

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(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 336.50 Community Water Supply Testing Categories

For the purposes of this Part, the following testing categories shall initially be assigned to community water supplies based on drinking water testing results on file at IEPA as of December 31, 2003. processed by the Department before August 1, 2001. The "most recent gross alpha result" is defined as follows: ~~For community water supplies that have collected samples quarterly for radiological analyses, it is the arithmetic mean (average) of the values from the last four completed analyses for gross alpha. For community water supplies that have collected samples for radiological analyses once every four years, it is the value from the last completed analysis for gross alpha.~~

<u>Category</u>	<u>Assignment Criteria</u>	<u>Services</u>
<u>AC</u>	<u>Community water supplies that did not participate in the grandfather monitoring for "radium-228" requesting radium analysis by composite.</u>	<u>Four consecutive quarters of sampling and analysis for gross alpha. One "radium-226" and "228" composite analysis.</u>
<u>AQ</u>	<u>Community water supplies that did not participate in the grandfather monitoring for "radium-228" requesting radium analysis by quarter.</u>	<u>Four consecutive quarters of sampling and analysis for gross alpha, "radium-226" and "228".</u>
<u>BC</u>	<u>New community water supplies or existing supplies that add one or more new sampling points to be analyzed for radium by composite.</u>	<u>Four consecutive quarters of sampling and analysis for gross alpha. One "radium-226" and "228" composite analysis.</u>
<u>BQ</u>	<u>New community water supplies or existing supplies that add one or more new sampling points to be analyzed for radium quarterly.</u>	<u>Four consecutive quarters of sampling and analysis for gross alpha, "radium-226" and "228".</u>
<u>C3</u>	<u>Community water supplies on a 3 year cycle.</u>	<u>One quarter of sampling and analysis for gross alpha, "radium-226" and "228".</u>

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<u>C6</u>	<u>Community water supplies on a 6 year cycle.</u>	<u>One quarter of sampling and analysis for gross alpha, “radium-226” and “228”.</u>
<u>C9</u>	<u>Community water supplies on a 9 year cycle.</u>	<u>One quarter of sampling and analysis for gross alpha, “radium-226” and “228”.</u>
<u>CC</u>	<u>Community water supplies out of compliance for radium to be analyzed for radium by composite.</u>	<u>Quarterly sampling and analysis for gross alpha. One “radium-226” and “228” composite analysis every 4 quarters.</u>
<u>CQ</u>	<u>Community water supplies out of compliance for radium to be analyzed for radium quarterly.</u>	<u>Quarterly sampling and analysis for gross alpha, “radium-226” and “228”.</u>
<u>DC</u>	<u>Community water supplies out of compliance for radium and uranium, or gross alpha greater than 15 pCi/L, to be analyzed for radium by composite.</u>	<u>Quarterly sampling and analysis for gross alpha. One “radium-226” and “228” and uranium composite analysis every 4 quarters.</u>
<u>DQ</u>	<u>Community water supplies out of compliance for radium and uranium, or gross alpha greater than 15 pCi/L, to be analyzed for radium quarterly.</u>	<u>Quarterly sampling and analysis for gross alpha, “radium-226” and “228” and uranium.</u>

a)Category A—Most recent gross alpha result less than or equal to 5 pCi/L.b)Category B—Most recent gross alpha result greater than 5 pCi/L and less than or equal to 15 pCi/L, new community water supplies, or community water supplies that add one or more new sampling points.c)Category C—Most recent sum of radium-226 plus radium-228 is greater than 5 pCi/L and gross alpha is less than or equal to 15 pCi/L, or the public water supply is currently performing quarterly radium monitoring due to a radium violation in the past.d)Category D—Most recent gross alpha result is greater than 15 pCi/L.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 336.55 Changes to Community Water Supply Testing Categories

- a) IEPA will monitor the performance of each community water system on a quarterly basis. IEPA may direct changes in the tests to be required on the basis

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of past performance, and notify the community water supply and IEMA. IEMA will bill the correct fee for the new category during the next quarter.

- b) Community water systems that want to change from composite to quarterly radium analysis and/or total uranium analysis should notify IEPA. Upon approval by IEPA, the category will be changed for the next quarter and the appropriate new fee will be billed.

(Source: Added at 28 Ill. Reg. _____, effective _____)

Section 336.60 New Sampling Points for Existing Community Water Supplies

~~A a) Except as described in subsection (b) of this Section, a community water supply that adds one or more new sampling points after committing to participate in the Agency's Department's testing program will need the services described in Section 336.50 and shall pay the required fee for the new sampling points as described in Section 336.70 of this Part. The required fee must be paid before the Agency Department will test samples for a new sampling point. b) A community water supply that is classified as a Category A community water supply pursuant to Section 336.50 of this Part that adds a new sampling point after committing to participate in the Department's testing program and paying the required fee shall thereafter be classified as a Category B community water supply only for each new sampling point and shall pay the required fee for each new Category B sampling point as specified in Section 336.70(c) of this Part.~~

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 336.70 Testing Fees

- a) Community water supplies that choose to participate in the Agency's Department's testing program shall pay a single fee per sampling point to cover testing costs for the period from the effective date of this amendment August 1, 2001 through December 31, 20072003.
- b) Fees shall be assessed as follows:

Category	<u>Quarterly</u> Fee per Sampling Point
<u>AC</u>	<u>\$140</u>
<u>AQ</u>	<u>\$380</u>
<u>BC</u>	<u>\$140</u>
<u>BQ</u>	<u>\$380</u>

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<u>C3</u>	<u>\$380</u>
<u>C6</u>	<u>\$380</u>
<u>C9</u>	<u>\$380</u>
<u>CC</u>	<u>\$140</u>
<u>CQ</u>	<u>\$380</u>
<u>DC</u>	<u>\$180</u>
<u>DQ</u>	<u>\$570</u>
<u>A</u>	<u>\$ 200</u>
<u>B</u>	<u>\$ 700</u>
<u>C</u>	<u>\$1250</u>
<u>D</u>	<u>\$1675</u>

- c) ~~A Category A community water supply that adds one or more new sampling points shall pay a \$700 testing fee for each new sampling point. If a Category B, C, or D community water supply adds a new sampling point, the fee assessed shall be the same fee as for existing sampling points. AGENCY NOTE: Pursuant to federal and State requirements, a Category A community water supply that adds a new sampling point is required to have more frequent testing performed on more constituents on each new sampling point and thus the new sampling point is classified as a Category B sampling point. This increased testing requirement for each new sampling point necessitates an increase in the fee charged for the new sampling point.~~ d) The Agency Department will provide all required sample containers and analyze all samples required for compliance with federal radiological drinking water testing requirements over the fee period.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 336.80 Conditions

Water samples must be collected by employees or agents of a community water supply under the direction of a properly certified operator. Samples submitted shall be in the Agency's Department's supplied container. Samples not submitted in accordance with the Agency's Department's supplied instructions will not be tested, and resampling will be required. Upon completion of analytical work, the Agency Department will send the results directly to the IEPA, thereby fulfilling the reporting requirement of a participating community water supply. The Agency Department will also send a copy of the results to the community water supply.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Veterinary Medicine and Surgery Practice Act of 1994
- 2) Code Citation: 68 Ill. Adm. Code 1500
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1500.5	Amendment
1500.11	Amendment
1500.50	Amendment
- 4) Statutory Authority: Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115]
- 5) A Complete Description of the Subjects and Issues Involved: PA 93-0281, effective December 31, 2003, is the sunset reauthorization of the Veterinary Medicine and Surgery Practice Act of 2004; this proposed rulemaking implements its provisions. Section 1500.11 provides candidates from non-accredited veterinary schools with the option of completing the requirements of certification from the Program for the Assessment of Veterinary Education Equivalence (PAVE) in order to become eligible for licensure. Section 1500.50 adds standards for maintaining adequate medical records. Other technical changes are also being made.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

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

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

12) Initial Regulatory Flexibility Analysis:

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

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

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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

PART 1500

VETERINARY MEDICINE AND SURGERY PRACTICE ACT OF 1994

Section

1500.5	Approved Veterinary Medicine and Surgery Programs
1500.10	Application for Examination by Graduates of Approved Programs
1500.11	Application by Graduates of Unapproved Programs
1500.15	Temporary Permit
1500.20	Examination
1500.25	Continuing Education
1500.30	Endorsement
1500.35	Restoration
1500.45	Renewals
1500.47	Fees
1500.49	Supervision
1500.50	Standards of Professional Conduct
1500.51	Impaired Veterinarian Program of Care, Counseling or Treatment
1500.55	Advertising
1500.60	Conduct of Hearings (Repealed)
1500.65	Annual Report of Board (Repealed)
1500.70	Granting Variances

AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115] 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 Veterinary Medicine and Surgery Practice Act, effective January 1, 1984; amended at 2 Ill. Reg. 23, p. 13, effective June 10, 1978; codified at 5 Ill. Reg. 11070; amended at 6 Ill. Reg. 2004, effective January 30, 1982; Part repealed, new Part adopted at 9 Ill. Reg. 16327, effective October 10, 1985; amended at 11 Ill. Reg. 20966, effective December 9, 1987; transferred from Chapter I, 68 Ill. Adm. Code 500 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1500 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2982; amended at 13 Ill. Reg. 3826, effective March 10, 1989; amended at 15 Ill. Reg. 16702, effective October 30, 1991; amended at 18 Ill. Reg. 11212, effective June 30, 1994; amended at 19 Ill. Reg. 12488, effective August 18, 1995; amended at 22 Ill. Reg.

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15353, effective August 10, 1998; amended at 24 Ill. Reg. 653, effective December 31, 1999; amended at 26 Ill. Reg. 12294, effective July 24, 2002; amended at 28 Ill. Reg. _____, effective _____.

Section 1500.5 Approved Veterinary Medicine and Surgery Programs

- a) Approved Veterinary Medicine and Surgery Programs
 - 1) The Department of Professional Regulation (the Department) shall approve a veterinary medicine and surgery program as reputable and in good standing if it meets the following minimum criteria:
 - A) The institution is legally recognized and authorized by the jurisdiction in which it is located to confer the Doctor of Veterinary Medicine degree or its equivalent.
 - B) Has a faculty that consists of a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their ~~area~~~~area(s)~~ of teaching as evidenced by appropriate degrees from reputable professional colleges or institutions.
 - C) Has a curriculum of at least 4 academic years, including at least the following subject areas, as applied to the various species of animals:
 - Anatomy
 - Anesthesiology
 - Applied Clinical Training
 - Clinical Chemistry
 - Epidemiology
 - Federal and State Laws
 - Food Quality and Safety

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General and Special Pathology

Immunology

Internal Medicine

Microbiology

Nutrition

Parasitology

Pharmacology

Physiology

Preventive Medicine

Professional Ethics

Radiology

Surgery and Obstetrics

- D) Accepts only persons who have graduated from accredited high schools or who have obtained equivalent education through such programs as the General Education Development Examination, and have successfully completed at least 2 years of pre-veterinary collegiate training in an accredited college or university.
- E) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- F) Maintains or is formally affiliated with a hospital for the care and treatment of animals, which provides a sufficient number and variety of surgical and medical cases for the students' clinical instruction.

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- 2) In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation or approval by the American Veterinary Medical Association.
 - 3) The Department has determined that all veterinary medicine and surgery programs accredited or approved by the American Veterinary Medical Association (AVMA) as of August 1, 1998, meet the minimum criteria set forth in subsection (a)(1) ~~above~~ and are, therefore, approved.
- b) Withdrawal of Approval
- 1) The Director may withdraw, suspend or place on probation the approval of a veterinary medicine and surgery program when the quality of the program has been materially affected by any of the following causes:
 - A) Gross or repeated violations of any provision of the Veterinary Medicine and Surgery Practice Act of ~~2004~~1994 [225 ILCS 115] (the Act);
 - B) Gross or repeated violations of any portion of this Part;
 - C) Fraud or dishonesty in furnishing documentation for evaluation of the program; or
 - D) Failure to continue to meet the criteria of an approved program as set out in this Section.
 - 2) The officials in charge of a veterinary medicine and surgery program whose approval is being reconsidered by the Department shall be given written notice prior to action by the Department and such officials may either submit written comments or request a hearing before the Veterinarian Licensing and Disciplinary Board (the Board).
- c) Program Evaluation
- 1) An applicant from a program that has not been evaluated will be requested by the Department to provide documentation concerning the criteria in this Section.
 - 2) Once the Department has received the documentation or after 6 months

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have elapsed from the date of application, whichever is later, the Department will evaluate the program based on all documentation forwarded from the school and any additional information the Department has received that it deems to be reliable.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1500.11 Application by Graduates of Unapproved Programs

- a) An applicant for examination who is a graduate of an unapproved program of veterinary medicine and surgery shall file an application, on forms supplied by the Department, and shall be accompanied by the following:
- 1) A complete work history indicating all employment since graduation from ~~an approved~~ veterinary program to the time of application;
 - 2) A verification of enrollment in either the Program for the Assessment of Veterinary Education Equivalence (PAVE) from the American Association of Veterinary State Boards or from the American Veterinary Medical Association Educational Commission of Foreign Veterinary Graduates (ECFVG) indicating that the applicant has met all of the requirements for ~~ECFVG~~-certification except for completion of clinical skills assessment~~the proficiency examination or the completion of 1 year of clinical experience~~;
 - 3) The required fee specified in Section 1500.47;
 - 4) Certification of licensure from all jurisdictions in which the applicant has ever been licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
 - 5) Applicants who submit any document in a foreign language shall submit an original, notarized English translation.

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- b) An applicant for licensure who is a graduate of an unapproved program of veterinary medicine and surgery must hold a certificate from the American Veterinary Medical Association Educational Commission of Foreign Veterinary Graduates (ECFVG) or Program for the Assessment of Veterinary Education Equivalence (PAVE). Application shall be filed on forms supplied by the Department and shall be accompanied by the following:
- 1) A complete work history indicating employment since graduation from a veterinary program to the time of application.
 - 2) An original certificate from ~~the~~ ECFVG or PAVE indicating completion of the proficiency examination or the completion of 1 year of clinical experience.
 - 3) The required fee specified in Section 1500.47.
 - 4) Certification of licensure from all jurisdictions in which the applicant has ever been licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
 - 5) Applicants who submit any document in a foreign language shall submit an original, notarized English translation.
- c) Examination prior to graduation
- 1) An applicant enrolled in an unapproved veterinary program will be admitted to an examination prior to graduation if he/she provides certification from the college of veterinary medicine from which the applicant is expected to graduate and verification of enrollment from ~~the~~ ECFVG or PAVE. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the ~~examination~~examination(s) shall be void.

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- 2) The results of ~~the examinations~~~~such examination(s)~~ shall be made available to the applicant but no license shall be issued until the Department has received certification of the applicant's graduation and an original certificate from ECFVG or PAVE.
- 3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the Department or its designated testing service prior to taking the next examination.
- d) At ~~thesuch~~ time ~~as~~ a foreign graduate obtains the ECFVG or PAVE certificate and applies for licensure in Illinois, the scores shall be sent to the Department directly from the reporting entity. The passing score on the examinations shall be the passing scores established by the testing entity. Prior to January 1994, the passing score on the examination was a converted score of 75 based on 1.5 standard deviations below the mean.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1500.50 Standards of Professional Conduct

- a) In determining what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, the Board or hearing officer shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. Such standards shall include, but not be limited to:
 - 1) Being convicted of any crime, an essential element of which is larceny, embezzlement, obtaining money, property or credit by false pretenses or by means of a confidence game, dishonesty, fraud, misstatement or moral turpitude;
 - 2) Wilfully violating or knowingly assisting in the violation of any law relating to the use or dispensing of any medicine or drug as specified in Section 17 of the Act;
 - 3) Wilfully administering or prescribing illegal drugs for animals;
 - 4) Wilfully administering or prescribing prescription drugs illegally.
Illegally means:

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- A) In violation of the rules governing a competition or exhibition of animals, including but not limited to the rules of the Illinois Racing Board (11 Ill. Adm. Code 509), the American Kennel Club and the American Show Horse Association;
 - B) Contrary to State or federal law with regard to food producing animals;
- 5) Wilfully preparing or signing false statements in order to induce payment for medical or ancillary services by insurance companies;
 - 6) Wilfully making or causing to be made any false report to the Department of Professional Regulation regarding compliance with continuing education requirements;
 - 7) Wilfully omitting to make or file any report or record or wilfully making or filing or causing to be made or filed any false report or record pertaining to a veterinarian's practice as required by any state agency;
 - 8) Failing to possess and apply the knowledge and use the skill and care in treating a condition that is ordinarily used by a reasonably well-qualified veterinarian in the locality in which he/she practices or in similar localities in similar cases and circumstances;
 - 9) Delegating of patient care responsibility to any individual when the veterinarian has reason to believe that the person may not be competent;
 - 10) Misrepresenting as to educational background, training, credentials, competence or veterinary medical staff memberships;
 - 11) Failing to maintain adequate medical records, including but not limited to the following:
 - A) Patient identification;
 - B) Client identification;
 - C) Dated reason for visit and pertinent history;

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- D) [Physical exam findings;](#)
 - E) [Diagnostic, medical, surgical or therapeutic procedures performed;](#)
 - F) [All medical treatment must include identification of each medication given in the practice, together with the date, dosage, and route of administration and frequency and duration of treatment;](#)
 - G) [All medicines dispensed or prescribed must be recorded, including directions for use and quantity;](#)
 - H) [Any changes in medications or dosages, including telephonically or electronically initiated changes, must be recorded;](#)
 - I) [If a necropsy is performed, the record must reflect the findings;](#)
 - J) [Patient records must be maintained for a minimum of three years;](#)
- 12) Failing to properly supervise subordinate health professional and paraprofessional staff under his/her supervision and control in patient care responsibilities; or
- 13)12) Committing of any other act or omission that violates veterinarian's responsibility to a client according to accepted veterinary standards of practice.
- b) In determining what constitutes gross malpractice resulting in serious injury or death of a patient, the Board or hearing officer shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. The standards shall include but not be limited to:
- 1) A consideration whether the act or acts of the person are of a flagrant or glaringly obvious nature, or are repetitiously committed and resulted in a breach of the veterinary standards of practice;
 - 2) A consideration that said act or acts committed constituted a breach of veterinary standards of practice to possess and apply the knowledge and use the skill and care in treating a condition that is ordinarily used by a reasonably well-qualified veterinarian in the locality in which he/she

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practices or in similar localities in similar cases and circumstances;

- 3) A consideration that said act or acts committed, if committed by a person who holds himself/herself out as a specialist and undertakes service in a particular branch of medical, surgical or other healing service, must possess and apply the knowledge and use the skill and care which reasonably competent specialists in the same field, practicing in the same locality, or in similar localities, ordinarily would use in the same or similar cases and circumstances;
- 4) A consideration that a mere mistake which is not indicative of a lack of knowledge, skill and care does not constitute malpractice. Nor is a bad or unexpected result evidence of malpractice unless such a result would not ordinarily occur in the absence of malpractice.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.310 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 93-0342
- 5) Complete Description of the Subjects and Issues Involved: These proposed changes are being made pursuant to Public Act 93-0342 which broadens the types of non-citizens who are eligible for coverage under the Department's Medical Assistance Program. Six new categories of such eligibles include nationals of Cuba or Haiti, Amerasians from Vietnam, refugee victims of trafficking, some members of the Hmong or Highland Laotian tribe, certain victims of extreme cruelty, and American Indians born in Canada. The Department anticipates that the related costs will not be significant.
- 6) Will this amendment replace emergency any amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.336	Amendment	November 14, 2003 (27 Ill. Reg. 17193)
- 10) Statement of Statewide Policy Objective: This proposed amendment does not affect units of local government.
- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor

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Springfield, Illinois 62763-0002
(217)524-0081

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

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: 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 regulatory agendas because: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

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

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD –
MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings
120.64 MANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community – Integrated Living Arrangements

SUBPART D: MEDICARE PREMIUMS

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Section	
120.70	Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73	Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.75	Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
120.76	Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	
120.80	Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section	
120.90	Migrant Medical Program (Repealed)
120.91	Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	
120.200	Elimination Of Aid To The Medically Indigent
120.208	Client Cooperation (Repealed)
120.210	Citizenship (Repealed)
120.211	Residence (Repealed)
120.212	Age (Repealed)
120.215	Relationship (Repealed)
120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)
120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)

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120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon

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	Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Child Support and Spousal Maintenance Payments
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.347	Treatment of Trusts
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard – MANG(C)
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.379	Provisions for the Prevention of Spousal Impoverishment
120.380	Assets
120.381	Exempt Assets
120.382	Asset Disregard
120.383	Deferral of Consideration of Assets
120.384	Spend-down of Assets (AABD MANG)
120.385	Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
120.386	Property Transfers Occurring On or Before August 10, 1993
120.387	Property Transfers Occurring On or After August 11, 1993
120.390	Persons Who May Be Included In the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later

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- 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
- 120.395 Payment Levels for MANG (Repealed)
- 120.399 Redetermination of Eligibility
- 120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

- 120.500 Health Benefits for Persons with Breast or Cervical Cancer
- 120.510 Health Benefits for Workers with Disabilities
- 120.520 SeniorCare
- 120.TABLE A Value of a Life Estate and Remainder Interest
- 120.TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and 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; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 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

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January 26, 1981; preemptory 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; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory 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; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory 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; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986;

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amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18

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Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. _____, effective _____.

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section 120.310 Citizenship

To be eligible for assistance, an individual shall be either a **United States (U.S.)** citizen or a non-citizen within specific categories and subject to specific restrictions as set forth below:

- a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parent(s).

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b) Non-citizens

1) The following categories of non-citizens may receive assistance, if otherwise eligible:

- A) A ~~U.S. United States~~ veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of such a person;
- B) Refugees under Section 207 of the Immigration and Nationality Act (INA);
- C) Asylees under Section 208 of the INA;
- D) Persons for whom deportation has been withheld under Section 243(h) of the INA;
- E) Persons granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980;
- F) Persons lawfully admitted for permanent residence under the INA; ~~and~~
- G) Parolees, for at least one year, under Section 212(d)(5) of the INA; ~~;~~
- H) Nationals of Cuba or Haiti;
- I) Persons identified by the Federal Office of Refugee Resettlement (ORR) as victims of trafficking;
- J) Amerasians from Vietnam;
- K) Members of the Hmong or Highland Laotian tribe when the tribe helped U.S. personnel by taking part in a military or rescue operation during the Vietnam era;
- L) American Indians born in Canada; and
- M) Persons who are a spouse, widow or child of a U.S. citizen or a spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR

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or a member of that relative's family who lived with them, who no longer live with the abuser or plan to live separately within one month of assistance and whose need for assistance is due, at least in part, to the abuse.

- 2) Those persons who are in the categories as set forth in (b)(1)(F) and (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States.
- 3) Notwithstanding the provisions of subsections (b)(1) and (2) of this Section above, any non-citizen is eligible for medical assistance if such medical care and services are necessary for the treatment of an emergency medical condition of the non-citizen, and the non-citizen otherwise meets the income, asset and categorical requirements of the AABD MAG program or AFDC MAG program. An emergency medical condition is a medical condition (including labor and delivery) of sufficient severity (including severe pain) that the absence of immediate medical attention could result in:
 - A) placing the non-citizen's health in serious jeopardy;
 - B) serious impairments to bodily functions; or
 - C) serious dysfunction of any organ or part (42 U.S.C. 1396(b)(v)).

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Wildlife Conservation Measures and Practices
- 2) Code Citation: 17 Ill. Adm. Code 635
- 3) Section Number: 635.30 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.10, 2.2, 2.3, 3.23, 3.25, 3.27, 3.34 and 3.36 of the Wildlife Code [520 ILCS 5/1.10, 2.2, 2.3, 3.23, 3.25, 3.27, 3.34 and 3.36]
- 5) Effective Date of Amendment: December 4, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, 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 25, 2003, 27 Ill. Reg. 11385
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version:

In the Authority Note, changed "AT" to "at".

In Section 650.30(c), deleted "650.30".

In Section 650.30(c), deleted "and".

In Section 650.30(d), struck the period and added "; and".

In Section 650.30(e), changed the text to read: "carcasses or parts of carcasses may be transported into the State to a properly permitted facility, to be disposed of, as long as the transportation and disposal complies with all applicable Illinois and federal laws and regulations. Carcasses or parts of carcasses to be disposed of must be frozen when transported and stored.".

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- 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? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Amendments to this Part allow carcasses or parts of carcasses with the head attached to be submitted to a licensed taxidermist for processing within 72 hours after entry into the State of Illinois. The amendments also allow carcasses or parts of carcasses to be transported into the State to a properly permitted facility to be disposed of.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

Section

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

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

SOURCE: Adopted by emergency rulemaking at 26 Ill. Reg. 12650, effective August 1, 2002, for a maximum of 150 days; adopted at 27 Ill. Reg. 525, effective December 27, 2002; amended at 27 Ill. Reg. 18973, effective December 4, 2003.

Section 635.30 Importation of Animal Carcasses and Parts

Importation of hunter-harvested deer and elk carcasses into Illinois is prohibited except for:

- a) deboned meat, antlers, antlers attached to skull caps, hides, upper canine teeth (also known as "buglers", "whistlers", or "ivories"). Skull caps shall be cleaned of all brain and muscle tissue;
- b) finished taxidermist mounts;
- c) carcasses or parts of carcasses with the spinal column or head attached may be transported into the State only if they are submitted to a licensed meat processor or a licensed taxidermist for processing within 72 hours after entry; licensed meat processors and taxidermists shall dispose of inedible tissue not exempted in subsection (a) the discarded tissue in a properly permitted landfill or with a renderer; ~~d) heads for taxidermy may be transported into the State only if they are submitted to a licensed taxidermist within 72 hours after entry; licensed taxidermists shall dispose of the discarded tissue in a properly permitted landfill or with a renderer; and~~

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- ~~d)~~e) tissues can be imported into the State for use by a diagnostic or research laboratory; ~~and~~.
- e) carcasses or parts of carcasses may be transported into the State to a properly permitted facility, to be disposed of, as long as the transportation and disposal complies with all applicable Illinois and federal laws and regulations. Carcasses or parts of carcasses to be disposed of must be frozen when transported and stored.

AGENCY NOTE: Nothing in this Part shall prevent renderers regulated under the Illinois Dead Animal Disposal Act [225 ILCS 610] with Class A or B licenses ~~from~~~~for~~ transporting cervid carcasses or parts into the State for the purpose of rendering.

(Source: Amended at 27 Ill. Reg. 18973, effective December 4, 2003)

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- 1) Heading of the Part: Urban and Community Forestry Grant Program
- 2) Code Citation: 17 Ill. Adm. Code 1538
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1538.10	Amendment
1538.20	Amendment
1538.30	Amendment
1538.40	Amendment
1538.50	Amendment
1538.60	Amendment
1538.70	Amendment
1538.80	Amendment
- 4) Statutory Authority: Implementing and authorized by the Urban and Community Forestry Assistance Act [30 ILCS 735].
- 5) Effective Date of Amendments: December 4, 2003
- 6) Do these amendments 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: August 22, 2003, 27 Ill. Reg. 13971
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 1538.50(b), deleted "Office" and after "Director", added "of the Office of Resource Conservation". Additional changes were non-substantive and were made to correct grammar, punctuation and spelling 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 these amendments replace any emergency amendments currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The changes to this Part will help the Department better promote the establishment, management, and conservation of local urban/community forests and local programs to manage these resources.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price, Legal 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

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRYPART 1538
URBAN AND COMMUNITY FORESTRY GRANT PROGRAM

Section

1538.5	Purpose
1538.10	Definitions
1538.20	Eligibility
1538.30	General Information
1538.40	General Procedures
1538.50	Urban and Community Forestry Project Approval
1538.60	Eligible Urban and Community Forestry Projects
1538.70	Evaluation Priorities
1538.80	Program Information

AUTHORITY: Implementing and authorized by the Urban and Community Forestry Assistance Act [30 ILCS 735].

SOURCE: Adopted at 16 Ill. Reg. 11108, effective June 30, 1992; amended at 20 Ill. Reg. 5788, effective April 4, 1996; amended at 27 Ill. Reg. 18977, effective December 4, 2003.

Section 1538.10 Definitions

"Act" means the Urban and Community Forestry Assistance Act [30 ILCS 735].

"Applicant" means a unit of local government. An Illinois chartered not-for-profit corporation as defined in the General Not-For-Profit Corporation Act of 1986 can be a co-applicant with a unit of local government.

"Budgeted" means the unit of local government has, through legal means, authorized the expenditure of dollars within the appropriate department for forestry activities described in the Urban and Community Forestry Management Plan and the Urban and Community Forestry Project Proposal.

"Comprehensive Urban and Community Forestry Management Plan" means a written comprehensive document used as a guide for urban and community forestry management decisions. It contains information on history, policy,

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budget, inventory analysis of the forest ecosystem resources and management prescriptions, and describes how a unit of local government will protect, enhance, conserve, maintain and expand the urban and community forestry resource. This plan links together all aspects of a local government's Urban Forestry Projects into a comprehensive document.

"Department" means the Illinois Department of Natural Resources.

"Equipment" means tangible items of a non-consumable nature exceeding \$100.

"Inner City Projects" refers to projects located in older and more densely populated residential sections of a city in which low income and/or minority groups predominate. Projects include: tree planting, tree removal for public safety, vacant land enhancement, green way and river way enhancement, and forest health monitoring and control.

"Urban and Community Forestry Project Proposal" means a written document proposing action to be implemented to complete a specific project approved by the Department pursuant to the Act.

(Source: Amended at 27 Ill. Reg. 18977, effective December 4, 2003)

Section 1538.20 Eligibility

- a) Participation in the Urban and Community Forestry Grant Program is available to local units of government. An Illinois chartered not-for-profit corporation as defined in the General Not-For-Profit Corporation Act of 1986 can be a co-applicant ~~of with a~~ local government.
- b) An Urban and Community Forestry Project Proposal must be reviewed, selected under a competitive review process and approved by the Department before a grant will be awarded.
- c) Units of local government must have, or during the course of this grant shall develop and put into effect, an urban and community forestry ordinance or resolution addressing their commitment. The purpose of the ordinance is to define the unit of local government's responsibility regarding public trees and other vegetation, identify tree care standards and to provide a legal basis for appropriating funds for urban and community forestry programs.

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- d) The local unit of government must have the ability to expend in cash 100% of the grant amount and either expend or document in-kind contribution of the local match.

(Source: Amended at 27 Ill. Reg. 18977, effective December 4, 2003)

Section 1538.30 General Information

- a) Grants are awarded for implementing Department approved Urban and Community Forestry Project Proposals. The application for a grant is evaluated based on the priorities defined in Section 1538.70.
- b) Units of local government may apply jointly (or as a co-applicant with a chartered not-for-profit corporation as defined in the General Not-For-Profit Corporation Act of 1986) for approval of Urban and Community Forestry Project Proposals through the Urban and Community Forestry Grant Program. Contracts will be awarded to the unit of local government.
- c) The total number of grants awarded each calendar year is dependent on the size of the grants and the total amount of funds available for the program in the given fiscal year (July 1-June 30).
- d) A single grant to a unit of local government shall not exceed 5% of the amount allocated for the grant program by the Department in the current fiscal year. However, a cap at no more than 20% of the amount allocated for the grant program by the Department can be used for multi-community projects. Regardless of project size, one individual community can receive no more than 5% of the amount allocated for the grant program.
- e) Grants will not be awarded for the purchasing of equipment.
- f) Grant money is limited to Urban and Community Forestry Project Proposals for which the applicant will provide at least 50% of the cost. The unit of local government's share of the cost may be made by contribution of in-kind service. The unit of local government should set forth, in the application, in detail how such contribution will be made and document in-kind contribution. No federal funds may be used as the match for the project.
- g) The Urban and Community Forestry Grant Program operates on a reimbursement basis only. Reimbursement is provided upon completion of the project approved

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in the Urban and Community Forestry Grant Contract and filing proper expenditure documents on forms provided by the Department within six months of the contract expiration date.

- h) All project costs incurred before the unit of local government receives notice that they will receive a grant are not eligible for reimbursement.
- i) Only one application for an Urban and Community Forestry Grant can be submitted from any one unit of local government per annual grant period.
- j) Grants should not be used to substitute for existing urban forestry budgets, but used for new projects, new programs, State recognized forest health concerns and epidemics and major citizen safety concerns ~~or programs~~.
- k) All records, receipts, expenditures, and program activities of a grant recipient are subject to audit by the Department.

(Source: Amended at 27 Ill. Reg. 18977, effective December 4, 2003)

Section 1538.40 General Procedures

- a) Necessary application forms are available from the Department of Natural Resource, Division of Resources Protection and Stewardship, One Natural Resource Way, Springfield IL 62702-1271 ~~Forest Resources, 600 North Grand Avenue West, Post Office Box 19225, Springfield, IL 62794 9225~~. Urban and Community Forestry grant applications shall consist of the following basic requirements:
 - 1) A completed application form with a complete narration of the proposed project.
 - 2) A copy of the unit of local government's urban and community forestry ordinance, or equivalent.
 - 3) A map of the municipality showing the location of the proposed project, if applicable.
 - 4) A copy of the unit of local government's Department or Tree Board approved Urban and Community Forestry Management Plan.

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- 5) A document showing how the unit of local government has budgeted for the Urban and Community Forestry Project Proposal.
 - 6) Other supportive documentation.
- b) Applications for grant assistance must be received on or before the date posted by the Department. Applicants will be notified as to the qualification or non-qualification of their application within 90 days after its receipt. Units of local government whose applications meet the qualifications specified in the Urban and Community Forestry Assistance Act and this Part will be ranked according to the priorities in Section 1538.70. When grant funds are available, funds will be obligated to qualified units of local government based on their geographic location and ranking.
 - c) Approved projects as specified in the Urban and Community Forestry Project Proposals must be implemented and completed by a date mutually agreed upon by the Department and the local government.
 - d) During the implementation of an Urban and Community Forestry Project Proposal, if it is necessary to make changes in scope, plans and/or specifications, the unit of local government shall obtain the Department's approval prior to any change. Changes shall be made a part of the project file and kept available for audit.
 - e) After a completed Urban and Community Forestry Project has been accepted by the Department and all subcontractors and bills have been paid, the unit of local government will prepare and submit a billing request to the Department for reimbursement of up to 50% of the actual approved project costs. Approved project costs are based on those that were budgeted for in the grant recipient's budget and included in the Department-approved Urban and Community Forestry Project Proposal. Only actual expenditures will be considered for reimbursement.
 - f) The Department may make on-site inspections, as deemed necessary in relation to the scope of the Urban and Community Forestry Grant Project, to check progress and compliance.
 - g) When applicable, the Department will contact the grant recipient to arrange the final on-site inspection prior to distribution of grant funds. This contact will be made after the grant recipient submits the required forms for reimbursement.

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- h) Grant recipients that do not meet the objectives or provide adequate documentation will not receive reimbursement.

(Source: Amended at 27 Ill. Reg. 18977, effective December 4, 2003)

Section 1538.50 Urban and Community Forestry Project Approval

- a) A unit of local government or its representative may develop an Urban and Community Forestry Project Proposal and submit it to the Department of Natural Resources, Division of ~~Resource Protection and Stewardship~~ ~~Forest Resources~~ along with the application for approval. The Urban and Community Forestry Project Proposal shall include:
- 1) Information about previous urban and community forestry programs and the importance of urban forestry to the community to be served by the unit of local government.
 - 2) A narrative relating the importance of urban and community forest to the community served by the unit of local government and to the objectives of the Urban Forestry Project Proposal.
 - 3) A list of tangible objectives, such as species and location of trees to be planted, number of people to be trained and type of training, documents to be developed, etc.
 - 4) A narrative describing the proposed projects and actions.
 - 5) A narrative explaining how the proposed projects and actions will meet the objectives of the community served by the unit of local government.
 - 6) A statement describing how the project will develop or promote a local urban and community forestry program on a long-term basis.
 - 7) An itemized budget for the proposed project.
- b) Any unit of local government whose project is not approved may appeal to the ~~Director of the Office of Resource Conservation Regional Review Committee pursuant to 17 Ill. Adm. Code 2530. The Regional Review Committee is composed of the Regional Administrator, a District Forester from another district in the Region and the Urban Conservation Program Manager.~~ The appeal must be

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made within 30 days from the date that the plan or practice was not approved.

(Source: Amended at 27 Ill. Reg. 18977, effective December 4, 2003)

Section 1538.60 Eligible Urban and Community Forestry Projects

Grant assistance may be obtained for, but not limited to, the following, which are not necessarily items listed in priority order:

- a) The hiring of urban forestry personnel, consultants, interns or tree care companies to complete a Department-approved Urban and Community Forestry Project Proposal.
- b) The development of a comprehensive Urban and Community Forestry Management Plan.
- c) The establishment of a tree board.
- d) The collection and organization of data, such as site, location and condition of trees along city streets or in parks. (Street Tree Inventory)
- e) The training of unit of local government employees in tree care practices such as pruning, fertilizing, cabling and bracing.
- f) Urban and community forestry educational and appreciation programs for the general public.
- g) The removal of hazardous, nuisance and dead trees from public property.
- h) Tree planting demonstration on public owned or controlled property.
- i) The development of a plan for control of tree insects and disease agents.
- j) The establishment or development of a tree ordinance.
 - 1) The ordinance must indicate the need for the urban and community forestry program. For instance, the health, safety and welfare of the community's residents and the economic development of the community are two examples indicating need.

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- 2) The ordinance must establish the division, department, board or other authority that will have the legal responsibility for the local Urban and Community Forestry Program including the implementation of the Urban and Community Forestry Project Proposal. The ordinance must specify the duties and responsibilities of the authority. If the authority is a board or commission, the ordinance must specify the number and qualifications of the members and their term of office.
 - 3) The ordinance must state that one of the responsibilities of the authority is to develop written standards for tree planting and maintenance pursuant to the National Arborist Association's ANSI A300 Standard for Tree Maintenance, available from the [Tree Care Industry Association, 3 Perimeter Road, Unit One, Manchester NH 03103, telephone 603-314-5380 National Arborist Association, Post Office Box 1094, Amherst NH 03031-1094, telephone 1-800-733-2622.](#)
 - 4) The ordinance must define who has the authority to plant and maintain trees on public property.
 - 5) The ordinance should contain a provision for the removal of hazardous or diseased trees from private property.
- [k\) Tree preservation and tree protection demonstration sites.](#)
- [l\) Inner-city tree improvement projects.](#)
- [m\) Tree and utility conflict resolution partnerships.](#)

(Source: Amended at 27 Ill. Reg. 18977, effective December 4, 2003)

Section 1538.70 Evaluation Priorities

- a) Awarding of urban and community forestry grants will be determined by a competitive application process. The following criteria will be used to evaluate and select projects from qualified Urban and Community Forestry Project Proposals for grant funding. No special priority is given to any of the following items.
 - 1) The need for the development of a Comprehensive Urban and Community Forestry Management Plan as indicated by documented public support.

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- 2) The need for the project outlined in the proposed Urban and Community Forestry Project Proposal as documented by a Comprehensive Urban and Community Forestry Management Plan or other long-range planning document.
- 3) The need for the Urban and Community Forestry Project Proposal as indicated by public support. Public support must be documented by evidence of citizen participation in urban and community forestry programs, especially participation in the Urban and Community Forestry Project Proposal or copies of residents' requests for urban forestry assistance.
- 4) The commitment of individuals, businesses and other local organizations to the Urban and Community Forestry Project Proposal, as demonstrated by attendance at local participation meetings, volunteer service, funds raised or other in-kind contributions (based on population).
- 5) The need for assistance based upon the receipt of grant funds from the Department for implementing Urban and Community Forestry Projects within the past five fiscal years.
- 6) The facilitation of improvements to the quality of the environment in forests and green space areas within the applicant's jurisdiction through the improved management and preservation of the urban/community forest resources for the common good, health, welfare and safety of the citizens of this State.
- 7) Increase public awareness.
- 8) Increase participation of local citizenry and volunteers.
- 9) Establishment and commitment to the management and improvement of the forest resources of the community.
- 10) [Past grant performance, if the applicant has previously received funding under this program.](#)
- 11) [Applications from local units of government previously not benefiting from the Urban and Community Forestry Grant Program, unless the](#)

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previous funding provided evidence of high risk trees.

12) Inner city projects that provide a highly visible change in the urban environment.

- b) Special consideration will be given to those Urban and Community Forestry Project Proposals that address:
- 1) Joint efforts between two or more local governments that may have regional implications.
 - 2) Reduction in energy consumption.
 - 3) Utilization of waste wood materials, i.e., logs, brush, wood chips, etc.
 - 4) Full or part time employment opportunities in urban and community forestry and related activities.
 - 5) The development of a new urban and community forestry program as defined by not being an active part of the ~~municipality's local government's~~ programs within the past five years.
 - 6) The community's development, appreciation, and continued awareness of the importance of the urban and community natural resource.
 - 7) The establishment of tree boards for facilitating and improving ~~the~~ management of urban and community forest resources.
 - 8) Control, mitigation and eradication of insect and disease epidemics in urban/community public forest lands.
 - 9) Reduction of scientifically documented cases of extreme tree risk conditions that could be detrimental to citizens.
 - 10) Development of tree preservation demonstration sites showing accepted tree protection measures.
 - 11) Development of tree/utility conflict resolution partnerships.
 - 12) Improvements to inner city reforest and tree resources.

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(Source: Amended at 27 Ill. Reg. 18977, effective December 4, 2003)

Section 1538.80 Program Information

Information regarding the Urban and Community Forestry Grant Program may be obtained by writing to:

Illinois Department of Natural Resources
Division of ~~Resource Protection and Stewardship-Forest Resources~~
~~Urban and Community Forestry Program~~
~~One Natural Resources Way 600 North Grand Avenue West, P.O. Box 19225~~
Springfield ~~IL 62702-1271, Illinois 62794-9225~~
PHONE: 217/~~785-8771782-2361~~

(Source: Amended at 27 Ill. Reg. 18977, effective December 4, 2003)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Structural Engineering Licensing Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1480
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>	
1480.150		Amendment
1480.175		Amendment
- 4) Statutory Authority: Structural Engineering Practice Act of 1989 [225 ILCS 340]
- 5) Effective Date of Amendments: December 5, 2003
- 6) Do these amendments 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: July 25, 2003, at 27 Ill. Reg. 12014.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Several nonsubstantive technical changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? Yes, at 27 Ill. Reg. 12114, effective July 14, 2003.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The National Council of Examiners for Engineering and Surveying (NCEEES) has changed the format for the Structural II Examination. Previously the exam for licensure as a structural engineer was divided into 4 parts: Fundamentals of Engineering, Structural I, Structural II AM and Structural II PM. Effective with the April 2004 administration, it will consist of 3 parts, with

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Structural II AM and Structural II PM combined into a single Structural II. Therefore, the October, 2003 administration of the exam will be the last time individuals can receive credit for passing either Structural II AM or Structural II PM of this examination. Various other technical changes are also included.

- 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

NOTICE OF ADOPTED AMENDMENTS

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

PART 1480

THE STRUCTURAL ENGINEERING PRACTICE LICENSING ACT OF 1989

Section

1480.10	Statutory Authority (Repealed)
1480.20	Licensure (Repealed)
1480.30	Approved Education Qualifications (Repealed)
1480.40	Approved Experience Qualifications (Repealed)
1480.45	Renewals (Renumbered)
1480.50	Restoration of Expired Certificate (Repealed)
1480.60	Granting Variances (Renumbered)
1480.110	Approved Structural Engineering Curriculum
1480.120	Definition of Degree in Related Science
1480.130	Approved Experience
1480.135	Application for Enrollment as a Structural Engineer Intern by Examination
1480.140	Application for Licensure by Examination
1480.150	Examination
1480.160	Restoration
1480.170	Endorsement
1480.175	Seismic Design Requirement
1480.180	Inactive Status
1480.185	Continuing Education
1480.190	Renewals
1480.195	Fees
1480.200	Professional Design Firm
1480.205	Acts Constituting the Practice of Structural Engineering Pursuant to Section 5 of the Act
1480.210	Standards of Professional Conduct
1480.215	Structural Engineer Complaint Committee
1480.220	Granting Variances (Renumbered)

AUTHORITY: Implementing the Structural Engineering Practice Act of 1989 [225 ILCS 340] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

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SOURCE: Adopted at 4 Ill. Reg. 22, p. 242, effective May 15, 1980; amended at 4 Ill. Reg. 44, p. 475, effective October 20, 1980; codified at 5 Ill. Reg. 11068; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 480 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1480 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2947; emergency amendment at 13 Ill. Reg. 5781, effective April 5, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 13891, effective August 22, 1989; amended at 15 Ill. Reg. 7081, effective April 29, 1991; amended at 17 Ill. Reg. 11162, effective July 1, 1993; amended at 18 Ill. Reg. 14751, effective September 19, 1994; amended at 19 Ill. Reg. 2309, effective February 14, 1995; amended at 19 Ill. Reg. 16081, effective November 17, 1995; amended at 21 Ill. Reg. 13844, effective October 1, 1997; amended at 24 Ill. Reg. 639, effective December 31, 1999; amended at 24 Ill. Reg. 13734, effective August 28, 2000; amended at 26 Ill. Reg. 12271, effective July 24, 2002; emergency amendment at 27 Ill. Reg. 12114, effective July 14, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18990, effective December 5, 2003.

Section 1480.150 Examination

- a) The examination for licensure as a structural engineer shall be divided into ~~3~~³⁴ parts.
 - 1) Fundamentals of Engineering. This examination shall be 8 hours in duration and shall consist of problems or other examining techniques designed to evaluate the applicant's knowledge of the basic and engineering sciences and related subjects normally considered as the fundamentals of engineering.
 - 2) Structural I Examination. This examination shall be 8 hours in duration and shall consist of problems or other examining techniques relating to designs in or to the practice of structural engineering as described in Section 5 of the Act.
 - 3) Structural II ~~AM~~ Examination. This examination shall be ~~4~~⁸⁴ hours in duration and shall consist of problems or other examining techniques relating to designs in structural engineering, including seismic design. Such problems may include, but not be limited to, bridges, buildings, foundations, and seismic and lateral forces. ~~4) Structural II PM Examination. This examination shall be 4 hours in duration and shall consist of problems or other examining techniques relating to designs in~~

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~~structural engineering and shall include seismic content.~~

- b) The examination administered by the Department shall be provided by the National Council of Examiners for Engineering and Surveying (NCEES). The specific examination content shall be as determined by periodic evaluations of the test specifications by NCEES.
- c) The scoring of the examinations and determination of scores shall be as approved by NCEES.
- d) Separate scores shall be given for the Fundamentals of Engineering, Structural I ~~and~~, Structural II ~~AM and Structural II PM~~. All scores shall be graded as pass or fail. Once an applicant fails a ~~Part Part(s)~~ of the examination, that ~~Part Part(s)~~ shall not be waived.
- e) Candidates who fail an examination may not review their examination booklet or the associated answer sheets. Rescoring of the examination or any individual problem is not permitted; however, a retabulation of the numerical score will be permitted.
- f) Retake of Examination.
 - 1) Applicants shall be required to retake only the ~~Part Part(s)~~ on which a passing score was not achieved.
 - 2) If an applicant neglects, fails without an approved excuse (illness, military service, motor vehicle accident occurring on date of examination, etc.), or refuses to take the next available examination offered for licensure under this Act, the fee paid by the applicant shall be forfeited and the application denied. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee (Section 10 of the Act). New applications shall include proof of meeting the qualifications for examination in effect at the time of such new application except as provided for in subsection (f).
- g) Successful scores of previously passed Parts of the examination shall be accepted for the purpose of licensure provided the applicant has met all other requirements for licensure as outlined in the Act. For such purposes the most recent score on a

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~~Part~~ ~~Part(s)~~ shall be the score of record. In no circumstances shall the Department accept a previous passing score on a ~~Part~~ ~~Part(s)~~ for an applicant whose score of record is a failing score.

(Source: Amended at 27 Ill. Reg. 18990, effective December 5, 2003)

Section 1480.175 Seismic Design Requirement

All restoration or endorsement applicants applying for licensure pursuant to Sections 1480.160 and 1480.170 must submit satisfactory evidence of knowledge in seismic design at the time of application or at the first renewal of the license.

- a) The seismic design requirement can be satisfied by ~~passage any one of~~ one of the following:
- 1) ~~The NCEES Structural II examination beginning with the April 2004 administration; Passage of the NCEES Structural II PM Examination administered by Illinois effective with the April 1991 administration or passage of the Western States Structural Examination or the NCEES Structural II PM Examination administered by all other jurisdictions beginning with the spring 1993 administrations. Evidence of passage of one of the above identified examinations shall be submitted by the licensee and may be a copy of the licensee's pass notice;~~
 - 2) The NCEES Structural II PM examination administered by Illinois from April 1991 through October 2003;
 - 3) The NCEES Structural II PM examination administered by all other jurisdictions from April 1993 through October 2003;
 - 4) The Western States Structural Examination.
 - 5) Satisfactory completion of a Board approved course of instruction dealing with seismic design that is part of an approved engineering curriculum. The licensee shall submit the course title and catalog course description to the Board for approval prior to taking the course. Evidence of completion shall be a college transcript. Audited courses are not acceptable;
 - 6) ~~3~~ Satisfactory completion of a Board approved professional seminar dealing with seismic design and involving a minimum of 16 contact hours (1.6

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continuing education units or 1 semester hour of university credit) of lectures. Evidence of completion shall be by means of a valid certificate of completion signed by the providers of the seminar or an official transcript from the university. Audited courses are not acceptable; or

~~7)4)~~ Evidence that the licensee has taught a Board approved professional seminar or course dealing with seismic design that is part of an approved engineering curriculum or has conducted significant research into the problems of seismic resistance of structures and published the results of the significant research.

b) Evidence of passage of one of the examinations identified in subsections (a)(1) through (4) shall be submitted by the licensee and may be a copy of the licensee's pass notice.

cb) The Board shall utilize, but not be limited to, the following standards when approving a course or seminar in subsection subsections (a)(1), (B), (C), and (D) above:

- 1) Effects of earthquakes on buildings or bridges;
- 2) Structural standards and specifications for buildings or bridges;
- 3) Concepts in structural dynamics;
- 4) Seismic loading, including seismicity;
- 5) Seismic response analysis; and
- 6) Seismic design concepts, including concrete, steel, other structural materials and foundations.

(Source: Amended at 27 Ill. Reg. 18990, effective December 5, 2003)

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

	<u>Section Numbers:</u>	<u>Adopted Action:</u>
1510.20	Amendment	
1510.60	Amendment	
1510.65	New Section	
- 4) Statutory Authority: Wholesale Drug Distribution Licensing Act [225 ILCS 120]
- 5) Effective Date of Amendments: December 5, 2003
- 6) Do these amendments 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: August 8, 2003, at 27 Ill. Reg. 13343.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The only changes made were nonsubstantive.
- 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? Yes, at 27 Ill. Reg. 13627, effective July 24, 2003.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking implements P.A. 92-586, effective June 26, 2002, that changed fees from statute to administrative rule.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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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 1510
WHOLESALE DRUG DISTRIBUTION LICENSING ACT

Section

1510.10	Definitions
1510.20	Application for Licensure
1510.30	Personnel
1510.40	Violations and Penalties
1510.50	Minimum Requirements for the Storage and Handling of Prescription Drugs and for the Establishment and Maintenance of Prescription Drug Distribution Records
1510.60	Renewals
<u>1510.65</u>	<u>Fees</u>
1510.70	Granting Variances

AUTHORITY: Implementing the Wholesale Drug Distribution Licensing Act [225 ILCS 120] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105(7)].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 12216, effective July 17, 1992, for a maximum of 150 days; adopted at 16 Ill. Reg. 17077, effective October 26, 1992; emergency amendments at 27 Ill. Reg. 13639, effective July 24, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18997, effective December 5, 2003.

Section 1510.20 Application for Licensure

Every wholesale distributor, wherever located, who engages in wholesale distribution into, out of, or within Illinois shall be licensed by the Department in accordance with the Act and this Part before engaging in wholesale distribution of prescription drugs.

- a) The applicant for a license as a wholesale drug distributor shall file with the Department an application which includes the following:
 - 1) The name, full business address and telephone number of the applicant;
 - 2) All trade or business names used by the applicant;

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- 3) Addresses, telephone numbers and the names of contact persons at all facilities used by the applicant for the storage, handling and distribution of prescription drugs;
 - 4) The type of ownership or operation (i.e., partnership, corporation or sole proprietorship). If a corporation, a copy of the Articles of Incorporation; and
 - 5) The ~~names~~name(s) of the owner and/or operator of the entity, including:
 - A) The name of the person, if a person;
 - B) The name of each partner and the name of the partnership, if a partnership;
 - C) The name and title of each corporate officer and director, the corporate names, the name of the state where incorporated and the name of the parent company, if any, if a corporation; or
 - D) The full name of the sole proprietor and the name of the business entity, if a sole proprietorship; and
 - 6) The fee set forth in Section ~~1510.6535 of the Act.~~
- b) The Department shall consider the following factors in determining eligibility for licensure of persons who engage in the wholesale distribution of prescription drugs:
- 1) Any conviction of the applicant under any federal, state or local laws relating to drug samples, wholesale or retail drug distribution, or distribution of controlled substances;
 - 2) Any felony conviction of the applicant under federal, state or local laws;
 - 3) The applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;
 - 4) The furnishing by the applicant of false or fraudulent material in any application made in connection with drug manufacturing or distribution;

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- 5) Suspension or revocation by federal, state or local government of any license currently or previously held by the applicant for the manufacture or distribution of any drugs, including controlled substances;
 - 6) Compliance with licensing requirements under previously granted licenses, if any;
 - 7) Compliance with the requirements to maintain and/or make available to the state licensing authority or to federal, state or local law enforcement officials those records required to be maintained by wholesale drug distributors; and
 - 8) Any other factors or qualifications the Department considers relevant to and consistent with public health and safety.
- c) A separate license is required for each facility directly or indirectly owned or operated by the same business that distributes prescription drugs.
 - d) When the address or name of a facility is changed, the licensee shall be required to apply for a new license and pay a \$100 fee. If the facility is relocated, the licensee shall also cause the facility to pass an inspection, meeting all requirements of the Act and this Section.
 - e) Changes in any information in this Section shall be submitted to the Department within 45 days after such change.
 - f) The Department reserves the right to deny a license to an applicant if it determines that the granting of such a license would not be in the public interest.
 - g) The applicant shall retain on premises a copy of the application and check to the Department to serve as a temporary license prior to the issuance of a certificate of registration as a Wholesale Drug Distributor. This is valid for 90 days.

(Source: Amended at 27 Ill. Reg. 18997, effective December 5, 2003)

Section 1510.60 Renewals

- a) The first renewal period for registration issued under the Act shall be December 31 of even numbered years. The holder of a registration may renew such registration 60 days prior to the expiration date by filing an application with the

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Department and paying the required fee set forth in Section ~~1510.6535 of the Act.~~

- b) It is the responsibility of each registrant to notify the Department of any change of mailing address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's registration.

(Source: Amended at 27 Ill. Reg. 18997, effective December 5, 2003)

Section 1510.65 Fees

The following fees shall be paid to the Department for the administration of the Act and are not refundable:

a) Application Fees

The fee for application for a certificate of registration as a wholesale drug distributor is \$200.

b) Renewal Fees

The fee for the renewal of a certificate of registration shall be \$200 per year.

c) General Fees

- 1) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 2) The fee for a certification of a licensee's record for any purpose is \$20.
- 3) The fee for the change of person responsible for drugs is \$50.
- 4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 5) The fee for a roster of persons licensed as a wholesale drug distributor in this State shall be the actual cost of producing the roster.

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(Source: Added at 27 Ill. Reg. 18997, effective December 5, 2003)

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- 1) Heading of the Part: Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
3040.100	Amend
3040.110	Amend
3040.120	Amend
3040.130	Amend
3040.140	Amend
3040.150	Amend
3040.160	Amend
3040.170	Amend
3040.180	Amend
3040.200	Repeal
3040.210	Repeal
3040.220	Repeal
3040.230	Repeal
3040.240	Repeal
3040.250	Repeal
3040.260	Repeal
3040.270	Repeal
3040.300	Repeal
3040.310	Repeal
3040.320	Repeal
3040.330	Repeal
3040.400	Repeal
3040.450	Repeal
3040.470	Amend
3040.Appendix A	New
- 4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322].
- 5) Effective Date of Amendments: December 15, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule include incorporation by reference? Yes

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In Section 3040.120(18) added: For organizations that are not units of government, a statement of cash flows in accordance with Statement No. 95, FASB Statements of Financial Accounting Standards, Financial Accounting Standards Board, 401 Merritt 7, Norwalk, Connecticut. 06856, November 1987, no subsequent dates or editions.

In Section 3040.170(a)(1) added: Test of Adult Basic Education (TABE), which can be ordered from CTB/McGraw-Hill, 20 Ryan Ranch Road, Monterey, CA 93940, telephone: 800/538-9547.

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Illinois State Library, 300 S. Second, Springfield, IL 62701-1796
- 9) Date notice of proposed rulemaking was published in the Illinois Register: July 18, 2003; 27 Ill. Reg. 10649
- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objection to this rulemaking? No
- 11) Difference Between Proposal and Final Version:
 1. At lines 77-96, remove proposed text, and add:
 - b) The purposes of the 3 types of literacy programs are:
 - 1) Adult literacy program will provide instruction in literacy to persons 16 years or older who read or compute below a 9th grade level.
 - 2) Workplace literacy program will provide services to assess the educational skill levels and to provide direct instructional services for adults employed or available to be employed by an Illinois employer for adult employees or prospective employees who read, write, comprehend, or compute below a 9th grade level in English and takes place at their place of business.
 - 3) Family literacy program will provide direct instructional services to parents and children and reciprocal parent-child learning activities for a family literacy program offered to adult caregivers

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and their children. Family literacy services may include the clients of residential domestic violence shelters.

- c) The features of each of the 3 types of literacy programs are delineated in Exhibit A of this Part.
2. At line 107, add new definition: “Applicant” means eligible education agency or public or private employer.
3. At line 126, add new definition:
“Educational agencies” means those entities eligible to apply are public libraries that are members of an Illinois regional library system; community colleges, school districts and regional offices of education that are certified by the Illinois Board of Higher Education, the Illinois State Board of Education or the Illinois Community College Board and have provided instructional literacy services for at least 3 years; community based organizations, volunteer agencies or a coalition thereof that are 501(c)(3) entities and have provided literacy instructional services for at least 3 years; and public and private employers that have provided instructional literacy services for at least 3 years or are in cooperation with an educational agency that has provided instructional literacy services.
4. At line 234, add:
18) For organizations that are not units of government, a statement of cash flows in accordance with Statement No. 95, FASB Statements of Financial Accounting Standards, Financial Accounting Standards Board, 401 Merritt 7, Norwalk, Connecticut. 06856, November 1987, no subsequent dates or editions.
19) If the applicant is a charitable organization, the proper certification of federal and State tax exempt status.
5. At line 430, added an incorporation by references: Test of Adult Basic Education (TABE), which can be ordered from CTB/McGraw-Hill, 20 Ryan Ranch Road, Monterey, CA 93940, telephone: 800/538-9547.

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6. After line 1074, added "Section 3040.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs."
7. Other grammatical and stylistic corrections.
- 12) Have all the changes agreed upon by the agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee: Yes
- 13) Will this rulemaking replace any emergency amendment currently in affect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purposed of Amendments: There are five grant programs (Community Literacy, Family Literacy, New Chapters, Workplace Literacy and Making Work Pay programs) that provide direct literacy instruction to adults through separate grants aimed at the separate roles of the adult. These roles include the adult learner as citizen; as parent; as employee; as welfare recipient; and as domestic violence victim. The intent of these amendments is to condense the five grant initiatives into one Adult Literacy grant that addresses all the roles of an adult. This change will provide these advantages: it will strengthen the identification of the literacy programs with the Illinois State Library; it will focus our efforts on the unique service of the Literacy Office -- literacy instruction for those citizens who read below the ninth grade level; it will decrease overlap of literacy service with other state agencies; it will increase the involvement of libraries in the literacy effort; and it will increase the effectiveness of literacy programming on the local level.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Cyndy Colletti
Illinois State Library, Literacy Office
Gwendolyn Brooks Building
300 South Second Street
Springfield IL 62701
217/524-3529
ccolletti@ilsos.net

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATEPART 3040
LITERACY GRANT PROGRAMSUBPART A: ADULT LITERACY GRANT PROVIDER PROGRAM

Section

3040.100	Purpose
3040.110	Definitions
3040.120	Application for Grant
3040.130	Review of Grant Applications
3040.140	Award of Grants, <u>Accountability</u> and Recordkeeping
3040.150	Cancellation of Grant
3040.160	Fiscal Procedures
3040.170	Other Requirements
3040.180	Invalidity

SUBPART B: WORKPLACE LITERACY PROGRAM

Section

3040.200	Purpose <u>(Repealed)</u>
3040.210	Definitions <u>(Repealed)</u>
3040.220	Application for Grant <u>(Repealed)</u>
3040.230	Review of Grant Applications <u>(Repealed)</u>
3040.240	Award of Grant, Financial Reports, and Program Progress Reports <u>(Repealed)</u>
3040.250	Cancellation of Grant <u>(Repealed)</u>
3040.260	Other Requirements <u>(Repealed)</u>
3040.270	Invalidity <u>(Repealed)</u>

SUBPART C: FAMILY LITERACY PROGRAM

Section

3040.300	Purpose <u>(Repealed)</u>
3040.310	Definitions <u>(Repealed)</u>
3040.320	Eligible Applicants <u>(Repealed)</u>
3040.330	Grant Applications <u>(Repealed)</u>

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SUBPART D: SPECIAL GRANT PROGRAMS

Section

3040.400	Making Work Pay Grant Program (Repealed)
3040.450	New Chapters Grant Program (Repealed)
3040.470	Penny Severns' Early Childhood Reading Program Centers Grant Program

3040.EXHIBIT A Differences Among the Three Types of Library Grant Programs

AUTHORITY: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15563, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 4916, effective March 11, 1986; amended at 11 Ill. Reg. 17258, effective October 15, 1987; amended at 15 Ill. Reg. 18757, effective December 17, 1991; amended at 16 Ill. Reg. 13084, effective August 15, 1992; amended at 17 Ill. Reg. 7234, effective May 10, 1993; amended at 18 Ill. Reg. 4990, effective March 9, 1994; amended at 20 Ill. Reg. 5889, effective April 9, 1996; amended at 21 Ill. Reg. 2408, effective February 3, 1997; amended at 21 Ill. Reg. 11767, effective August 11, 1997; amended at 23 Ill. Reg. 2402, effective January 22, 1999; amended at 23 Ill. Reg. 2574, effective January 26, 1999; emergency amendment at 23 Ill. Reg. 4115, effective March 18, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 8645, effective July 13, 1999; amended at 27 Ill. Reg. 19004, effective December 15, 2003.

SUBPART A: ADULT LITERACY GRANT PROVIDER PROGRAM**Section 3040.100 Purpose**

- a) The Adult Literacy Grant Provider Program is part of the Literacy Grant Program established by Section 7.2 of the State Library Act (~~Ill. Rev. Stat. 1991, ch. 128, par. 107.2~~) [15 ILCS 320/7.2], to develop, expand or support adult, family and workplace literacy programs in Illinois through local community programs administered by education agencies, libraries, public and private employers, volunteer or community-based organizations, or a coalition thereof. ~~The local adult literacy programs will provide instruction in literacy to persons 16 years or older who read or compute below a ninth (9th) grade level.~~
- b) The purposes of the 3 types of literacy programs are:

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- 1) Adult literacy program will provide instruction in literacy to persons 16 years or older who read or compute below a 9th grade level.
 - 2) Workplace literacy program will provide services to assess the educational skill levels to provide direct instructional services for adults employed or available to be employed by an Illinois employer for adult employees or prospective employees who read, write, comprehend, or compute below a 9th grade level in English and takes place at their place of business.
 - 3) Family literacy program will provide direct instructional services to parents and children and reciprocal parent-child learning activities for a family literacy program offered to adult caregivers and their children. Family literacy services may include the clients of residential domestic violence shelters.
- c) The features of each of the 3 types of literacy programs are delineated in Exhibit A of this Part.

(Source: Amended at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.110 Definitions

"Adult" means an individual in Illinois who has exceeded the maximum age for compulsory schooling (~~16~~sixteen) and is not currently enrolled in school (~~Article 26 of the School Code, Ill. Rev. Stat. 1991, ch. 122, pars. 26-1 et seq.~~) [105 ILCS 5/~~Art. 26-26-1 et seq.~~].

"Applicant" means the eligible education agency or public or private employer.

"Application" means the written request for a literacy grant submitted to the LAB pursuant to this Part. Applications shall be submitted by the legal entity responsible for the disbursement of public funds.

"Coalition" means a structured cooperative effort between a library system, library or libraries, education agency or agencies, and community-based organization or organizations, or any combination thereof at the local or regional level.

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"Community" means a village or city, county, or any local municipality in Illinois.

"Community-based ~~Organization~~organization" means a private or public not-for-profit organization, including volunteer organizations, located in an Illinois community, which provides services to citizens within that community and the surrounding area.

"Educational Agencies" means those entities eligible to apply are public libraries that are members of an Illinois regional library system; community colleges, school districts and regional offices of education that are certified by the Illinois Board of Higher Education, the Illinois State Board of Education or the Illinois Community College Board and have provided instructional literacy services for at least 3 years; community based organizations, volunteer agencies or a coalition thereof that are 501(c)(3) entities and have provided literacy instructional services for at least 3 years; and public and private employers that have provided instructional literacy services for at least 3 years or are in cooperation with an educational agency that has provided instructional literacy services.

"Educational Skills Assessment" means testing methods that measure the educational skills possessed by adults, including reading, writing, comprehension and computation skills in English.

"Family Literacy" means reading, writing, and computing instruction for parents and children together, including academic and parenting instruction for adults, developmentally appropriate activities for children, and structured reciprocal time for both to learn together.

"Fiscal year" means the fiscal year of the State of Illinois.

"Instructional Materials" means written materials and computer software programs that are used in teaching adults basic reading, writing, comprehension, computation or English language skills.

~~"Illiteracy" means the inability to read, write, compute, or comprehend above the 8.9 grade level.~~

~~"Illiterate adult" means an adult whose minimal skills in reading, writing, computation, or comprehension preclude the individual from functioning in society.~~

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"LAB" means the Literacy Advisory Board established by Section 7.2 of the State Library Act (~~Ill. Rev. Stat. 1991, ch. 128, par. 107.2~~) [15 ILCS 320/7.2].

"Library" means the main facility for a tax-supported public library within an Illinois library system.

"Literacy" means the ability of an individual to read, write, compute, and comprehend above the 8.9 grade level as measured by an educational skills assessment.

"Literacy Program" means a structured project or program which provides direct instructional services in literacy to adult students.

"Math Student" means an adult whose math skills are below the 9.0 grade level who is enrolled in the literacy program for math instruction.

"Participating Agency" means those agencies who will receive part of the grant funds or who will actively participate in the literacy project as an essential component of that project, without whose participation the project would fail or be radically changed.

"Secretary of State" means the Illinois Secretary of State.

"State Library" means the Illinois State Library, a department of the Illinois Secretary of State established pursuant to the State Library Act (~~Ill. Rev. Stat. 1991, ch. 128, pars. 101 et seq.~~) [15 ILCS 320/1].

"Workplace Literacy Program" means a structured program that provides direct instructional services in reading, writing, comprehension, computation or English language skills to adult employees or prospective employees at their place of employment.

(Source: Amended at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.120 Application for Grant

- a) Requests for a grant shall be submitted to the LAB in writing postmarked no later than March 1st for every fiscal year. Applicants shall use the forms prepared and made available by the Secretary of State, Illinois State Library for this purpose.

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Applications not submitted on time or on the required forms shall not be considered by the LAB.

- b) Applications shall be submitted to the Literacy Office, Illinois State Library, 300 S. Second, 431 South Fourth Street, Springfield, Illinois 62701.
- c) Applications shall be reviewed by the LAB. Awards shall be made on or after ~~December 1, 1985, for Fiscal Year 1986 and on or after~~ July 1 of every year ~~thereafter~~ for the fiscal year then commencing.
- d) ~~Grants shall not exceed \$50,000 to any one grant applicant in Fiscal Year 1986.~~ The maximum grant amount shall be determined by the Secretary basing his or her decision upon the amount of money appropriated by the General Assembly and the likely number of grant applications.
- e) ~~Applications must be submitted in one (1) original and fifteen (15) copies.~~
- ef) The first grant period shall be for a period of six (6) months, January 1, 1986, until June 30, 1986. Thereafter, the grant period shall be the fiscal year.
- fg) Applications shall include the following information:
 - 1) The name of the literacy program for the community.
 - 2) The name and address of the grant applicant.
 - 3) The name and telephone number of grant project applicant's director or executive officer.
 - 4) The name, address, telephone number, Federal Employer Identification Number (FEIN), and signature of the grant applicant's fiscal officer, who will receive any approved grant and be responsible for the grant funds.
 - 5) The name, address and contact person for each business whose employees will participate in literacy services.
 - 6) The name, address and contact person for domestic violence shelter facilities whose clients will participate in literacy services.
 - 7) The name, address and contact person for the local public library.

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- ~~85~~) The term of the literacy program.
- ~~96~~) The total amount of grant money requested for the literacy program.
- ~~107~~) A brief and explicit description of the literacy program purpose and goals.
- ~~118~~) A statement supported by statistics (e.g., dropout rates, census figures on the education level of the local population, or the number of persons receiving public assistance) and other evidence, (statements from local officials, State Legislature requests, or community college reports) detailing the need for the literacy program in the particular community or geographic region of the grant applicant.
- ~~129~~) A statement of the instructional, promotional and training methods to be used by the grant applicant to meet its stated goals and objectives.
- ~~1340~~) A statement of the grant applicant's plans to coordinate its effort with other community groups providing similar or related services, and to cooperate with other community groups, including education groups, volunteer organizations, governmental bodies, private business, and library organizations and a listing of participating agencies.
- ~~1444~~) A statement detailing plans to evaluate projects objectives and program accomplishments by the grant applicant, including statistical data and how it is gathered and by whom and when.
- ~~12~~) ~~A statement as to the continuation of the literacy program without further grants.~~
- ~~1543~~) A list of all organizations which are participating agencies in the literacy program project proposed by the grant applicant including signatures of organization representatives.
- ~~1644~~) The budget for the literacy project, setting forth the personnel costs, fringe benefits; (e.g., retirement benefits and health insurance), travel costs, equipment purchases, supplies, contractual services, ~~and~~ instructional materials, and any other expense necessary to operate the literacy program proposed in the grant application.

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- ~~1745~~) A statement as to the time schedule for the completion of project objectives of the literacy program within the grant year.
- 18) For organizations that are not units of government, a statement of cash flow in accordance with Statement No. 95, FASB Statements of Financial Accounting Standards, Financial Accounting Standards Board, 401 Merritt 7, Norwalk, Connecticut 06856, November 1987, no subsequent dates or editions included.
- 19) If the applicant is a charitable organization, the proper certification of federal and State tax exempt status.

(Source: Amended at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.130 Review of Grant Applications

- a) The LAB shall review all grant applications which are designed to deliver direct instructional service in literacy to adult students.
- b) The LAB will use the following selection criteria:
- 1) Whether the need for literacy services ~~for the target population in the community~~ is demonstrated and how proposed literacy services address the applicant has addressed the need.
 - 2) Whether the grant applicant has identified similar programs provided locally by other organizations and has described extent of cooperation and coordination with such programs. by the grant applicant of its program with similar programs provided by other organizations in the community is clearly stated.
 - 3) Whether the plan of operation contains a specific statement of project goals and outcomes-objectives, the methods used to achieve these goals and outcomes-objectives, the number of students to be served, and the number of administrative and instructional personnel necessary to serve the targeted student population.
 - 4) Whether the proposed budget is reasonable in view of the proposed goals

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of the project, and the budget is adequate to support the project.

- 5) Whether the proposed project contains evaluation methods and procedures ~~that~~which will produce quantifiable data regarding the results of the educational assessment, including pre- and post-testing of students to evaluate student progress, ~~recordkeeping~~record-keeping procedures for both students' instructional hours~~students~~, and volunteer tutor's hours of participation.
 - 6) Whether the persons managing the project have experience, training or education to provide adult literacy programming-combat illiteracy, and how much time will be spent by these managers on the project, including at least a bachelor's degree, and the administrative capacity to support the project. ~~prior experience in the field of education or management.~~
 - 7) A report on the use of the previous year's grant, if a grant was received, detailing information on students served, progress of program towards its stated goals and an evaluation detailing the student outcomes achieved, the programmatic outcomes and the impact of the program.
 - 7) ~~What plans are presented in the grant application to continue the project after the grant funds have been expended.~~
- c) The criteria listed in subsection (b) of this Section will be evaluated by the and assigned point value by the LAB, using its best professional judgment.
 - d) The LAB shall not select any grant application nor award any public funds to any grant applicant which:
 - 1) Does not certify or state that it will comply with the Illinois Human Rights Act [775 ILCS 5].
 - 2) Users as its staff or management personnel persons who have been convicted of any felonies involving moral turpitude, embezzlement, theft, sexual offense, fraud, and misrepresentation under laws of the United States, Illinois, or any other state, or have been convicted of bribery in violation of Section 10.1 of the Illinois Purchasing Act [30 ILCS 505].
 - 3) Has as its managers employees of the Office of the Secretary of State.

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- 4) Has been disqualified and has its grant cancelled in previous years for false application statements, failure to adhere to the grant plan as approved by LAB, failure to complete reporting requirements satisfactorily, misappropriation of funds, or any violation of this Part as determined by the Secretary.
- e) The LAB shall not award more than one grant under Subpart A of this Part to any one applicant in the same fiscal year.

(Source: Amended at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.140 Award of Grants, Accountability and Recordkeeping

- a) The LAB will make a recommendation to the Secretary of State as to which grant applications shall be approved, based upon the criteria in Section 3040.130.
- b) The LAB shall make its recommendations on December 1 for Fiscal Year 1986 and July 1 for Fiscal Year 1987 and thereafter.
- c) The Secretary of State shall make his or her final decision upon each recommendation as soon as possible within 60 days after the recommendation is presented to the Secretary.
- d) The final approved grant applications and the funding determination shall constitute the Adult Literacy ~~Provider~~-Grant Program, which shall be a public record, as shall be the grant applications, whether approved or not, and shall be subject to disclose pursuant to the Freedom of Information Act [5 ILCS 140] and the rules of the Secretary of State found at 2 Ill. Adm. Code 551.
- e) Approved grant applicants shall submit to the State Library, Office of the Secretary of State, such reports as deemed necessary by the Literacy Advisory Board and Illinois State Library staff to assure project accountability.
- f) The decision of the Secretary of State upon any grant application shall be a final decision for the purpose of the Administrative Review Law [735 ILCS 5].

(Source: Amended at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.150 Cancellation of Grant

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- a) A grant shall be cancelled if:
- 1) Required reports and data are not submitted as required by Section 3040.140(e). Grant programs shall receive one 30 day notice requesting compliance with this Section before the grant shall be cancelled.
 - 2) An interim financial report shows financial irregularities, such as misappropriation or embezzlement of funds by the grant program operator and/or its employees and staff.
 - 3) The grant program fails to adhere to the grant plan as approved by LAB ~~meet its stated goals~~.
 - 4) The grant program managers are convicted of any felony or misdemeanor.
 - 5) The grant program fails to operate properly and effectively.
 - 6) A monitor's evaluation shows program irregularities or non-compliance with this Part.
- b) Upon cancellation, the Secretary shall send a notice by certified, return receipt requested mail to the grant program, which shall return all unexpended public funds to the Secretary within 30 days after the date of the cancellation notice.
- c) Any public funds not returned shall be the subject of a collection action by the Attorney General of Illinois.

(Source: Amended at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.170 Other Requirements

- a) Testing
- 1) Plans for pre- and post-testing of students must be attached to the proposal application. The Slosson Oral Reading Test-Revised (SORT-R), which can be ordered from Slosson Educational Publications, Inc., P.O. Box 280, East Aurora NY 14052-0280, or the Test of Adult Basic Education (TABE), which can be ordered from CTB/McGraw-Hill, 20 Ryan Ranch

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Road, Monterey CA 93940, telephone: 800/538-9547, must be used in student testing for semi-annual reports submitted to the State Library, Office of the Secretary of State. Programs are encouraged to use additional tests for their own purposes.

- 2) In the case of English As a Second Language (ESL) projects, professionally accepted tests must be used, such as ~~the Henderson-Moriarty ESL/Literacy Placement (HELP) List, which can be ordered from Regents/Prentice Hall, Order Department, 200 Old Tappan Road, Old Tappan NJ 07675;~~ the ESLOA Oral Assessment, which can be ordered from Literacy Volunteers of America, Inc. 5795 Widewater Parkway, Syracuse NY 13214; the Comprehensive English Language Skills Assessment (CELSA), which can be ordered from Association of Classroom Teacher Testers, 1136 Clement Street, San Francisco CA 94118; ~~the Test of English Proficiency Level (TEPL), which can be ordered from Language Teacher's Center, P.O. Box 98, The Sea Ranch CA 95497;~~ the Basic English Skills Test (BEST), which can be ordered from Center for Applied Linguistics, 1118 22nd Street, NW, Washington DC 20037; the Foreign Service Institute Oral Proficiency Interview (FSI) (also known as ILR), which can be ordered from ETS, Princeton NJ 08541.; ~~the New York State Placement Test (NYS Place Test), which can be ordered from The University of the State of New York, The State Education Department, Division for Program Development, Albany, New York 12234; and the Basic Inventory of Natural Language (BINL), which can be ordered from CHEC point Systems, Inc., 1520 North Waterman Avenue, San Bernardino CA 92404.~~ All tests used must be described in the proposal. Results must accompany semi-annual and final reports.
 - 3) In the case of students who enroll for math assistance only, the TABE math test, which can be ordered from CTB/McGraw Hill, 20 Ryan Ranch Road, Monterey CA 93940, must be used in testing for semi-annual reports submitted to the State Library, Office of the Secretary of State.
- b) No grant funds shall be used to purchase equipment. Equipment
- 1) ~~Any equipment purchased by a literacy program from grant funds shall be the property of the State Library for a period of two fiscal years.~~
 - 2) ~~Any equipment purchased from grant funds, which is no longer used by the grantee for literacy program purposes, shall be returned to the State Library. The equipment is "transferable property" as defined in Section~~

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~~1.04 of the State Property Control Act [30 ILCS 605]. The equipment shall be disposed of pursuant to the State Property Control Act [30 ILCS 605].~~

- ~~e)~~ ~~No literacy grant program shall purchase with grant funds any equipment without the prior written consent and approval of the State Library. Approval will be granted by the State Library if the grantee demonstrates that the purchase is essential to the program and cannot be funded in any other way.~~
- ~~c)d)~~ No literacy program shall transfer funds within the approved grant budget in excess of 10% of the budget line item from which the funds are transferred, without the prior written approval of the State Library. Approval will be granted by the State Library when justification is shown for why the transfer is necessary and how it will affect the goals and objectives of the project. Unapproved expenditures in excess of 10% of a budget line will not be paid for by the grant.
- ~~d)e)~~ Costs for purchase of consultant services will not be allowed in the proposal budget unless the specific expertise required is not available at the applicant's agency or the State Library, Office of the Secretary of State. Justification must be provided if consultant services are purchased and a complete description of the work to be performed must also be provided. The proposed consultant must be mutually acceptable to both the grantee and State Library, Office of the Secretary of State, based on the consultant's prior experience and expertise in literacy programs.
- ~~e)f)~~ A literacy grant monitor shall make a minimum of one site visit during the fiscal year. Additional site visits may be made at the discretion of the Literacy Office (for such reasons as poor recordkeeping, fiscal irregularities, monitor's/staff's request after viewing narrative reports, request by literacy program). Literacy monitors shall evaluate program effectiveness ~~as directed by the LAB~~. It shall be the responsibility of the grant monitor to:
- 1) Review the grant budget and expenditures in the project to date.
 - 2) Verify that the project plan is being implemented according to the proposal approved by the LAB.
 - 3) Submit a written report on the progress of the project to the State Library Literacy Office following each site visit.

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(Source: Amended at 27 Ill. Reg. 19004, effective December 15, 2003)

SUBPART B: WORKPLACE LITERACY PROGRAM

Section 3040.200 Purpose (Repealed)

- a) ~~The Workplace Literacy Program is part of the Literacy Grant Program established by Section 7.2 of the State Library Act [15 ILCS 320].~~
- b) ~~The purpose of the workplace literacy program is to promote working relationships between employers and Illinois adult educational providers of all types to reduce adult illiteracy in Illinois through grant awards which will be made to businesses who propose to contract with adult educational providers to do one or more of the following:~~
 - 1) ~~Assess educational skill levels of employees or prospective employees to determine the extent of need for a workplace literacy program for adult employees or prospective employees who read, write, comprehend, and/or compute below the 10th grade level; or, who have inadequate basic skills, or who are or would be unable to perform their jobs effectively, or who are ineligible for career advancement due to an identified lack of basic skills below 10th grade level;~~
 - 2) ~~Develop plans for implementation of a workplace literacy program for adult employees or prospective employees who read, write, comprehend, and/or compute below the 10th grade level;~~
 - 3) ~~Implement a workplace literacy program for adult employees or prospective employees who read, write, comprehend, and/or compute below the 10th grade level;~~
 - 4) ~~Provide support services for a workplace literacy program including training in program management, training in teaching methodologies, diagnostic testing for learning disabilities, referral procedures, and other consulting services directly related to development and implementation of a workplace literacy program.~~
- e) ~~Public funds awarded under this grant program must be matched by the applicant with funds at least equal to the amount of public funds awarded. All combined funds must be used for the purpose set forth in the grant application and for which the public funds are awarded.~~

(Source: Repealed at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.210 Definitions (Repealed)

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~~"Adult Educational Provider" means an education agency, association, library, volunteer or community-based organization, or a coalition thereof which currently provides instruction in literacy to persons 16 years or older who read below a tenth (10th) grade level.~~

~~"Adult Employee" means an individual in Illinois who has exceeded the maximum age for compulsory schooling (16), is not currently enrolled in school (Article 26 of the School Code [105 ILCS 5/Art. 26]), and is employed by the business applicant.~~

~~"Application" means the written request for a workplace literacy grant submitted to the Literacy Office, Illinois State Library, Office of the Secretary of State pursuant to this Part. Applications shall be submitted by the legal entity responsible for the disbursement of public funds.~~

~~"Association" means any organization incorporated under the General Not for Profit Corporation Act of 1986 comprised of members with a common purpose and having a structure in conformity with that Act.~~

~~"Business" means a private, legal entity or group of entities which employs or represents workers and is a corporation, a sole proprietorship, a limited liability company, or a partnership.~~

~~"Coalition" means a structured cooperative effort between a library system, library or libraries, education agency or agencies, community-based organization or organizations, and association or associations, or any combination thereof at the local or regional level.~~

~~"Community-based Organization" means a private or public not for profit organization, including volunteer organizations, located in an Illinois community, which provides services to citizens within that community and the surrounding area.~~

~~"Contractual Agency" means the educational provider(s) with whom the business will contract to perform any or all of the services necessary for the development or implementation of a workplace literacy program.~~

~~"Diagnostic Testing" means testing methods which indicate whether an adult employee or prospective employee has visual, auditory, or basic learning disabilities.~~

~~"Educational Skills Assessment" means testing methods which measure the education skills possessed by adult employees or prospective employee, including reading, writing, comprehension, and computation abilities.~~

~~"Employer" means a private business, a government, or any entity employing for work purposes two or more persons not members of the employer's immediate family.~~

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~~"Fiscal Year" means the fiscal year of the State of Illinois.~~

~~"Illiteracy" means the inability to read, write, comprehend, and/or compute above the 9.9 grade level.~~

~~"Illiterate Employee or Prospective Employee" means an adult whose minimal skills in reading, writing, comprehension, and/or computation preclude the individual from functioning in the workplace.~~

~~"Instructional Materials" means written materials and computer software programs which are used in teaching adult employees or prospective employees basic reading, writing, comprehension, and/or computation skills or which supplement the teaching of such skills.~~

~~"LAB" means the Literacy Advisory Board established by Section 7.2 of the State Library Act [15 ILCS 320].~~

~~"Library" means the main facility for a tax-supported public library within an Illinois library system.~~

~~"Literacy" means the ability of an individual to read, write, comprehend, and/or compute above the 9.9 grade level.~~

~~"Secretary of State" means the Illinois Secretary of State.~~

~~"State Library" means the Illinois State Library, a department of the Illinois Secretary of State established pursuant to the State Library Act [15 ILCS 320].~~

~~"Workplace Literacy Program" means a structured program which provides direct instructional services in reading, writing, comprehension, and/or computation to adult employees or prospective employees.~~

(Source: Repealed at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.220 Application for Grant (Repealed)

- a) ~~A request for a grant shall be submitted to the Literacy Office in writing postmarked no later than March 15 for each fiscal year. Applicants shall use the forms prepared and made available by the Secretary of State for this purpose. Applications not submitted on time or on the required forms shall not be considered for funding by the LAB.~~
- b) ~~Applications shall be submitted to the Literacy Office, Illinois State Library, 431 South Forth Street, Springfield, Illinois 62701.~~
- c) ~~Applications shall be reviewed by the LAB. Awards shall be made on or after July 1 for the fiscal year then commencing.~~
- d) ~~Grants shall not exceed \$10,000 to any one grant applicant.~~
- e) ~~Applications must be submitted in one original and nine copies.~~
- f) ~~The grant period shall be the fiscal year.~~

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- g) ~~Applications shall include the following information:~~
- ~~1) The name and address of the business submitting the grant application.~~
 - ~~2) The name, title, address and telephone number of the person at the business who will be responsible for administration of the program.~~
 - ~~3) The name, address, telephone number, Federal Employer Identification Number (FEIN), and signature of the fiscal officer at the business who will receive any approved grant and be responsible for proper safeguarding of the grant funds. If a government employer does not have a FEIN, then some other identifying number must be given.~~
 - ~~4) The term of the workplace literacy program.~~
 - ~~5) The total amount of grant money requested for the workplace literacy program.~~
 - ~~6) The total amount of funds which the business applicant will contribute to the workplace literacy program as a matching contribution, including personnel, equipment, supplies, instructional materials and other related expenditures, but not to include overhead costs such as space, heat, lights and furniture.~~
 - ~~7) A Certification of Assurance signed by the Fiscal Officer which indicates that the business applicant has sufficient funds to pay the business matching share of the program cost.~~
 - ~~8) A brief and explicit statement of the purpose and goals of the workplace literacy program.~~
 - ~~9) A detailed statement of the plan of operation of the workplace literacy program and the proposed timeline for achieving objectives and goals including the anticipated number of employees or prospective employees who will be involved, and whether the proposed plan will include an educational skills assessment, development of a workplace literacy program, implementation of a workplace literacy program, support services for a workplace literacy program, or all of the above.~~
 - ~~10) A statement about the adult educational provider(s) with whom the business applicant will contract to provide services necessary for the successful operation of the workplace literacy program including the name and address of the contracting agency, the name and telephone number of the agency party who will sign the contractual agreement and be responsible for obligations agreed upon in the contract, and a brief description of the agency or organization, specifically its qualifications for providing the agreed upon contractual services.~~
 - ~~11) A statement outlining where workplace literacy program activities will take place and how often.~~

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- ~~12) A statement detailing plans to evaluate the workplace literacy program including the types of records which will be kept, the person who will be responsible for maintaining such records, and the person who will be responsible for evaluating the progress and outcome of the workplace literacy program.~~
- ~~13) A statement of assurances signed by the Fiscal Agent of the business and the Fiscal Agent of the adult educational provider that the terms of the contract are mutually agreeable and the services described in the contract will be provided.~~
- ~~14) A statement of plans for continuation of the workplace literacy program, where needed as determined by the business applicant, after grant funds have been expended.~~

(Source: Repealed at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.230 Review of Grant Applications (Repealed)

- ~~a) The LAB shall review all grant applications which are designed to provide educational skills assessments, or develop plans for, or implement, or provide support services for workplace literacy programs, which will provide instruction in literacy to adult employees or prospective employees over the age of 16 who have inadequate basic skills and who are or would be unable to perform their jobs effectively or are ineligible for career advancement due to an identified lack of basic skills below the 10th grade level.~~
- ~~b) The LAB will use the following selection criteria:
 - ~~1) Whether the plan of operation contains a specific statement of program goals and objectives, the methods used to achieve these goals and objectives, the number of employees or prospective employees to be involved, and the number of administrative and instructional personnel necessary to serve the targeted population.~~
 - ~~2) Whether the proposed budget is reasonable in view of the proposed goals of the project and the budget is adequate to support the project, and whether the business applicant has adequately described how it will match the request for public funds with its own funds.~~
 - ~~3) Whether the business applicant has outlined evaluation methods which will produce quantifiable data regarding the results of the educational assessment, or the development of plans for a workplace literacy program, or the implementation of a literacy workplace program, or the support services for a workplace literacy program which have been proposed.~~~~

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- ~~Quantifiable data should include pre and post test scores, test hours, instructional hours, release hours and progress as applicable.~~
- ~~4) Whether the adult educational provider with whom the business applicant will contract has experience and expertise in providing the services agreed upon, including qualified personnel and the administrative capacity to support that personnel.~~
 - ~~5) What plans are presented in the grant application to continue the program after the grant funds have been expended, if the business applicant determines there is a need.~~
- e) ~~The criteria listed in subsection (b) of this Section will be evaluated and assigned point value as follows: (b)(1) = 10 points; (b)(2) = 15 points; (b)(3) = 10 points; (b)(4) = 10 points; (b)(5) = 5 points.~~
- d) ~~The LAB shall not select any grant application or award any public funds to any grant applicant which:~~
- ~~1) Does not certify or state that it will comply with the Illinois Human Rights Act [775 ILCS 5].~~
 - ~~2) Uses as its staff or management personnel persons who have been convicted of any felonies involving moral turpitude, embezzlement, theft, sexual offense, fraud, and misrepresentation under laws of the United States, Illinois, or any other state, or have been convicted of bribery in violation of Section 50-5 of the Illinois Procurement Code [30 ILCS 500].~~
 - ~~3) Has as its managers employees of the Office of the Secretary of State.~~
 - ~~4) Has been disqualified and had its grant cancelled in previous years for false application statements, failure to adhere to the grant plan as approved by LAB, misappropriation of funds, or any violation of this Part as determined by the Secretary.~~

(Source: Repealed at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.240 Award of Grant, Financial Reports, and Program Progress Reports
(Repealed)

- ~~a) The LAB will make a recommendation to the Secretary of State as to which grant applications shall be approved and the amount of public funds to be awarded to fund each grant application based upon the criteria in Section 3040.230.~~
- ~~b) The LAB shall make its recommendations by July 1 for each Fiscal Year.~~
- ~~c) The Secretary of State shall make his or her final decision upon each recommendation as soon as possible within 60 days after the recommendation is presented to the Secretary. The Secretary of State shall approve or disapprove the~~

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~~recommendations of the Literacy Office based upon whether the Secretary determines the recommendations to be consistent with Section 5 of the State Library Act [15 ILCS 320] and this Part.~~

- d) ~~The final approved grant application and the funding determination shall constitute the Workplace Literacy Grant Determination, which shall be a public record, as shall be the grant applications, whether approved or not, and shall be subject to disclosure pursuant to the Freedom of Information Act [5 ILCS 140] and the rules of the Secretary of State found at 2 Ill. Adm. Code 551.~~
- e) ~~Approved grant applicants shall submit to the Literacy Office the following reports: quarterly financial reports; midterm and final program progress reports.~~
- 1) ~~The quarterly financial reports shall state the amount of money expended to date in each line item of the approved program budget and the amount of money expended to date by the business applicant as matching funds.~~
 - 2) ~~The midterm and final program progress reports shall state, at least:~~
 - A) ~~For an educational assessment, the number of employees or prospective employees tested, the method of testing used, the number of hours spent in testing, the results of that testing, the need for instructional services indicated as a result of that testing, if any, and the plans of the business applicant for addressing that need.~~
 - B) ~~For development of plans for a workplace literacy program, the target number of employees or prospective employees to be served, how this number was determined, location of instruction, the target number of hours for instruction, the method of instruction which will be provided, the amount of release time which will be allowed for employees who receive instruction, if any, and when the workplace literacy program will begin.~~
 - C) ~~For implementation of a workplace literacy program, the number of employees or prospective employees served to the date of the report, the net gain in educational skills of each employee or prospective employee receiving instruction, pre and post test scores, the number of hours each employee or prospective employee has spent in instruction, and the amount of release time allowed employees who have received instruction.~~
 - D) ~~For support services provided to a workplace literacy program, the type and extent of services rendered, the number of employees or prospective employees served through the support services, and the impact of support services on the workplace literacy program.~~
 - E) ~~For all types of contractual services listed above, what has been the~~

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- ~~most positive outcome of the services, what problems, if any, have occurred in the delivery of these services, and to what extent the goals and objectives of these services have been met to the date of the report.~~
- ~~3) Failure to submit the required reports shall be cause for cancellation of the grant. Grant recipients shall receive one 30 day notice requesting compliance with this Section before the grant shall be cancelled.~~
- ~~f) The final financial and program progress reports shall be submitted by each grant recipient to the Literacy Office on or before July 15 of each calendar year for the previous Fiscal Year's program.~~
- ~~g) The decision of the Secretary of State upon any grant application shall be a final decision for the purpose of the Administrative Review Law [735 ILCS 5/Art. III].~~

(Source: Repealed at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.250 Cancellation of Grant (Repealed)

- ~~a) A grant shall be cancelled if:~~
- ~~1) Financial and program progress reports are not submitted as required by Section 3040.240(e)(3).~~
- ~~2) The quarterly financial report shows financial irregularities, such as misappropriation or embezzlement of funds by the grant program operator and/or its employees and staff.~~
- ~~3) The grant program fails to meet its stated goals.~~
- ~~4) The grant program administrators are convicted of any felony or misdemeanor.~~
- ~~5) The grant program fails to operate properly and effectively.~~
- ~~b) Upon cancellation, the Secretary shall send a notice by certified, return receipt requested mail to the grant program, which shall return all unexpended public funds to the Secretary within thirty (30) days of the date of the cancellation notice.~~
- ~~c) Any public funds not returned shall be the subject of a collection action by the Attorney General of Illinois.~~

(Source: Repealed at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.260 Other Requirements (Repealed)

- ~~a) Adult educational providers contracted with by the business shall be subject to the~~

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- ~~terms, conditions, and requirements of Subparts A and B of this Part.~~
- b) ~~Adult literacy assessment and/or instruction provided under Subpart B of this Part must be given on business applicant's premises unless exceptional circumstances prohibit this, such as lack of space for instruction or inappropriate facilities. In such instances, assessment and/or instruction in literacy must take place at a site approved by the Literacy Office.~~
- e) ~~A literacy grant monitor shall make a minimum of one site visit to the workplace literacy program during the fiscal year. Additional site visits may be made at the request of the approved grant applicant or at the discretion of the Literacy Office (for such reasons as poor recordkeeping, fiscal irregularities, monitor's/staff's request after viewing narrative reports, request by business or literacy program). It shall be the responsibility of the grant monitor to:~~
- ~~1) Review the progress of the project.~~
 - ~~2) Review the grant budget and expenditures in the project to date.~~
 - ~~3) Verify that the project plan is being implemented according to the proposal approved by the LAB.~~
 - ~~4) Submit a written report on the progress of the project to the State Library Literacy Office following each site visit.~~

(Source: Repealed at 27 Ill. Reg. 19004, effective December 15, 2003)

SUBPART C: FAMILY LITERACY PROGRAM

Section 3040.270 Invalidity (Repealed)

~~If any Section or subsection of this Subpart shall be held by a court of competent jurisdiction to be invalid, such holding shall not affect the remaining Sections or subsections thereof.~~

(Source: Repealed at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.300 Purpose (Repealed)

~~The family literacy program is part of the Literacy Grant Program established by the State Library Act [15 ILCS 320]. Family literacy funds made available by the State Librarian from State or federal sources will be used to involve public or school libraries, adult literacy programs, children at risk programs and/or other not for profit organizations with educational experience in breaking the intergenerational cycle of illiteracy.~~

(Source: Repealed at 27 Ill. Reg. 19004, effective December 15, 2003)

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Section 3040.310 Definitions (Repealed)

~~"Children at Risk Programs": Programs in which children, identified as being disadvantaged because of social, economic or other factors, receive instruction.~~
~~"Family Literacy": Reading, writing, and computing instruction for parents and children together, including academic and parenting instruction for adults, developmentally appropriate activities for children, and time to learn together.~~

(Source: Repealed at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.320 Eligible Applicants (Repealed)

~~Only applications that will provide involvement of an Illinois library, an Illinois agency serving children at risk, an Illinois agency with an adult literacy program, and/or other not for profit organizations with educational experience in breaking the intergenerational cycle of illiteracy shall be eligible for this grant program. The library must be a member of an Illinois library system.~~

(Source: Repealed at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.330 Grant Applications (Repealed)

- a) ~~Application requirements, including criteria, will be made available by the Illinois State Library by January 15 for the ensuing year. The maximum grant amount, if any, shall be specified in the requirements. The Illinois State Library Advisory Committee shall provide assistance in developing the criteria for the grants. Applications shall be submitted to the Illinois State Library on or before March 15 for the ensuing year. Applications not submitted on time or on the required forms shall not be considered for funding.~~
- b) ~~Grant criteria may include but are not limited to the following:~~
 - 1) ~~Documented concentration of families with children at risk in the project area.~~
 - 2) ~~A focus on reciprocal learning activities involving parents and children together.~~
 - 3) ~~The use of volunteers in the program.~~
 - 4) ~~The use of technology in delivery of reciprocal activities.~~
 - 5) ~~Evidence of local community support for the project.~~
- e) ~~Applications shall include the following information, at a minimum:~~

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- 1) ~~The name and address of the applicant.~~
 - 2) ~~The name and telephone number of the applicant's director or executive officer.~~
 - 3) ~~The name, address, telephone number, and signature of the applicant's fiscal officer, who will receive any approved grant and be responsible for the grant funds.~~
 - 4) ~~The beginning and ending dates of the family literacy program.~~
 - 5) ~~The total amount of grant money requested for the family literacy program.~~
 - 6) ~~A brief and explicit description of the program's goals and objectives and how the goals and objectives address the grant criteria included in the application requirements.~~
 - 7) ~~A statement supported by statistics detailing the need for the literacy program in the particular community or geographic region of the grant applicant.~~
 - 8) ~~A statement of the methods to be used by the grant applicant to meet stated goals and objectives.~~
 - 9) ~~A statement of the applicant's plans to coordinate its efforts with other agencies cited in Section 3040.320 of this Part. The specific names of the other agencies to be involved in the program shall be cited along with a statement or letter from the agencies stating their responsibility to the program.~~
 - 10) ~~A statement detailing plans to evaluate the program's objectives and accomplishments.~~
 - 11) ~~A statement on how the program will be continued without further grants.~~
 - 12) ~~The budget for the literacy program, including revenue sources, expenditures by category (personnel, fringes, travel, equipment purchases, supplies, contractual services, and other), and local financial and in-kind support for the project.~~
- d) ~~Applications shall be reviewed by the State Library Literacy Office staff in accordance with the criteria and requirements set forth in the application packet. When appropriate, the Director of the State Library Literacy Office may appoint a committee to assist in reviewing applications; such committee shall include membership from those types of agencies that are eligible to apply for the funds as defined in Section 3040.320 of this Part. The decision of the State Librarian is final.~~
- e) ~~The number of grants to be awarded is at the discretion of the State Librarian, within the confines of available funding.~~

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(Source: Repealed at 27 Ill. Reg. 19004, effective December 15, 2003)

SUBPART D: SPECIAL GRANT PROGRAMS

Section 3040.400 Making Work Pay Grant Program (Repealed)

- a) ~~Pursuant to Section 15 of the Illinois Literacy Act [15 ILCS 322/15], there is established by this Section the application procedure for Making Work Pay literacy grants.~~
- b) ~~The application for annual grants to businesses, associations and labor unions to provide basic skills training for prospective employees to make them employable shall be made according to a deadline established by the State Librarian. Applications not submitted on time or on the required forms shall not be considered.~~
- c) ~~The applications shall be evaluated by staff of the Literacy Office/Illinois State Library and a review committee appointed by them.~~
- d) ~~Applications will be funded according to the amount of funding available, demonstrated need and number being served. Criteria will also include whether the plan of operation contains information about the project goals and objectives and the methods used to achieve these goals and objectives.~~
- e) ~~Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds as approved shall result in ineligibility for future grants.~~
- f) ~~The application shall consist of:~~
 - 1) ~~A statement on the proposed use of the funds.~~
 - 2) ~~A plan of operation outlining project activities throughout the grant year.~~
 - 3) ~~Statements of anticipated outcomes of the proposed project.~~
 - 4) ~~A report on the use of the previous year's grant, if a grant was received, that shall show how the grant was used and an evaluation detailing the impact of the program.~~
 - 5) ~~A certification stating that:~~
 - A) ~~The grant funds will be kept in a separate account;~~
 - B) ~~The grantee will submit semi-annual financial and programmatic reports covering the use of the funds to the Illinois State Library Literacy Office on April 15, 1999 and on July 15, 1999 for FY99 and on January 15 and July 15 of each subsequent year.~~
- g) ~~The number of grants to be awarded will be at the discretion of the State Librarian.~~

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(Source: Repealed at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.450 New Chapters Grant Program ~~(Repealed)~~

- a) ~~Pursuant to Section 15 of the Illinois Literacy Act [15 ILCS 322/15], there is established by this Section the application procedure for New Chapters literacy grants.~~
- b) ~~The application for annual grants to literacy projects for providing literacy services to clients of domestic violence facilities shall be made according to a deadline established by the State Librarian. Applications not submitted on time or on the required forms shall not be considered.~~
- e) ~~The applications shall be evaluated by staff of the Literacy Office/Illinois State Library and a review committee appointed by them.~~
- d) ~~Applications will be funded according to the amount of funding available, demonstrated need and number being served. Criteria will also include whether the plan of operation contains information about the project goals and objectives and the methods used to achieve these goals and objectives.~~
- e) ~~Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds as approved shall result in ineligibility for future grants.~~
- f) ~~The application shall consist of:~~
 - 1) ~~A statement on the proposed use of the funds.~~
 - 2) ~~A plan of operation outlining project activities throughout the grant year.~~
 - 3) ~~Statements of anticipated outcomes of the proposed project.~~
 - 4) ~~A report on the use of the previous year's grant, if a grant was received, that shall show how the grant was used and an evaluation detailing the impact of the program.~~
 - 5) ~~A certification stating that:~~
 - A) ~~The grant funds will be kept in a separate account;~~
 - B) ~~The grantee will submit semi-annual financial and programmatic reports to the Illinois State Library Literacy Office on January 15 and July 15 of each year covering the use of the funds.~~
- g) ~~The number of grants to be awarded will be at the discretion of the State Librarian.~~

(Source: Repealed at 27 Ill. Reg. 19004, effective December 15, 2003)

Section 3040.470 Penny Severns' ~~Early Childhood Reading Program Centers~~ Grant Program

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- a) Competitive grants
- 1) Application requirements, including criteria, for the Penny Severns' Grant Program ~~Early Childhood Reading Program Centers~~ shall be made available by the State Librarian no later than March 1 for the current year. Applications shall be submitted to the Illinois State Library on or before April 30. The State Librarian shall disqualify applications that are untimely filed or those that are not submitted on the prescribed forms.
 - 2) Applications shall be reviewed by the State Librarian or designee. The decision of the State Librarian is final. Review criteria includes, but is not limited to, a review of:
 - A) How the applicant identifies and addresses the at-risk population to be served;
 - B) How the learning activities involve both parent and child in interactive learning experiences;
 - C) Number of people to be served;
 - D) Reasonableness of the budget in relation to the goals and objectives. Requested funds are sufficient but not excessive and are targeted to accomplish the specified goals and objectives;
 - E) How libraries are involved in learning activities.
 - 3) The number of grants to be awarded is at the discretion of the State Librarian.
 - 4) Applicants must meet requirements designated by the State Library for collaboration with other groups interested in promoting reading and literacy.
 - 5) At risk families are defined as parents and their children whose minimal skills in reading, writing, computation, comprehension and communication preclude them from functioning effectively in their lives.
- b) ~~Direct expenditures by the State Librarian may be made to develop one or more~~

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~~reading program centers.~~

~~b)e)~~ Funding awarded under ~~subsections~~ (a) ~~and (b)~~ of this Section may be used for any one or all of the following purposes:

- 1) Development of collections of materials, including learning games, for use by parents working together with their children.
- 2) Employment of staff to provide parent-child reading activities, computer technology activities, experiential enrichment excursions and participation in library reading programs.
- 3) Provision of support services to assist in families' participation which could include, but not be limited to, child care and transportation.
- 4) Development of programs on library resources and services for at risk families.

(Source: Repealed at 27 Ill. Reg. 19004, effective December 15, 2003)

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Section 3040.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs

	ADULT LITERACY	FAMILY LITERACY	WORKPLACE LITERACY
Purpose	Improve the adult's literacy skills	Improve the adult's literacy skills Improve parenting skills	Improve the employee's literacy skills Increase work skills
Audience	Adults	Adults and their children	Employees who are adults
Teaching Method	Volunteer tutoring	Classroom teaching	Classroom teaching
Program Components	One: Adult Basic Education or English as a Second Language	Five: Adult Basic Education or English as a Second Language Child Education Library Education Parenting Education Parent/child interaction	One: Adult Basic Education or English as a Second Language
Agencies Involved	One: Adult education agency	Three: Adult education agency Library Child education agency	Two: Adult education agency Public or private employers
Agencies Eligible to Apply	Adult education agency	Any of the three agencies involved	Public or private employers

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Location of Service	Anywhere	Anywhere	At the workplace, during work time
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(Source: Added at 27 Ill. Reg. 19004, effective December 15, 2003)

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures of the Department of State Police Merit Board
- 2) Code Citation: 80 Ill. Adm. Code 150
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
150.665	Amendment
150.680	Amendment
- 4) Statutory Authority: [20 ILCS 2610/9]
- 5) Effective Date of Rulemaking: December 3, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 29, 2003, 27 Ill. Reg 14172
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:
 1. Line 109 – Changed Subpart E: Hearings to Subpart F: Hearings
 2. Line 123 – Capitalized "department"
 3. Line 148 and 155 – Changed "of" to "after".
- 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? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These rule changes will allow the Hearing Officer sufficient time to respond to written arguments relating to the Finding of Facts, and will allow Board Members sufficient time to make a decision once all arguments and comments have been filed.

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

James E Seiber, Executive Director
3180 Adloff Lane, Suite 100
Springfield IL 62703
217/786-6240

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

DEPARTMENT OF STATE POLICE MERIT BOARD

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150
PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section
150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section
150.210 Qualifications
150.220 Selection Procedures
150.230 Recertification
150.240 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section
150.310 Ranks
150.320 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section
150.410 Board Responsibilities
150.420 Eligibility
150.430 Procedures
150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section
150.510 Merit Board Jurisdiction
150.520 Discipline Afforded the Deputy Director
150.530 Notification to Suspended Officer

DEPARTMENT OF STATE POLICE MERIT BOARD

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150.540	Petition for Review
150.550	Form and Content of Petition for Review
150.560	Filing Procedures
150.565	Procedure for Processing Petition for Review
150.570	Director's Review
150.575	Discipline Afforded the Director
150.580	Complaint Procedures
150.585	Scheduling the Hearing
150.590	Notification to Officer

SUBPART F: HEARINGS

Section	
150.610	Board Docket
150.620	Hearing Officer
150.630	Pre-hearing Conferences
150.640	Motions
150.650	Subpoenas
150.655	Request for Witnesses or Documents
150.660	Evidence Depositions
150.665	Hearing Procedures
150.670	Continuances and Extensions of Time
150.675	Computation of Time
150.680	Decisions of the Board
150.685	Service and Form of Papers
150.APPENDIX A	Vision Standards (Repealed)
150.APPENDIX B	Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act [20 ILCS 2610/3 through 14].

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendment at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983;

DEPARTMENT OF STATE POLICE MERIT BOARD

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emergency amendment at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill. Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 6679, effective May 1, 1995; amended at 19 Ill. Reg. 7970, effective June 1, 1995; amended at 20 Ill. Reg. 404, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 8062, effective June 4, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13663, effective October 3, 1996; amended at 20 Ill. Reg. 14640, effective October 25, 1996; amended at 21 Ill. Reg. 14262, effective October 17, 1997; amended at 22 Ill. Reg. 5092, effective February 26, 1998; amended 22 Ill. Reg. 18076, effective September 28, 1998; amended at 24 Ill. Reg. 1276, effective January 5, 2000; emergency amendment at 24 Ill. Reg. 16103, effective October 12, 2000, for a maximum of 150 days; emergency expired March 11, 2001; amended at 25 Ill. Reg. 10853, effective August 10, 2001; amended at 26 Ill. Reg. 9968, effective June 19, 2002; amended at 26 Ill. Reg. 14694, effective September 23, 2002; amended at 27 Ill. Reg. 19038, effective December 3, 2003.

SUBPART F: HEARINGS

Section 150.665 Hearing Procedures

- a) All hearings shall be public.
- b) At the time and place of the hearing, both the Director and sworn officer may be represented by counsel if they so desire.
- c) All proceedings before the Board during the conduct of the hearing shall be recorded by a reporter to be employed by the Board.

DEPARTMENT OF STATE POLICE MERIT BOARD

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- d) The records of all hearings will not be transcribed by the reporter unless requested by the Board or any party of interest. All transcripts shall be paid for by the requesting party.
- e) All witnesses shall be sworn prior to testifying.
- f) The matter will be decided by the Board on evidence presented at the hearing. The Department shall be required to prove its case by a preponderance of evidence.
- g) Each party may make an opening statement after which the Department will present its case. Thereafter, the officer may present and examine those witnesses the officer desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.
- h) A copy of any rules and regulations certified by the Director or Deputy Director shall be received in evidence with the same effect as the original.
- i) In the hearing of any case, any party or his agent may be called and examined as if under cross-examination at the instance of any adverse party. The party calling for the examination is not concluded thereby, but may rebut the testimony thus given by counter-testimony and may impeach the witness by proof of prior inconsistent statements.
- j) If the Hearing Officer determines that a witness is hostile or unwilling, the witness may be examined by the party calling him as if under cross-examination. The party calling an occurrence witness may, upon showing that he called the witness in good faith but is surprised by his testimony, impeach the witness by proof of prior inconsistent statements.
- k) A proposal for decision by the Hearing Officer shall be mailed to the Board and the parties within 45 days after completion after hearing on the Complaint *or Petition for Review*. The parties may then file with the Board written comments or arguments within 15 days after receipt of the proposed findings. The filing of the parties' written comments or arguments shall be in accordance with Section 150.685 of this Part with a copy being mailed to the Hearing Officer. The Hearing Officer may then file a response to the comments or arguments of the parties within 15 days after receipt of any comments or arguments of the parties.

(Source: Amended at 27 Ill. Reg. 19038, effective December 3, 2003)

DEPARTMENT OF STATE POLICE MERIT BOARD

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Section 150.680 Decisions of the Board

All decisions of the Board as to guilt or innocence will be announced within 30 days after receipt of the Hearing Officer's proposal for decision, or within 30 days after the Hearing Officer's response to the parties' comments or arguments, whichever is later, as outlined below:

- a) After the hearing on a Complaint, the Board shall render a written decision outlining the findings of fact upon which the decision is based and mail it by either registered or certified mail, return receipt requested, to the officer charged. A copy of said decision shall be mailed to the Director. The decision will find the officer guilty, if the charges are established by a preponderance of the evidence, or not guilty. If the Board finds the officer guilty of any or all of the accusations included in the Complaint, the Board will promptly order the officer's discharge, demotion, or a suspension for a period of not more than 180 days, or recommend participation in a rehabilitative program, including but not limited to the State Employees Assistance Program, whichever in the opinion of the Board is most applicable. If the officer is found not guilty or has served a period of suspension greater than prescribed by the Board, the Board shall order that the officer receive compensation for the period involved. The award of compensation shall include interest at the rate of 7% per annum. This determination will be based on the final decision of the Board, the officer, and legal counsel after reviewing all pertinent information including, but not limited to, monies due to the state or to third parties involved in the charges, and income earned or received by the officer during the period involved. Officers are required to disclose any income earned or received (e.g., public assistance or unemployment compensation) during the period involved.
- b) After the hearing on a Petition for Review, the Board will render a written decision outlining the facts upon which the decision is based, and mail it by either registered or certified mail, return receipt requested, to the officer filing the Petition. A copy of said decision shall be mailed to the Director. The decision will find the officer guilty, if the contents of the Notice of Suspension are established by a preponderance of the evidence, or not guilty. If the Board finds the officer guilty of any or all of the contents of the Notice of Suspension, the Board may sustain, reduce, or reverse the action of the Director or Deputy Director; and in the event of reversal or reduction, the Board shall order that the officer receive the pay for the appropriate period involved. The award of compensation shall include interest at the rate of 7% per annum. The Board may not increase the extent of disciplinary measures upon appeal of a suspension of up

DEPARTMENT OF STATE POLICE MERIT BOARD

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to 30 days. Such decision shall be supported by a statement of findings of fact. A copy of said decision shall be mailed to the attorneys of record, the Director and the Deputy Director that initiated the action.

- c) The Director shall carry out the order of the Board, and if the accused officer refuses to abide by the order, the Director shall remove the officer forthwith.
- d) If the Board finds that a party has made allegations or denials without reasonable cause or has engaged in frivolous litigation for the purpose of delay or needless increase in the cost of litigation, it may order that party to pay the other party's reasonable expenses, including costs and reasonable attorney's fees.

(Source: Amended at 27 Ill. Reg. 19038, effective December 3, 2003)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENCY RESPONSE TO JOINT COMMITTEE RECOMMENDATION

DEPARTMENT OF PROFESSIONAL REGULATION

Heading of the Part: Wholesale Drug Distribution Licensing Act

Code Citation: 68 Ill. Adm. Code 1510

Section Numbers: Section 1510.65

Date Originally Published in the Illinois Register: August 8, 2003
27 Ill. Reg. 13343

Joint Committee Recommendation: At its meeting on November 18, 2003, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that the Department of Professional Regulation seek a statutory clarification to either specifically authorize restoration of a lapsed license under the Wholesale Drug Distribution Licensing Act or to remove references to restoration fees.

Agency Response: The Department of Professional Regulation agrees to seek a statutory clarification.

DEPARTMENT OF PUBLIC HEALTH

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) Section Number: 77 Ill. Adm. Code 300.2820
- 4) Date proposal published in Illinois Register: May 2, 2003; 27 Ill. Reg. 7597
- 5) Date adoption published in Illinois Register: December 1, 2003; 27 Ill. Reg. 18105
- 6) Summary and purpose of Expedited Correction: Amendments to the Skilled Nursing and Intermediate Care Facilities Code became effective on November 15, 2003. (Please see Notice of Publication error concerning the effective date of this rulemaking in the December 5, 2003 issue of the *Illinois Register*.) Section 300.2820(e) contains an incorrect effective date of October 31, 2003. This date needs to be changed to November 15, 2003 to remove the inconsistency between the text and the rulemaking's effective date.
- 7) Information and questions regarding this request shall be directed to:

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

DEPARTMENT OF PUBLIC HEALTH

REQUEST FOR EXPEDITED CORRECTION

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.163	Alzheimer's Special Care Disclosure
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties
300.288	Reduction or Waiver of Penalties

DEPARTMENT OF PUBLIC HEALTH

REQUEST FOR EXPEDITED CORRECTION

300.290	Quarterly List of Violators (Repealed)
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
300.510	Administrator

SUBPART C: POLICIES

Section	
300.610	Resident Care Policies
300.615	Determination of Need Screening
300.620	Admission and Discharge Policies
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.655	Initial Health Evaluation for Employees
300.660	Nursing Assistants
300.661	Health Care Worker Background Check
300.662	Resident Attendants
300.663	Registry of Certified Nursing Assistants
300.665	Student Interns
300.670	Disaster Preparedness
300.680	Restraints
300.682	Nonemergency Use of Physical Restraints
300.684	Emergency Use of Physical Restraints
300.686	Unnecessary, Psychotropic, and Antipsychotic Drugs
300.690	Serious Incidents and Accidents
300.695	Contacting Local Law Enforcement

SUBPART D: PERSONNEL

Section	
300.810	General

DEPARTMENT OF PUBLIC HEALTH

REQUEST FOR EXPEDITED CORRECTION

- 300.820 Categories of Personnel
- 300.830 Consultation Services
- 300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section

- 300.1010 Medical Care Policies
- 300.1020 Communicable Disease Policies
- 300.1025 Tuberculin Skin Test Procedures
- 300.1030 Medical Emergencies
- 300.1035 Life-Sustaining Treatments
- 300.1040 Behavior Emergencies (Repealed)
- 300.1050 Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

Section

- 300.1210 General Requirements for Nursing and Personal Care
- 300.1220 Supervision of Nursing Services
- 300.1230 Staffing
- 300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section

- 300.1410 Activity Program
- 300.1420 Specialized Rehabilitation Services
- 300.1430 Work Programs
- 300.1440 Volunteer Program

SUBPART H: MEDICATIONS

Section

- 300.1610 Medication Policies and Procedures
- 300.1620 Compliance with Licensed Prescriber's Orders
- 300.1630 Administration of Medication
- 300.1640 Labeling and Storage of Medications
- 300.1650 Control of Medications

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SUBPART I: RESIDENT AND FACILITY RECORDS

Section

- 300.1810 Resident Record Requirements
- 300.1820 Content of Medical Records
- 300.1830 Records Pertaining to Residents' Property
- 300.1840 Retention and Transfer of Resident Records
- 300.1850 Other Resident Record Requirements
- 300.1860 Staff Responsibility for Medical Records
- 300.1870 Retention of Facility Records
- 300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section

- 300.2010 Director of Food Services
- 300.2020 Dietary Staff in Addition to Director of Food Services
- 300.2030 Hygiene of Dietary Staff
- 300.2040 Diet Orders
- 300.2050 Meal Planning
- 300.2060 Therapeutic Diets (Repealed)
- 300.2070 Scheduling Meals
- 300.2080 Menus and Food Records
- 300.2090 Food Preparation and Service
- 300.2100 Food Handling Sanitation
- 300.2110 Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section

- 300.2210 Maintenance
- 300.2220 Housekeeping
- 300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

- 300.2410 Furnishings
- 300.2420 Equipment and Supplies
- 300.2430 Sterilization of Equipment and Supplies

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SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section

300.2610	Codes
300.2620	Water Supply
300.2630	Sewage Disposal
300.2640	Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section

300.2810	Applicability of these Standards
300.2820	Codes and Standards
300.2830	Preparation of Drawings and Specifications
300.2840	Site
300.2850	Administration and Public Areas
300.2860	Nursing Unit
300.2870	Dining, Living, Activities Rooms
300.2880	Therapy and Personal Care
300.2890	Service Departments
300.2900	General Building Requirements
300.2910	Structural
300.2920	Mechanical Systems
300.2930	Plumbing Systems
300.2940	Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section

300.3010	Applicability
300.3020	Codes and Standards
300.3030	Preparation of Drawings and Specifications
300.3040	Site
300.3050	Administration and Public Areas
300.3060	Nursing Unit
300.3070	Living, Dining, Activities Rooms
300.3080	Treatment and Personal Care

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300.3090	Service Departments
300.3100	General Building Requirements
300.3110	Structural
300.3120	Mechanical Systems
300.3130	Plumbing Systems
300.3140	Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

Section	
300.3210	General
300.3220	Medical and Personal Care Program
300.3230	Restraints (Repealed)
300.3240	Abuse and Neglect
300.3250	Communication and Visitation
300.3260	Resident's Funds
300.3270	Residents' Advisory Council
300.3280	Contract With Facility
300.3290	Private Right of Action
300.3300	Transfer or Discharge
300.3310	Complaint Procedures
300.3320	Confidentiality
300.3330	Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

Section	
300.3410	Application of Other Sections of These Minimum Standards (Repealed)
300.3420	Administrator (Repealed)
300.3430	Policies (Repealed)
300.3440	Personnel (Repealed)
300.3450	Resident Living Services Medical and Dental Care (Repealed)
300.3460	Resident Services Program (Repealed)
300.3470	Psychological Services (Repealed)
300.3480	Social Services (Repealed)
300.3490	Recreational and Activities Services (Repealed)
300.3500	Individual Treatment Plan (Repealed)
300.3510	Health Services (Repealed)
300.3520	Medical Services (Repealed)
300.3530	Dental Services (Repealed)

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300.3540	Optometric Services (Repealed)
300.3550	Audiometric Services (Repealed)
300.3560	Podiatric Services (Repealed)
300.3570	Occupational Therapy Services (Repealed)
300.3580	Nursing and Personal Care (Repealed)
300.3590	Resident Care Services (Repealed)
300.3600	Record Keeping (Repealed)
300.3610	Food Service (Repealed)
300.3620	Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
300.3630	Design and Construction Standards (New and Existing Facilities) (Repealed)

SUBPART R: DAYCARE PROGRAMS

Section	
300.3710	Day Care in Long-Term Care Facilities

SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section	
300.4000	Applicability of Subpart S
300.4010	Comprehensive Assessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4020	Reassessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4030	Individualized Treatment Plan for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4040	General Requirements for Facilities Subject to Subpart S
300.4050	Psychiatric Rehabilitation Services for Facilities Subject to Subpart S
300.4060	Discharge Plans for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4070	Work Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4080	Community-Based Rehabilitation Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4090	Personnel for Providing Services to Persons with Serious Mental Illness for Facilities Subject to Subpart S

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF PUBLIC AID'S DEMONSTRATION PROGRAM FOR PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

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Section

300.6000	Applicability of Subpart T
300.6005	Quality Assessment and Improvement for Facilities Subject to Subpart T
300.6010	Comprehensive Assessments for Residents of Facilities Subject to Subpart T
300.6020	Reassessments for Residents of Facilities Subject to Subpart T
300.6030	Individualized Treatment Plan for Residents of Facilities Subject to Subpart T
300.6040	General Requirements for Facilities Subject to Subpart T
300.6045	Serious Incidents and Accidents in Facilities Subject to Subpart T
300.6047	Medical Care Policies for Facilities Subject to Subpart T
300.6049	Emergency Use of Restraints for Facilities Subject to Subpart T
300.6050	Psychiatric Rehabilitation Services for Facilities Subject to Subpart T
300.6060	Discharge Plans for Residents of Facilities Subject to Subpart T
300.6070	Work Programs for Residents of Facilities Subject to Subpart T
300.6080	Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T
300.6090	Personnel for Providing Services to Residents of Facilities Subject to Subpart T
300.6095	Training and Continuing Education for Facilities Subject to Subpart T
300.APPENDIX A	Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities (Repealed)
300.APPENDIX B	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
300.APPENDIX C	Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
300.APPENDIX D	Forms for Day Care in Long-Term Care Facilities
300.APPENDIX E	Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
300.APPENDIX F	Guidelines for the Use of Various Drugs
300.APPENDIX G	Facility Report
300.TABLE A	Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
300.TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
300.TABLE D	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

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SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911,

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effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective November 15, 2003; expedited correction at 28 Ill. Reg. _____, effective _____.

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section 300.2820 Codes and Standards

- a) Each facility shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of federal regulations or of any standards of a nationally recognized organization or association refers to the regulations and standards on the date specified and does not include any editions or amendments subsequent to the date specified.
 - 1) State of Illinois rules
 - A) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health
 - B) Illinois Accessibility Code (71 Ill. Adm. Code 400), Capital Development Board
 - C) Food Service Sanitation Code (77 Ill. Adm. Code 750), Department of Public Health
 - D) Boiler and Pressure Vessel Safety Code (41 Ill. Adm. Code 120), Office of the State Fire Marshal
 - 2) Codes and standards
 - A) National Fire Protection Association (NFPA), Standard No. 101: Life Safety Code, 2000 Edition (New Health Care Occupancies), including all appropriate references under Chapter 33, and

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excluding Chapter 5, Performance Based Options, and all other references to performance based options. NFPA 101A: Alternative Approaches to Life Safety shall not be allowed to establish equivalencies for new construction. In addition to the publications referenced in Chapter 33, the following documents shall be applicable for all long-term care facilities:

- i) NFPA 17A, Standard for Wet Chemical Extinguishing Systems – 2002 Edition
 - ii) NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection – 1999 Edition
 - iii) NFPA 22, Standard for Water Tanks for Private Fire Protection – 1998 Edition
 - iv) NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances – 2002 Edition
 - v) NFPA 50, Standard for Bulk Oxygen Systems at Consumer Sites – 2001 Edition
 - vi) NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition
 - vii) NFPA 70E, Standard for Electrical Safety Requirements for Employee Workplaces – 2000 Edition
 - viii) NFPA 80A, Recommended Practice for Protection of Buildings from Exterior Fire Exposures – 2001 Edition
 - ix) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition
- B) Underwriters' Laboratories, Inc. (UL):
- i) Fire Resistance Directory (2003 Edition)
 - ii) Building Material Directory (2003 Edition)

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- C) American Society for Testing and Materials (ASTM) International, Standard No. E90-02 (1996), Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements
 - D) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE):
 - i) Handbook of Fundamentals, 2001
 - ii) Handbook of Applications, 1999
 - E) International Building Code (2000)
 - F) American Society of Mechanical Engineers (ASME) International, ANSI/ASME Standard No. A17.1-2000, Safety Code for Elevators and Escalators
- b) In addition to compliance with the standards set forth in this Section, all building codes, ordinances and regulations that are enforced by city, county or other local jurisdictions in which the facility is, or will be, located shall be observed.
- c) Where no local building code exists, the recommendations of the 2000 Edition of the International Building Code shall apply.
- d) The local building code or the recommendations of the 2000 Edition of the International Building Code shall apply insofar as such recommendations are not in conflict with the standards set forth in this Part, or with the National Fire Protection Association Standard No. 101: Life Safety Code, 2000.
- e) Amendments to this Section effective ~~November 15, 2003~~ ~~October 31, 2003~~ supersede all other codes and standards incorporated in this Subpart N.

(Source: Expedited Correction at 28 Ill. Reg. _____, effective _____)

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REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Sheltered Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 330
- 3) Section Number: 77 Ill. Adm. Code 330.3040
- 4) Date proposal published in Illinois Register: May 2, 2003; 27 Ill. Reg. 7622
- 5) Date adoption published in Illinois Register: December 1, 2003; 27 Ill. Reg. 18130
- 6) Summary and purpose of Expedited Correction: Amendments to the Sheltered Care Facilities Code became effective on November 15, 2003. (Please see Notice of Publication error concerning the effective date of this rulemaking in the December 5, 2003 issue of the *Illinois Register*.) Section 330.3040(c) contains an incorrect effective date of October 31, 2003. This date needs to be changed to November 15, 2003 to remove the inconsistency between the text and the rulemaking's effective date.
- 7) Information and questions regarding this request shall be directed to:

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

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REQUEST FOR EXPEDITED CORRECTION

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 330
SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.163	Alzheimer's Special Care Disclosure
330.165	Criteria for Adverse Licensure Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to be Made Available to the Public By the Department
330.230	Information to be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitoring and Receivership
330.271	Presentation of Findings
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties

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330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators (Repealed)
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.315	Supported Congregate Living Arrangement Demonstration
330.320	Waivers
330.330	Definitions
330.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
330.510	Administrator

SUBPART C: POLICIES

Section	
330.710	Resident Care Policies
330.720	Admission and Discharge Policies
330.730	Contract Between Resident and Facility
330.740	Residents' Advisory Council
330.750	General Policies
330.760	Personnel Policies
330.765	Initial Health Evaluation for Employees
330.770	Disaster Preparedness
330.780	Serious Incidents and Accidents
330.785	Contacting Local Law Enforcement

SUBPART D: PERSONNEL

Section	
330.910	Personnel
330.911	Health Care Worker Background Check
330.913	Nursing and Personal Care Assistants (Repealed)
330.916	Student Interns (Repealed)
330.920	Consultation Services
330.930	Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

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Section

330.1110	Medical Care Policies
330.1120	Personal Care
330.1125	Life Sustaining Treatments
330.1130	Communicable Disease Policies
330.1135	Tuberculin Skin Test Procedures
330.1140	Behavior Emergencies (Repealed)
330.1145	Restraints
330.1150	Emergency Use of Physical Restraints
330.1155	Unnecessary, Psychotropic, and Antipsychotic Drugs

SUBPART F: RESTORATIVE SERVICES

Section

330.1310	Activity Program
330.1320	Work Programs
330.1330	Written Policies for Restorative Services
330.1340	Volunteer Program

SUBPART G: MEDICATIONS

Section

330.1510	Medication Policies
330.1520	Administration of Medication
330.1530	Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

330.1710	Resident Record Requirements
330.1720	Content of Medical Records
330.1730	Records Pertaining to Residents' Property
330.1740	Retention and Transfer of Resident Records
330.1750	Other Resident Record Requirements
330.1760	Retention of Facility Records
330.1770	Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

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330.1910	Director of Food Services
330.1920	Dietary Staff in Addition to Director of Food Services
330.1930	Hygiene of Dietary Staff
330.1940	Diet Orders
330.1950	Meal Planning
330.1960	Therapeutic Diets (Repealed)
330.1970	Scheduling of Meals
330.1980	Menus and Food Records
330.1990	Food Preparation and Service
330.2000	Food Handling Sanitation
330.2010	Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section

330.2210	Maintenance
330.2220	Housekeeping
330.2230	Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

330.2410	Furnishings
330.2420	Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

330.2610	Codes
330.2620	Water Supply
330.2630	Sewage Disposal
330.2640	Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW
SHELTERED CARE FACILITIES

Section

330.2810	Applicable Requirements (Repealed)
330.2820	Applicability of These Standards
330.2830	Submission of a Program Narrative

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330.2840	New Constructions, Additions, Conversions, and Alterations
330.2850	Preparation and Submission of Drawings and Specifications
330.2860	First Stage Drawings
330.2870	Second Stage Drawings
330.2880	Architectural Drawings
330.2890	Structural Drawings
330.3000	Mechanical Drawings
330.3010	Electrical Drawings
330.3020	Additions to Existing Structures
330.3030	Specifications
330.3040	Building Codes
330.3050	Site
330.3060	General Building Requirements
330.3070	Administration
330.3080	Corridors
330.3090	Bath and Toilet Rooms
330.3100	Living, Dining, Activity Rooms
330.3110	Bedrooms
330.3120	Special Care Room
330.3130	Kitchen
330.3140	Laundry
330.3150	Housekeeping, Service, and Storage
330.3160	Plumbing
330.3170	Heating
330.3180	Electrical

SUBPART N: FIRE PROTECTION STANDARDS FOR NEW
SHELTERED CARE FACILITIES

Section	
330.3310	Applicable Requirements (Repealed)
330.3320	Applicability of These Standards
330.3330	Fire Protection
330.3340	Fire Department Service and Water Supply
330.3350	General Building Requirements
330.3360	Exit Facilities and Subdivision of Floor Areas
330.3370	Stairways, Vertical Openings, and Doorways
330.3380	Corridors
330.3390	Exit Lights and Directional Signs
330.3400	Hazardous Areas and Combustible Storage

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- 330.3410 Fire Alarm and Detection System
- 330.3420 Fire Extinguishers, Electric Wiring, and Miscellaneous
- 330.3430 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR
EXISTING SHELTERED CARE FACILITIES

Section

- 330.3610 Site
- 330.3620 General Building Requirements
- 330.3630 Administration
- 330.3640 Corridors
- 330.3650 Bath and Toilet Rooms
- 330.3660 Living, Dining, and Activity Rooms
- 330.3670 Bedrooms
- 330.3680 Special Care Room
- 330.3690 Kitchen
- 330.3700 Laundry Room
- 330.3710 Housekeeping and Service Rooms and Storage Space
- 330.3720 Plumbing and Heating
- 330.3730 Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING
SHELTERED CARE FACILITIES

Section

- 330.3910 Fire Protection
- 330.3920 Fire Department Service and Water Supply
- 330.3930 Occupancy and Fire Areas
- 330.3940 Exit Facilities and Subdivision of Floor Areas
- 330.3950 Stairways, Vertical Openings, and Doorways
- 330.3960 Exit and Fire Escape Lights and Directional Signs
- 330.3970 Hazardous Areas and Combustible Storage
- 330.3980 Fire Alarm and Detection System
- 330.3990 Fire Extinguishers, Electric Wiring, and Miscellaneous
- 330.4000 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART Q: RESIDENT'S RIGHTS

Section

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330.4210	General
330.4220	Medical and Personal Care Program
330.4230	Restraints (Repealed)
330.4240	Abuse and Neglect
330.4250	Communication and Visitation
330.4260	Resident's Funds
330.4270	Residents' Advisory Council
330.4280	Contract With Facility
330.4290	Private Right of Action
330.4300	Transfer or Discharge
330.4310	Complaint Procedures
330.4320	Confidentiality
330.4330	Facility Implementation

SUBPART R: DAY CARE PROGRAMS

Section

330.4510	Day Care In Long-Term Care Facilities
330.APPENDIX A	Interpretation, Components, and Illustrative Services for Sheltered Care Facilities (Repealed)
330.APPENDIX B	Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)
330.APPENDIX C	Forms for Day Care in Long-Term Care Facilities
330.APPENDIX D	Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
330.APPENDIX E	Guidelines for the Use of Various Drugs
330.TABLE A	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill.

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REQUEST FOR EXPEDITED CORRECTION

Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective October 15, 1994; amended at 19 Ill. Reg. 11567, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 552, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 10125, effective July 15, 1996; amended at 20 Ill. Reg. 12160, effective September 10, 1996; amended at 22 Ill. Reg. 4078, effective February 13, 1998; amended at 22 Ill. Reg. 7203, effective April 15, 1998; amended at 22 Ill. Reg. 16594, effective September 18, 1998; amended at 23 Ill. Reg. 1085, effective January 15, 1999; amended at 23 Ill. Reg. 8064, effective July 15, 1999; amended at 24 Ill. Reg. 17304, effective November 1, 2000; amended at 25 Ill. Reg. 4901, effective April 1, 2001; amended at 26 Ill. Reg. 4859, effective April 1, 2002; amended at 26 Ill. Reg. 10559, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2202, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5473, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5886, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14218, effective August 15, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15880, effective September 25, 2003; amended at 27 Ill. Reg. 18130, effective November 15, 2003; expedited correction at 28 Ill. Reg. _____, effective _____.

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW
SHELTERED CARE FACILITIES

Section 330.3040 Building Codes

- a) The design and construction of the facility shall meet the minimum requirements of the following codes and regulations except as modified within this Part:

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- 1) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, 2000 Edition (New Health Care Occupancies), including all appropriate references under Chapter 33, and excluding Chapter 5, Performance Based Options, and all other references to performance based options. NFPA 101A: Alternative Approaches to Life Safety shall not be allowed to establish equivalencies for new construction. In addition to the publications referenced in Chapter 33, the following documents shall be applicable for all long-term care facilities:
 - i) NFPA 17A, Standard for Wet Chemical Extinguishing Systems – 2002 Edition
 - ii) NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection – 1999 Edition
 - iii) NFPA 22, Standard for Water Tanks for Private Fire Protection – 1998 Edition
 - iv) NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances – 2002 Edition
 - v) NFPA 50, Standard for Bulk Oxygen Systems at Consumer Sites – 2001 Edition
 - vi) NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition
 - vii) NFPA 70E, Standard for Electrical Safety Requirements for Employee Workplaces – 2000 Edition
 - viii) NFPA 80A, Recommended Practice for Protection of Buildings from Exterior Fire Exposures – 2001 Edition
 - ix) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition
- 2) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health
- 3) Illinois Accessibility Code (71 Ill. Adm. Code 400), Capital Development

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- 4) Food Service Sanitation Code (77 Ill. Adm. Code 750), Department of Public Health
 - b) In addition to the codes and regulations listed in this Section, the design and construction of the facility shall meet the minimum requirements of all applicable local building codes and ordinances.
 - c) Amendments to this Section effective ~~October 31, 2003~~ November 15, 2003 supersede all other codes and standards incorporated in this Subpart M. |

(Source: Expedited Correction at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 350
- 3) Section Number: 77 Ill. Adm. Code 350.2620
- 4) Date proposal published in Illinois Register: May 2, 2003; 27 Ill. Reg. 7654
- 5) Date adoption published in Illinois Register: December 1, 2003; 27 Ill. Reg. 18160
- 6) Summary and purpose of Expedited Correction: Amendments to the Intermediate Care for the Developmentally Disabled Facilities Code became effective on November 15, 2003. (Please see Notice of Publication error concerning the effective date of this rulemaking in the December 5, 2003 issue of the *Illinois Register*.) Section 350.2620(e) contains an incorrect effective date of October 31, 2003. This date needs to be changed to November 15, 2003 to remove the inconsistency between the text and the rulemaking's effective date.
- 7) Information and questions regarding this request shall be directed to:

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

DEPARTMENT OF PUBLIC HEALTH

REQUEST FOR EXPEDITED CORRECTION

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse Licensure Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties

DEPARTMENT OF PUBLIC HEALTH

REQUEST FOR EXPEDITED CORRECTION

350.290	Quarterly List of Violators (Repealed)
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.315	Supported Congregate Living Arrangement Demonstration
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
350.510	Administrator

SUBPART C: POLICIES

Section	
350.610	Management Policies
350.620	Resident Care Policies
350.625	Determination of Need Screening
350.630	Admission and Discharge Policies
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.681	Health Care Worker Background Check
350.682	Resident Attendants
350.683	Registry of Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Serious Incidents and Accidents
350.750	Contacting Local Law Enforcement

SUBPART D: PERSONNEL

Section	
350.810	Personnel
350.820	Consultation Services
350.830	Personnel Policies (Repealed)

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SUBPART E: RESIDENT LIVING SERVICES

Section

350.1010	Service Programs
350.1020	Psychological Services
350.1030	Social Services
350.1040	Speech Pathology and Audiology Services
350.1050	Recreational and Activities Services
350.1055	Volunteer Program
350.1060	Training and Habilitation Services
350.1070	Training and Habilitation Staff
350.1080	Restraints
350.1082	Nonemergency Use of Physical Restraints
350.1084	Emergency Use of Physical Restraints
350.1086	Unnecessary, Psychotropic, and Antipsychotic Drugs

SUBPART F: HEALTH SERVICES

Section

350.1210	Health Services
350.1220	Physician Services
350.1223	Communicable Disease Policies
350.1225	Tuberculin Skin Test Procedures
350.1230	Nursing Services
350.1235	Life-Sustaining Treatments
350.1240	Dental Services
350.1250	Physical and Occupational Therapy Services

SUBPART G: MEDICATIONS

Section

350.1410	Medication Policies and Procedures
350.1420	Compliance with Licensed Prescriber's Orders
350.1430	Administration of Medication
350.1440	Labeling and Storage of Medications
350.1450	Control of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

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Section

350.1610	Resident Record Requirements
350.1620	Content of Medical Records
350.1630	Confidentiality of Resident's Records
350.1640	Records Pertaining to Residents' Property
350.1650	Retention and Transfer of Resident Records
350.1660	Other Resident Record Requirements
350.1670	Staff Responsibility for Medical Records
350.1680	Retention of Facility Records
350.1690	Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

350.1810	Director of Food Services
350.1820	Dietary Staff in Addition to Director of Food Services
350.1830	Hygiene of Dietary Staff
350.1840	Diet Orders
350.1850	Meal Planning
350.1860	Therapeutic Diets (Repealed)
350.1870	Scheduling Meals
350.1880	Menus and Food Records
350.1890	Food Preparation and Service
350.1900	Food Handling Sanitation
350.1910	Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section

350.2010	Maintenance
350.2020	Housekeeping
350.2030	Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

350.2210	Furnishings
350.2220	Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

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Section

350.2410	Codes
350.2420	Water Supply
350.2430	Sewage Disposal
350.2440	Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2610	Applicability of These Standards
350.2620	Codes and Standards
350.2630	Preparation of Drawings and Specifications
350.2640	Site
350.2650	Administration and Public Areas
350.2660	Nursing Unit
350.2670	Dining, Living, Activities Rooms
350.2680	Therapy and Personal Care
350.2690	Service Departments
350.2700	General Building Requirements
350.2710	Structural
350.2720	Mechanical Systems
350.2730	Plumbing Systems
350.2740	Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2910	Applicability
350.2920	Codes and Standards
350.2930	Preparation of Drawings and Specifications
350.2940	Site
350.2950	Administration and Public Areas
350.2960	Nursing Unit
350.2970	Living, Dining, Activities Rooms
350.2980	Treatment and Personal Care
350.2990	Service Department
350.3000	General Building Requirements

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- 350.3010 Structural
- 350.3020 Mechanical Systems
- 350.3030 Plumbing Systems
- 350.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section

- 350.3210 General
- 350.3220 Medical and Personal Care Program
- 350.3230 Restraints (Repealed)
- 350.3240 Abuse and Neglect
- 350.3250 Communication and Visitation
- 350.3260 Resident's Funds
- 350.3270 Residents' Advisory Council
- 350.3280 Contract With Facility
- 350.3290 Private Right of Action
- 350.3300 Transfer or Discharge
- 350.3310 Complaint Procedures
- 350.3320 Confidentiality
- 350.3330 Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR
THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

Section

- 350.3710 Applicability of Other Provisions of this Part
- 350.3720 Administration
- 350.3730 Admission and Discharge Policies
- 350.3740 Personnel
- 350.3750 Consultation Services and Nursing Services
- 350.3760 Medication Policies
- 350.3770 Food Services
- 350.3780 Codes and Standards
- 350.3790 Administration and Public Areas
- 350.3800 Bedrooms
- 350.3810 Nurses Station
- 350.3820 Bath and Toilet Rooms
- 350.3830 Utility Rooms
- 350.3840 Living, Dining, Activity Rooms

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350.3850	Therapy and Personal Care
350.3860	Kitchen
350.3870	Laundry Room
350.3880	General Building Requirements
350.3890	Corridors
350.3900	Special Care Room
350.3910	Exit Facilities and Subdivision of Floor Areas
350.3920	Stairways, Vertical Openings and Doorways
350.3930	Hazardous Areas and Combustible Storage
350.3940	Mechanical Systems
350.3950	Heating, Cooling, and Ventilating Systems
350.3960	Plumbing Systems
350.3970	Electrical Systems
350.3980	Fire Alarm and Detection System
350.3990	Emergency Electrical System
350.4000	Fire Protection
350.4010	Construction Types
350.4020	Equivalencies
350.4030	New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

Section

350.4210	Day Care in Long-Term Care Facilities
350.APPENDIX A	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
350.APPENDIX B	Federal Requirements Regarding Residents' Rights (Repealed)
350.APPENDIX C	Seismic Zone Map
350.APPENDIX D	Forms For Day Care in Long-Term Care Facilities
350.APPENDIX E	Guidelines for the Use of Various Drugs
350.TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
350.TABLE D	Food Service Sanitation Rules 77 Illinois Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less

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- 350.TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
- 350.TABLE F Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995;

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emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective September 18, 1998; amended at 23 Ill. Reg. 1052, effective January 15, 1999; amended at 23 Ill. Reg. 7970, effective July 15, 1999; amended at 24 Ill. Reg. 17254, effective November 1, 2000; amended at 25 Ill. Reg. 4879, effective April 1, 2001; amended at 25 Ill. Reg. 6499, effective May 15, 2001; amended at 26 Ill. Reg. 4878, effective April 1, 2002; amended at 26 Ill. Reg. 10611, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2238, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5489, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5924, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14237, effective August 15, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15924, effective September 25, 2003; amended at 27 Ill. Reg. 18160, effective November 15, 2003; expedited correction at 28 Ill. Reg. _____, effective _____.

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE
FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section 350.2620 Codes and Standards

- a) Each facility shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of federal regulations or of any standards of a nationally recognized organization or association refers to the regulations and standards on the date specified and does not include any editions or amendments subsequent to the date specified.
 - 1) State of Illinois rules
 - A) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health
 - B) Illinois Accessibility Code (71 Ill. Adm. Code 400), Capital Development Board
 - C) Food Service Sanitation Code (77 Ill. Adm. Code 750), Department of Public Health
 - D) Boiler and Pressure Vessel Safety Code (41 Ill. Adm. Code 120),

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Office of the State Fire Marshal

- 2) Codes and standards
 - A) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, 2000 Edition (New Health Care Occupancies-Residential-Custodial Care), including all appropriate references under Chapter 33, and excluding Chapter 5, Performance Based Options, and all other references to performance based options. NFPA 101A: Alternative Approaches to Life Safety shall not be allowed to establish equivalencies for new construction. In addition to the publications referenced in Chapter 33, the following documents shall be applicable for all long-term care facilities:
 - i) NFPA 17A, Standard for Wet Chemical Extinguishing Systems – 2002 Edition
 - ii) NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection – 1999 Edition
 - iii) NFPA 22, Standard for Water Tanks for Private Fire Protection – 1998 Edition
 - iv) NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances – 2002 Edition
 - v) NFPA 50, Standard for Bulk Oxygen Systems at Consumer Sites – 2001 Edition
 - vi) NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition
 - vii) NFPA 70E, Standard for Electrical Safety Requirements for Employee Workplaces – 2000 Edition
 - viii) NFPA 80A, Recommended Practice for Protection of Buildings from Exterior Fire Exposures – 2001 Edition
 - ix) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition

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- B) Underwriters Laboratories, Inc. (UL)
 - i) Fire Resistance Directory (2003 Edition)
 - ii) Building Material Directory (2003 Edition)
 - C) American Society for Testing and Materials (ASTM), Standard No. E90-02 (1996), Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements
 - D) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE):
 - i) Handbook of Fundamentals, 2001
 - ii) Handbook of Applications, 1999
 - E) International Building Code (IBC) (2000)
 - F) American Society of Mechanical Engineers (ASME) International: ANSI/ASME Standard No. A17.1 – 2000, Safety Code for Elevators and Escalators
- b) In addition to compliance with the standards set forth herein, all building codes, ordinances and regulations that are enforced by city, county or other local jurisdictions in which the facility is, or will be, located shall be observed.
 - c) Where no local building code exists, the recommendations of the 2000 Edition of the International Building Code shall apply.
 - d) The local building code or the recommendations of the 2000 Edition of the International Building Code shall apply insofar as such recommendations are not in conflict with the standards set forth in this Part, or with the National Fire Protection Association Standard No. 101: Life Safety Code, 2000.
 - e) Amendments to this Section effective November 15, 2003 ~~October 31, 2003~~ supersede all other codes and standards incorporated in this Subpart M.

DEPARTMENT OF PUBLIC HEALTH

REQUEST FOR EXPEDITED CORRECTION

(Source: Expedited Correction at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 390
- 3) Section Number: 77 Ill. Adm. Code 390.2620
- 4) Date proposal published in Illinois Register: May 2, 2003; 27 Ill. Reg. 7679
- 5) Date adoption published in Illinois Register: December 1, 2003; 27 Ill. Reg. 18204
- 6) Summary and purpose of Expedited Correction: Amendments to the Long-Term Care for Under Age 22 Facilities Code became effective on November 15, 2003. (Please see Notice of Publication error concerning the effective date of this rulemaking in the December 5, 2003 issue of the *Illinois Register*.) Section 390.2620(e) contains an incorrect effective date of October 31, 2003. This date needs to be changed to November 15, 2003 to remove the inconsistency between the text and the rulemaking's effective date.
- 7) Information and questions regarding this request shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
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DEPARTMENT OF PUBLIC HEALTH

REQUEST FOR EXPEDITED CORRECTION

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	Licensee
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse Licensure Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to be Made Available to the Public by the Department
390.230	Information to Be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.271	Presentation of Findings
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties
390.288	Reduction or Waiver of Penalties

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REQUEST FOR EXPEDITED CORRECTION

390.290	Quarterly List of Violators (Repealed)
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.315	Supported Congregate Living Arrangement Demonstration
390.320	Waivers
390.330	Definitions
390.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
390.500	Administrator

SUBPART C: POLICIES

Section	
390.610	Management Policies
390.620	Resident Care Policies
390.630	Admission and Discharge Policies
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.681	Health Care Worker Background Check
390.682	Resident Attendants
390.683	Registry of Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Serious Incidents and Accidents
390.750	Contacting Local Law Enforcement

SUBPART D: PERSONNEL

Section	
390.810	General
390.820	Categories of Personnel
390.830	Consultation Services

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SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section

390.1010	Service Programs
390.1020	Medical Services
390.1025	Life-Sustaining Treatments
390.1030	Physician Services
390.1035	Tuberculin Skin Test Procedures
390.1040	Nursing Services
390.1050	Dental Care Services
390.1060	Physical and Occupational Therapy Services
390.1070	Psychological Services
390.1080	Social Services
390.1090	Speech Pathology and Audiology Services
390.1100	Recreational and Activity Services
390.1110	Educational Services
390.1120	Work Activity and Prevocational Training Services

SUBPART F: RESTRAINTS AND BEHAVIOR MANAGEMENT

Section

390.1310	Restraints
390.1312	Nonemergency Use of Physical Restraints
390.1314	Emergency Use of Physical Restraints
390.1316	Unnecessary, Psychotropic, and Antipsychotic Drugs
390.1320	Behavior Management
390.1330	Behavior Emergencies (Repealed)

SUBPART G: MEDICATIONS

Section

390.1410	Medication Policies and Procedures
390.1420	Compliance with Licensed Prescriber's Orders
390.1430	Administration of Medication
390.1440	Labeling and Storage of Medications
390.1450	Control of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

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390.1610	Resident Record Requirements
390.1620	Content of Medical Records
390.1630	Confidentiality of Resident's Records
390.1640	Records Pertaining to Residents' Property
390.1650	Retention and Transfer of Resident Records
390.1660	Other Resident Record Requirements
390.1670	Staff Responsibility for Medical Records
390.1680	Retention of Facility Records
390.1690	Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section	
390.1810	Director of Food Services
390.1820	Dietary Staff in Addition to Director of Food Services
390.1830	Hygiene of Dietary Staff
390.1840	Diet Orders
390.1850	Meal Planning
390.1860	Infant and Therapeutic Diets
390.1870	Scheduling Meals
390.1880	Menus and Food Records
390.1890	Food Preparation and Service
390.1900	Preparation of Infant Formula
390.1910	Food Handling Sanitation
390.1920	Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section	
390.2010	Maintenance
390.2020	Housekeeping
390.2030	Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section	
390.2210	Furnishings
390.2220	Equipment and Supplies
390.2230	Sterilization of Supplies and Equipment

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SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

390.2410	Codes
390.2420	Water Supply
390.2430	Sewage Disposal
390.2440	Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section

390.2610	Applicability of these Standards
390.2620	Codes and Standards
390.2630	Preparation of Drawings and Specifications
390.2640	Site
390.2650	Administration and Public Areas
390.2660	Nursing Unit
390.2670	Dining, Play, Activity/Program Rooms
390.2680	Therapy and Personal Care
390.2690	Service Departments
390.2700	General Building Requirements
390.2710	Structural
390.2720	Mechanical Systems
390.2730	Plumbing Systems
390.2740	Electrical Systems

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section

390.2910	Applicability
390.2920	Codes and Standards
390.2930	Preparation of Drawings and Specifications
390.2940	Site
390.2950	Administration and Public Areas
390.2960	Nursing Unit
390.2970	Play, Dining, Activity/Program Rooms
390.2980	Treatment and Personal Care
390.2990	Service Department
390.3000	General Building Requirements
390.3010	Structural

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390.3020	Mechanical Systems
390.3030	Plumbing Systems
390.3040	Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section	
390.3210	General
390.3220	Medical and Personal Care Program
390.3230	Restraints (Repealed)
390.3240	Abuse and Neglect
390.3250	Communication and Visitation
390.3260	Resident's Funds
390.3270	Residents' Advisory Council
390.3280	Contract With Facility
390.3290	Private Right of Action
390.3300	Transfer or Discharge
390.3310	Complaint Procedures
390.3320	Confidentiality
390.3330	Facility Implementation

SUBPART P: DAY CARE PROGRAMS

Section	
390.3510	Day Care in Long-Term Care Facilities
390.APPENDIX A	Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age (Repealed)
390.APPENDIX B	Forms for Day Care in Long-Term Care Facilities
390.APPENDIX C	Guidelines for the Use of Various Drugs
390.TABLE A	Infant Feeding
390.TABLE B	Daily Nutritional Requirements By Age Group
390.TABLE C	Sound Transmissions Limitations
390.TABLE D	Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
390.TABLE E	Sprinkler Requirements
390.TABLE F	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

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SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill. Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective October 14, 1994; amended at 19 Ill. Reg. 11525, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 535, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10106, effective July 15, 1996; amended at 20 Ill. Reg. 12101, effective September 10, 1996; amended at 22 Ill. Reg. 4062, effective February 13, 1998; amended at 22 Ill. Reg. 7188, effective April 15, 1998; amended at 22 Ill. Reg. 16576, effective September 18, 1998; amended at 23 Ill. Reg. 1069, effective January 15, 1999; amended at 23 Ill. Reg. 8021, effective July 15, 1999; amended at 24 Ill. Reg. 17283, effective November 1, 2000; amended at 25 Ill. Reg. 4890, effective April 1, 2001; amended at 26 Ill. Reg. 4890, effective April 1, 2002; amended at 26 Ill. Reg. 10645, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2258, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5509, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5947, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14250, effective August 15, 2003, for a maximum of 150

DEPARTMENT OF PUBLIC HEALTH

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days; amended at 27 Ill. Reg. 15949, effective September 25, 2003; amended at 27 Ill. Reg. 18204, effective November 15, 2003; expedited correction at 28 Ill. Reg. _____, effective _____.

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section 390.2620 Codes and Standards

- a) Each facility shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of federal regulations or of any standards of a nationally recognized organization or association refers to the regulations and standards on the date specified and does not include any amendments or editions subsequent to the date specified.
 - 1) State of Illinois rules
 - A) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health
 - B) Illinois Accessibility Code (71 Ill. Adm. Code 400), Capital Development Board
 - C) Food Service Sanitation Code (77 Ill. Adm. Code 750), Department of Public Health
 - D) Boiler and Pressure Vessel Safety Code (41 Ill. Adm. Code 120), Office of the State Fire Marshal
 - 2) Codes and standards
 - A) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code 2000 Edition (New Health Care Occupancies), including all appropriate references under Chapter 33, and excluding Chapter 5, Performance Based Options, and all other references to performance based options. NFPA 101A: Alternative Approaches to Life Safety shall not be allowed to establish equivalencies for new construction. In addition to the publications referenced in Chapter 33, the following documents shall be applicable for all long-term care facilities.

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- i) NFPA 17A, Standard for Wet Chemical Extinguishing Systems – 2002 Edition
 - ii) NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection – 1999 Edition
 - iii) NFPA 22, Standard for Water Tanks for Private Fire Protection – 1998 Edition
 - iv) NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances – 2002 Edition
 - v) NFPA 50, Standard for Bulk Oxygen Systems at Consumer Sites – 2001 Edition
 - vi) NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition
 - vii) NFPA 70E, Standard for Electrical Safety Requirements for Employee Workplaces – 2000 Edition
 - viii) NFPA 80A, Recommended Practice for Protection of Buildings from Exterior Fire Exposures – 2001 Edition
 - ix) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition
- B) Underwriters Laboratories, Inc. (UL):
- i) Fire Resistance Directory (2003 Edition)
 - ii) Building Material Directory (2003 Edition)
- C) American Society for Testing and Materials (ASTM) International, Standard No. E90-02 (1996), Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements.
- D) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE):

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- i) Handbook of Fundamentals, 2001
 - ii) Handbook of Applications, 1999
 - E) International Building Code (2000)
 - F) American Society of Mechanical Engineers (ASME) International, ANSI/ASME Standard No. A17.1-2000, Safety Code for Elevators and Escalators
- b) In addition to compliance with the requirements set forth in this Section, all building codes, ordinances and regulations that are enforced by city, county or other local jurisdictions in which the facility is, or will be, located shall be observed.
- c) Where no local building code exists, the recommendations of the 2000 Edition of the International Building Code shall apply.
- d) The local building code or the recommendations of the 2000 Edition of the International Building Code shall apply insofar as such recommendations are not in conflict with the requirements set forth in this Part, or with the National Fire Protection Association Standard 101: Life Safety Code, 2000.
- e) Amendments to this Section effective ~~October 31, 2003~~ November 15, 2003 supersede all other codes and standards incorporated in this Subpart M.

(Source: Expedited Correction at 28 Ill. Reg. _____, effective _____)

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 December 2, 2003 through December 8, 2003 and have been scheduled for review by the Committee at its December 16, 2003 meeting in Chicago or January 14, 2004 meeting in Springfield. 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>
1/15/04	<u>Department of Employment Security, Determination of Unemployment Contributions (56 Ill. Adm. Code 2770)</u>	10/17/03 27 Ill. Reg. 16087	12/16/03
1/15/04	<u>Office of Banks and Real Estate, Real Estate License Act of 2000 (68 Ill. Adm. Code 1450)</u>	10/10/03 27 Ill. Reg. 15668	1/14/04
1/15/04	<u>Department of Agriculture, Illinois Bovidae and Cervidae Tuberculosis Eradication Act (8 Ill. Adm. Code 80)</u>	9/19/03 27 Ill. Reg. 14667	1/14/04
1/15/04	<u>Department of Agriculture, Diseased Animals (8 Ill. Adm. Code 85)</u>	9/19/03 27 Ill. Reg. 14675	1/14/04
1/15/04	<u>Department of Agriculture, Animal Disease Laboratories Act (8 Ill. Adm. Code 110)</u>	9/26/03 27 Ill. Reg. 14893	1/14/04
1/15/04	<u>Department of Agriculture, Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)</u>	8/29/03 27 Ill. Reg. 14055	1/14/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

1/15/04	<u>Labor Relations Board</u> , General Procedures (80 Ill. Adm. Code 1200)	10/3/03 27 Ill. Reg. 15208	1/14/04
1/15/04	<u>Labor Relations Board</u> , Representation Proceedings (80 Ill. Adm. Code 1210)	10/3/03 27 Ill. Reg. 15210	1/14/04
1/15/04	<u>Illinois Commerce Commission</u> , Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service (83 Ill. Adm. Code 280)	9/26/03 27 Ill. Reg. 14955	1/14/04
1/16/04	<u>Secretary of State</u> , Business Corporation Act (14 Ill. Adm. Code 150)	10/3/03 27 Ill. Reg. 15330	1/14/04
1/16/04	<u>Secretary of State</u> , Limited Liability Company Act (14 Ill. Adm. Code 178)	10/3/03 27 Ill. Reg. 15335	1/14/04
1/18/04	<u>Department of Human Services</u> , Food Stamps (89 Ill. Adm. Code 121)	8/22/03 27 Ill. Reg. 13936	1/14/04

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2004 REGULATORY AGENDA

a) Part(s) (Heading and Code Citations): Pay Plan, 80 Ill. Admin. Code 310

1) Rulemaking:

A) Description: Projected amendments to the Department of Central Management Services' Pay Plan include the following revisions to the following sections:

In Section 310.230, Part-time Daily or Hourly Special Services Rate, changes to the pay rate minimums in order to comply with Public Act 93-058 amendments to the Minimum Wage Law.

In Section 310.280, Designated Rate, changes in salaries, the addition of new positions, and deletion of positions no longer utilized as approved by the Governor.

In Section 310.Appendix A, Negotiated Rates of Pay, Tables changes in the collective bargaining agreements.

In Sections 310.80, 310.100, 310.110, 310.130, 310.220, 310.290,310.450, 310.530, and 310.540, and Appendices B, C, D, and G, changes in fiscal year and salary as approved by the Governor.

B) Statutory Authority: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Department of Central Management Services in writing during the First Notice Period of the Pay Plan amendments.

D) Date agency anticipates First Notice: Some amendments to Sections 310.230, 310.280, and Appendix A, Table AB were published in the 27 Ill. Reg. 17304.

Other amendments to Section 310.280, Designated Rate, will be filed as the Governor throughout the year makes changes.

Peremptory amendments on new Collective Bargaining Agreements will be filed as negotiations are completed.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2004 REGULATORY AGENDA

Amendments to Sections 310.80, 310.100, 310.110, 310.130, 310.220, 310.290, 310.450, 310.530, and 310.540, and Appendices B, C, D, and G, will be filed as the Governor makes changes for the next fiscal year.

- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments to the Pay Plan pertain only to state employees subject to the Personnel Code under the Governor. They do not set out guidelines that are to be followed by local or other jurisdictional bodies within the State.
- F) Agency contact person for information:
- Ms. Marianne Armento
- Division of Technical Services
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706
(217) 782-5601
- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues regarding state employee salary rates and policies.

PROPERTY TAX APPEAL BOARD

JANUARY 2004 REGULATORY AGENDA

a) Part (Heading and Code Citation): Practice and Procedure for Hearings Before the Property Tax Appeal Board, 86 Ill. Adm. Code 1910.

1) Rulemaking

A) Description: The purpose of the proposed rulemaking is to revise and update various sections of Part 1910, Practice and Procedure for Hearings Before the Property Tax Appeal Board.

B) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: May or June 2004

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

James W. Chipman
Executive Director
Property Tax Appeal Board
Rm. 402, Stratton Office Building
401 S. Spring St.
Springfield, Illinois 62706
217/782-6076

G) Related rulemaking and other pertinent information: None

DEPARTMENT OF STATE POLICE

JANUARY 2004 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Evidence Disposal Procedures; 20 Ill. Adm. Code 1226
- 1) Rulemaking:
- A) Description: The rule will be proposed in order to provide direction for the disposal of articles which have come into possession of the Illinois State Police in the course of carrying out its statutory duties.
- B) Statutory Authority: 20 ILCS 2605/2605-15
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rule will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
217/782-7658
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Firearm Owner's Identification Card Act; 20 Ill. Adm. Code 1230
- 1) Rulemaking:

DEPARTMENT OF STATE POLICE

JANUARY 2004 REGULATORY AGENDA

- A) Description: The rule will be amended to revise and update procedures associated with granting, denying, and revoking the Firearm Owner's Identification Card and related activities.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 430 ILCS 65/11
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
217/782-7658
- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Firearm Transfer Inquiry Program; 20 Ill. Adm. Code 1235
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures associated with the Firearm Transfer Inquiry Program and related activities.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 430 ILCS 65/3.1

DEPARTMENT OF STATE POLICE

JANUARY 2004 REGULATORY AGENDA

- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
217/782-7658
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Sex Offender Registration Act; 20 Ill. Adm. Code 1280
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Sex Offender Registration Act.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 150/4
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.

DEPARTMENT OF STATE POLICE

JANUARY 2004 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
217/782-7658
- G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): Sex Offender and Child Murderer Community Notification Law; 20 Ill. Adm. Code 1282
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Child Sex Offender and Murderer Community Notification Law.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 152
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:

Mr. Keith Jensen

DEPARTMENT OF STATE POLICE

JANUARY 2004 REGULATORY AGENDA

Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
217/782-7658

- G) Related rulemakings and other pertinent information: None
- f) Part (Heading and Code Citation): Sample Collection for Genetic Marker Indexing; 20 Ill. Adm. Code 1285
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures and policies relating to Sample Collection for Genetic Marker Indexing.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 5/5-4-3
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
217/782-7658

DEPARTMENT OF STATE POLICE

JANUARY 2004 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds; 20 Ill. Adm. Code 1286

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the testing of breath, blood and urine for alcohol, drugs, and intoxicating compounds.

B) Statutory Authority: 20 ILCS 2605/2605-15, 625 ILCS 5/6-106.1A, 625 ILCS 5/11-501.2, 625 ILCS 5/11-501.5, 625 ILCS 5/11-501.6, 625 ILCS 5/11-501.8, 625 ILCS 40/5-7.5, 625 ILCS 45/5-16b, and 625 ILCS 45/6-1

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

PROCLAMATION

**2003-310
Ride For Kids Day**

WHEREAS, each July, participants in the Annual Chicagoland Ride for Kids meet in the Village of Northbrook to raise money and awareness for the Pediatric Brain Tumor Foundation; and

WHEREAS, last year, more than 2,000 motorcycles and more than 2,500 riders participated in the 15th Annual Chicagoland Ride for Kids; and

WHEREAS, over \$325,000 were raised by last year's event to help benefit the Pediatric Brain Tumor Foundation of the United States, a 501 (c) (3) non-profit organization working diligently to find the cause and cure of childhood brain tumors; and

WHEREAS, during the 15 years that the Chicagoland area has participated in this event, over \$2 million have been raised in total for the Pediatric Brain Tumor Foundation:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 18, 2004 as RIDE FOR KIDS DAY in Illinois, and encourage all citizens to support this worthy cause.

Issued by the Governor December 5, 2003.

Filed by the Secretary of State. December 8, 2003

**2003-311
Land Surveyors' Month**

WHEREAS, land surveying is one of the oldest technical services; and

WHEREAS, our complex civilization relies heavily on land surveyors' skills and accuracy to determine property rights, method of design and construction; and

WHEREAS, George Washington's land surveying skills had a considerable influence on his role as Commander-in-Chief of our Revolutionary Forces, as he helped to secure our nation's independence through his planning of military operations and choice of selected battle sites; and

WHEREAS, more than 80 years later, another great president and former land surveyor, Abraham Lincoln, also used his land surveying skills to direct the war that preserved our nation; and

WHEREAS, during the month of February, the Illinois Professional Land Surveyors Association will be celebrating their 76th year of representing the land surveying profession in Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim

February 2004 as LAND SURVEYORS' MONTH in Illinois, and encourage all citizens to understand the impact that this field has had on our nation's history.

Issued by the Governor December 5, 2003.

Filed by the Secretary of State. December 8, 2003

2003- 312

PROCLAMATION

Armenian Martyrs Day

WHEREAS, the Armenian community, as well as the global community, remembers the Armenian genocide, which began 89 years ago; and

WHEREAS, during this tragic historical period between the years of 1915 and 1923, Armenians were forced to witness the genocide of their loved ones and the loss of their ancestral homelands; and

WHEREAS, this extermination and forced relocation of over 1.5 million Armenians by the Ottoman Turks is recognized every year; and

WHEREAS, Armenians continue to be a people full of hope, courage, faith and pride in their heritage, working together to rebuild a firm foundation for Armenia; and

WHEREAS, many of the eight thousand Armenian-Americans in Illinois are descendants or survivors of the Armenian genocide, and have been forthright in their efforts to preserve their culture, heritage and language, while contributing much to our state and our nation's diverse society and economy:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 24, 2004 as ARMENIAN MARTYRS DAY in Illinois, in honor of the 89th Anniversary of the Armenian Genocide.

Issued by the Governor December 5, 2003.

Filed by the Secretary of State. December 8, 2003

ILLINOIS ADMINISTRATIVE CODE

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