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OF GOVERNMENTAL
AGENCIES



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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Senior Citizens and Disabled Persons Prescription Drug Discount Program
- 2) Code Citation: 80 Ill. Adm. Code 2151
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2151.10	New Section
2151.20	New Section
2151.30	New Section
2151.40	New Section
2151.50	New Section
2151.60	New Section
2151.70	New Section
2151.80	New Section
2151.90	New Section
2151.100	New Section
2151.110	New Section
2151.120	New Section
- 4) Statutory Authority: [320 ILCS 55] (Public Act 93-18)
- 5) A Complete Description of the Subjects and Issues Involved: Senior citizens and disabled persons are being disproportionately impacted by the high cost of prescription drugs. The Senior Citizens and Disabled Persons Prescription Drug Discount Program has been implemented to offer assistance to the citizens in reducing their prescription drug costs.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: To make prescription drugs more affordable to senior citizens and disabled persons in Illinois.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

Paul Sollitto
Central Management Services, Bureau of Benefits
201 E. Madison, 3rd Floor
Springfield IL 62794

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The Department did not include it.

The full text of the proposed rules is identical to the text of the emergency rules and begins on page 4379 in this issue of the *Illinois Register*:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Fire Sprinkler Contractor Licensing Rules
- 2) Code Citation: 41 Ill. Adm. Code 109
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
109.10	New Section
109.20	New Section
109.30	New Section
109.40	New Section
109.50	New Section
109.60	New Section
109.70	New Section
109.80	New Section
109.90	New Section
109.100	New Section
109.120	New Section
109.130	New Section
109.140	New Section
- 4) Statutory Authority: Authorized and implemented by Section 50 of the Fire Sprinkler Contractor Licensing Act [225 ILCS 317].
- 5) A Complete Description of the Subjects and Issues Involved: This Part establishes rules to license persons engaged in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems, in the interest of safeguarding lives and property.
- 6) Will this rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rules pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking will not require any local government entity to establish, expand or modify its activities in such a way to necessitate additional expenditures.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Donna Lay
Legal Department
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259
(217) 785-0969

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This regulation will not affect small businesses, small municipalities and not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: Please review entire Part for requirements.
- C) Types of Professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the need for the new rules was not known at the time that the agendas were published.

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES
TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHALPART 109
FIRE SPRINKLER CONTRACTOR LICENSING RULES

Section	
109.10	Purpose
109.20	Applicability of Rules
109.30	Definitions
109.40	Application for License
109.50	Communications by Business
109.60	Required Notifications to the Office
109.70	Termination of License
109.80	Display of License and Retention of Sprinkler System Plans
109.90	Availability of Books, Records, Forms and Stationery
109.100	Renewal of License
109.110	Compliance Standards
109.120	Administrative Actions
109.130	Administrative Fines
109.140	Appeal of an Administrative Action

AUTHORITY: Implementing, and authorized by Section 50 of, the Fire Sprinkler Contractor Licensing Act [225 ILCS 317].

SOURCE: Adopted at 28 Ill. Reg. _____, effective _____.

Section 109.10 Purpose

The purpose of this Part is to regulate persons engaged in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems, in the interest of safeguarding lives and property.

Section 109.20 Applicability of Rules

This Part shall apply to all individuals and businesses who desire to engage in fire sprinkler contracting in this State, except as otherwise exempted in Section 15(i) of the Act.

Section 109.30 Definitions

The following definitions shall apply to this Part:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

"Act" means the Fire Sprinkler Contractor Licensing Act [225 ILCS 317].

"Business" means any person, firm, or company engaged in the business of planning, selling, installing, maintaining or servicing fire protection sprinkler systems in the State of Illinois.

"Designated certified person" means an individual who has met the qualifications set forth in Section 20 of the Act and who is designated by the fire sprinkler contractor on a full time basis to provide supervision and to assure that each fire sprinkler system is installed and repaired in accordance with this Part.

"Fire sprinkler contractor" means a business that undertakes, holds itself out, or contracts with another business to install or repair a fire sprinkler system.

"Fire sprinkler system" means any water-based automatic fire extinguishing system employing fire sprinklers, including accessory fire pumps and associated piping, fire standpipes, or underground fire main systems, starting at the connection to the water service (after the approved backflow device is installed under the requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890)) and ending at the most remote fire sprinkler. "Fire sprinkler system" includes but is not limited to a fire sprinkler system in residential, commercial, institutional, educational, public or private occupancy. "Fire sprinkler system" does not include single sprinkler heads that are in a loop of the potable water system, as referenced in 77 Ill. Adm. Code 890.1130 and 890.1200.

"Install" or "installation" means the initial placement of the fire sprinkler system or its extension or alteration after initial placement.

"License" means a biennial license issued by the Office pursuant to the Act and this Part.

"Licensee" means a person or business organization licensed in accordance with the Act.

"NFPA" means the National Fire Protection Association, a nationally recognized standards-making organization, having an address at 1 Batterymarch Park, Quincy, Massachusetts 02269-7471.

"NICET" means the National Institute for Certification in Engineering Technologies.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

"Office" means the Office of the State Fire Marshal.

"Officer" means:

if the business is a sole proprietorship, the owner of the business or any person exercising managerial control; or

if the business is a partnership, any partner who has at least 10% ownership interest or any partner who exercises managerial control; or

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

"Repair" means any work after the initial installation to correct and maintain the fire sprinkler system to provide performance as originally planned.

"Responsible managing employee" means the individual designated on a full time basis, by the fire sprinkler contractor that is not required to have a certified designated person pursuant to Section 120 of the Act, to provide supervision and to assure that each fire sprinkler system is installed and repaired in accordance with this Part.

"State Fire Marshal" means the Executive Director of the Office of the State Fire Marshal of the State of Illinois.

"Supervision" means the direction and management of the activities of personnel in the installation or repair of fire sprinkler systems.

Section 109.40 Application for License

- a) All applications to obtain a license as a fire sprinkler contractor shall be submitted to the Office on forms provided by the Office and shall include:
 - 1) The name and address of the business. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.
 - 2) The names and personal addresses of all officers of the business applying.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- 3) If an assumed name is to be used, a copy of the assumed name certificate.
- 4) The name and personal address of the certified designated person or the responsible managing employee, if applicable, and the following:
 - A) An original copy of the designated certified person's NICET certification. The original will be returned.
 - B) If the business is not required to have a certified designated person:
 - i) The business must provide the qualifications and last three years of work experience for the responsible managing employee; and
 - ii) The name, address and telephone number for each person who can verify those qualifications and work experience.
- 5) If the business is not required to have a certified designated person pursuant to Section 120 of the Act:
 - A) The business' work experience since January 1, 2003, identifying all the jobs in which the business has installed or repaired fire sprinkler systems; and
 - B) The name, address and telephone number for each person who can verify that work experience.
- 6) For the initial license and for each renewal license, a fee of \$1,500.
- 7) A Certificate of Insurance in the amount of not less than \$500,000 per person or \$1,000,000 per occurrence, and not less than \$1,000,000 per occurrence for property damage, and proof of worker's compensation insurance. Such insurance coverage shall provide for 30 days' minimum prior written notice of cancellation to the Office.
- 8) An organizational chart for each business office showing the supervisory duties of the designated certified person or responsible managing employee.
- 9) A list of each license issued by any state, local or federal governmental entity in the previous 3 years to engage in fire sprinkler contracting and a

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

statement of whether the licensee is currently subject to disciplinary action or has been adjudicated to have violated a license.

- 10) Proof of payment of taxes to the Illinois Department of Revenue.
 - b) A corporation, in addition to the requirements of subsection (a), shall submit the name and address of its registered agent and a copy of its Articles of Incorporation bearing the seal of the officer responsible for registering the corporation under the laws of the applicable jurisdiction. In addition, a foreign corporation must submit a copy of the Certificate of Authority to transact business in this State.
 - c) Partnerships, in addition to the requirements of subsection (a), shall submit an affidavit stating that the partnership has been legally formed.
 - d) Limited partnerships, in addition to the requirements of subsection (c), shall submit a letter of authority from the Secretary of State's Limited Partnership Department.
 - e) If the business has more than one business location from which it will install or repair fire sprinkler systems, each location shall require a separate designated certified person and a separate license.
 - f) Upon receipt of the documents required by this Section and review of the application, the Office shall issue a license to engage in fire sprinkler contracting or shall notify the applicant of the reason for the denial of such license.

Section 109.50 Communications by Business

A fire sprinkler contractor shall use the business name exactly as it appears on the license and the license number issued by the Office on all written communications. The license number shall appear on all advertisements after January 1, 2005.

Section 109.60 Required Notifications to the Office

- a) The business must notify the Office in writing by certified mail within 30 days after any of the following events:
 - 1) When 51% of the assets, stock or equity of a licensee is sold. A new fire sprinkler contractor application shall be filed with the Office in accordance with Section 109.40;

OFFICE OF THE STATE FIRE MARSHAL

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- 2) Officers are changed;
 - 3) A change in address of an existing office. If not at the time of renewal, the licensee shall include with the notice a fee of \$50 for issuance of a corrected license;
 - 4) Whenever there is an addition, departure, or change in the designated certified person or responsible managing employee at a licensee's location;
 - 5) The business ceases to operate or ceases to operate under the name on the certificate; or
 - 6) Any changes in the name of the business. A change in business name requires the registrant to apply for a new license.
- b) Notice required by this Section shall be mailed to:

Office of the State Fire Marshal
Division of Fire Prevention
1035 Stevenson Drive
Springfield, Illinois 62703-4259

Section 109.70 Termination of License

A license shall terminate when:

- a) The business ceases operation;
- b) The business ceases to operate under the name on the license;
- c) The Certificate of Insurance is non-renewed or cancelled;
- d) The license is revoked; or
- e) The business fails to fill the vacant position of its designated certified person or responsible managing employee within 180 days after the position becoming vacant.

Section 109.80 Display of License and Retention of Sprinkler System Plans

OFFICE OF THE STATE FIRE MARSHAL

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- a) The current license shall be prominently displayed within the business' office.
- b) A set of as-built plans and hydraulic calculations, showing details of system piping, calculations, and alarm configurations, must be provided to the building owner or his representative when installation is complete.
- c) The business must maintain a set of as-built plans for the life of the sprinkler system.
- d) Subsequent alterations or additions must be legibly noted on updated plans and provided to the owner, except that, when an alteration involves 20 or fewer sprinklers and all floor areas were protected prior to the alteration, updated plans are not required. Updated plans are required for all alterations involving more than 20 sprinklers and additions to systems protecting previously unprotected areas. Updated plans must be maintained by the business for the life of the sprinkler system.
- e) In addition to the requirements in Section 109.110(c), all plans must bear the date of installation, alteration, or addition; the license number of the business; and the name and signature of the designated certified person responsible for supervision of the installation or, where such person is not required by Section 120 of the Act, the name of the responsible managing employee.

Section 109.90 Availability of Books, Records, Forms and Stationery

All books, records, forms and stationery associated with fire sprinkler contracting shall be made available to agents of the Office upon request. Failure or refusal to make these records available shall be grounds for disciplinary action.

Section 109.100 Renewal of License

- a) Each license issued under the Act shall be issued for a period of two years. A renewal notice, along with the renewal forms, will be sent to the licensee 90 days prior to the expiration date. Upon receipt of the completed renewal forms and the appropriate fee, the Office will issue the new license.
- b) Failure to receive a renewal form from the Office shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

OFFICE OF THE STATE FIRE MARSHAL

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- c) In addition to the renewal fee, a reinstatement fee of \$100 shall be assessed for each business failing to renew within 60 days after the end of the license period. The Office may waive the renewal fee and any reinstatement fee for a sole proprietorship if the owner was on active duty in the military during the time the renewal was due.
- d) Each certified designated person or responsible managing employee must provide proof that he or she attended at least 8 hours of continuing education for each year of the current license.

Section 109.110 Compliance Standards

- a) The fire sprinkler system shall be installed, repaired and maintained in accordance with the edition of the following copyrighted standards and recommended practices in effect at the time of installation or alteration. These standards are available from the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269-7471.
 - 1) NFPA 13 – Standard for the Installation of Sprinkler Systems;
 - 2) NFPA 13D – Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Mobile Homes;
 - 3) NFPA 13R – Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height;
 - 4) NFPA 14 – Standard for the Installation of Standpipe and Hose Systems;
 - 5) NFPA 15 – Standard for Water Spray Fixed Systems for Fire Protection;
 - 6) NFPA 16 – Standard for the Installation of Deluge Foam-Water Sprinkler and Foam-Water Spray Systems;
 - 7) NFPA 20 – Standard for the Installation of Centrifugal Fire Pumps;
 - 8) NFPA 22 – Standard for Water Tanks for Private Fire Protection;
 - 9) NFPA 24 – Standard for the Installation of Private Fire Service Mains and Their Appurtenances;

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- 10) NFPA 25 – Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;
 - 11) NFPA 30 – Flammable and Combustible Liquids Code;
 - 12) NFPA 30A – Automotive and Marine Service Station Code;
 - 13) NFPA 30B – Code for the Manufacture and Storage of Aerosol Products;
 - 14) NFPA 214 – Standard on Water-Cooling Towers;
 - 15) NFPA 231 – Standard for General Storage;
 - 16) NFPA 231C – Standard for Rack Storage of Materials;
 - 17) NFPA 231D – Standard for Storage of Rubber Tires;
 - 18) NFPA 231F – Standard for Storage of Roll Paper;
 - 19) NFPA 232 – Standard for Protection of Records;
 - 20) NFPA 307 – Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves; and
 - 21) NFPA 409 – Standard on Aircraft Hangars.
- b) All equipment used in the installation or repair of a fire sprinkler system shall be tested and approved by either the Underwriters Laboratories, Inc. or Factory Mutual Laboratories, Inc.
 - c) All design drawings of engineered sprinkler systems shall be stamped by a licensed professional engineer or signed by a NICET Level III certified in "fire protection engineering technology, automatic sprinkler system layout" prior to submittal to the authority having jurisdiction.

Section 109.120 Administrative Actions

The failure to comply with the Act and this Part by any licensee may subject the licensee to administrative action, including, but not limited to, suspension, revocation or refusal to issue or renew a license and the assessment of fines.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

Section 109.130 Administrative Fines

- a) The State Fire Marshal may assess an administrative penalty against any person who violates the Act or this Part.
- b) Issuance of Administrative Citation
 - 1) The State Fire Marshal may issue an administrative citation and serve the administrative citation on the person by certified mail or personal service. Each citation shall be in writing and shall specifically describe the nature of the violation and its location and shall include a reference to the particular section of the law, rule or standard alleged to have been violated. The citation shall also state the amount of the fine and the process for appeal.
 - 2) Administrative citations and penalties issued under this Section shall not limit the authority of the State Fire Marshal under other sections of law to issue orders, revoke permits, stop work on construction, order the disconnection of electrical power, or take any other appropriate enforcement action.
- c) In assessing the penalty, the State Fire Marshal or a duly authorized representative shall consider the seriousness of the violation, whether the violation was corrected after notification of the contractor, and whether the person has been fined for the same or similar violations in the past. Fines levied under this Section shall not exceed \$1,000.

Section 109.140 Appeal of an Administrative Action

- a) Any person aggrieved by a decision, order or ruling of the Office may, as a matter of right, appeal such action.
- b) All appeal requests shall:
 - 1) Be in writing;
 - 2) Contain an address and telephone number where the appellant may be notified of the time and place of the hearing; and
 - 3) Set forth the reasons why the action of the State Fire Marshal should be reversed or modified.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- c) Appeals from a decision, order or ruling of the State Fire Marshal shall be instituted by filing a written request for a hearing, pursuant to 41 Ill. Adm. Code 210, no later than 10 days following receipt of the notice of the action. Requests will be deemed to be timely if they are postmarked no later than the time period allowed.

- d) The appeal request shall be mailed to:

Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703-4259

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medicaid Community Mental Health Services Program
- 2) Code Citation: 59 Ill. Adm. Code 132
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
132.10	Amend
132.20	Repeal
132.25	Amend
132.30	Amend
132.35	Repeal
132.40	Repeal
132.42	Amend
132.44	Add
132.45	Amend
132.50	Amend
132.55	Amend
132.60	Amend
132.65	Amend
132.70	Amend
132.75	Repeal
132.80	Amend
132.85	Amend
132.90	Amend
132.91	Amend
132.95	Amend
132.100	Amend
132.105	Repeal
132.115	Repeal
132.120	Repeal
132.125	Repeal
132.130	Repeal
132.135	Repeal
132.140	Repeal
132.142	Add
132.145	Amend
132.148	Add
132.150	Amend
132.155	Repeal
132.160	Repeal
132.165	Amend

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- | | |
|----------------|--------|
| 132.170 | Repeal |
| 132.APPENDIX A | Repeal |
| 132.APPENDIX B | Repeal |
| 132.Table A | Repeal |
| 132.Table B | Repeal |
| 132.Table C | Repeal |
- 4) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].
- 5) A Complete Description of the Subjects and Issues involved: The proposed amendments attempt to clarify service requirements and eliminate ambiguity to facilitate claiming of FFP; makes the service taxonomy more consistent with standard procedures under HIPAA; eliminates unnecessary inter-agency differences in the program (among DHS, DCFS and DOC); and establishes common criteria and procedures for certification and post-payment review for DHS, DCFS, and DOC. Specific areas of change include the deletion of the Medicaid Clinic Option service distinction; the separation of DMH and DCFS sections has been combined, with specific notations when services or procedures apply to a specific agency; deletion of service definitions from the definitions section and incorporation of these definitions with the conditions and requirements of services; the certification and review processes are streamlined, with all certifying agencies using nearly identical processes; the service requirements now follow a common structure to specify how services are determined to be appropriate for the particular client needs, what minimal staff qualifications and staff-to-client ratios are required, and sets other service parameters such as requiring face-to-face visits with clients, etc.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

amendments within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Providers of mental health program services.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER IV: DEPARTMENT OF HUMAN SERVICESPART 132
MEDICAID COMMUNITY MENTAL
HEALTH SERVICES PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
132.10	Purpose
132.15	Incorporation by Reference
132.20	Clients' Rights and Confidentiality (Repealed)
132.25	Definitions
132.30	Application, and Certification and Recertification Processes <u>Process</u>
132.35	Recertification and Reviews (Repealed)
132.40	Certification for Additional Medicaid Community Mental Health Services and/or New Site(s) (Repealed)
132.42	Post-Payment Review
<u>132.44</u>	<u>Appeal of Post-Payment Review Findings</u>
132.45	<u>Compliance with Certification Requirements</u> Suspension of Certification
132.50	<u>Revocation</u> Termination of Certification
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132.APPENDIX A Medicaid Community Mental Health Services Application Components (Repealed)

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132.TABLE A Mental Health Clinic Program Client Services (Repealed)

132.TABLE B Rehabilitative Mental Health Services (Repealed)

132.TABLE C Family Intervention, Stabilization and Reunification Services (Repealed)

AUTHORITY: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20

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ILCS 1705/15.3].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 211, effective December 31, 1991, for a maximum of 150 days; new rules adopted at 16 Ill. Reg. 9006, effective May 29, 1992; amended at 18 Ill. Reg. 15593, effective October 5, 1994; emergency amendment at 19 Ill. Reg. 9200, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16178, effective November 28, 1995; amended at 21 Ill. Reg. 8292, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 22 Ill. Reg. 21870, effective December 1, 1998; emergency amendment at 23 Ill. Reg. 4497, effective April 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10205, effective August 23, 1999; amended at 24 Ill. Reg. 17737, effective November 27, 2000; amended at 26 Ill. Reg. 13213, effective August 20, 2002; amended at 28 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 132.10 Purpose

- a) The requirements set forth in this Part establish criteria for participation by providers ~~who voluntarily elect to participate~~ in the Medicaid community mental health program. The Medicaid community mental health program shall include the provision of specific mental health services pursuant to ~~Subparts D, E and F of this Part supported financially in whole or in part by a public payer, as defined in Section 132.25, the Department of Human Services (DHS), the Department of Children and Family Services (DCFS), the Department of Corrections (DOC) and by Medicaid (42 U.S.C.A. 1396 (1996)) for grants to states for medical assistance eligible clients, under the Illinois medical assistance program (89 Ill. Adm. Code 140) (Medical Payment) administered by the Department of Public Aid.~~
- b) These requirements are for the purpose of assuring that clients receiving Medicaid community mental health services shall receive ~~quality~~ services in accordance with this Part and in accordance with 42 CFR 440 and 456 (~~20001996~~) for Medicaid-eligible clients.
- c) The Department ~~of Human Services (DHS) and the Department of Children and Family Services (DCFS) and the Department of Corrections (DOC), pursuant to an executed interagency agreement with DPA, DCFS~~ shall use these requirements to certify, recertify, and periodically review providers participating in the Medicaid community mental health program including the certification and recertification of the provider's eligibility for ~~approval and~~ enrollment in the

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Illinois medical assistance program ~~by the Department of Public Aid~~ (89 Ill. Adm. Code 140) ~~(Medical Payment)~~.

- d) The Medicaid community mental health program ~~is shall include assessment, treatment, and rehabilitative services~~ for clients who require mental health services as indicated by a diagnosis contained in the International Classification of Diseases, ~~9th Revision, Clinical Modification, Ninth Revision, Fourth Edition~~ (ICD-9-CM) ~~(Centers for Medicare and Medicaid Services (CMMS) (2003))(Commission on Professional and Hospital Activities, Edwards Brothers, Ann Arbor, Michigan 48106 (October 1991))~~. This shall include services designed to benefit clients:
- 1) ~~Who With current symptoms of mental illness who~~ require an ~~evaluation assessment~~ to determine the need for mental health treatment ~~and/or rehabilitation~~; or
 - 2) Who are assessed to require medically necessary mental health treatment ~~and/or rehabilitative services~~, to promote growth ~~and/or~~ maintenance of age appropriate or independent role functioning; or
 - 3) Who are experiencing a substantial change/deterioration in age appropriate or independent role functioning, ~~acute symptomatology, a high level of personal distress~~ and who require crisis intervention services to achieve stabilization; or
 - 4) Who, because of substantial impairment in role functioning, require multiple coordinated ~~mental health rehabilitative~~ services delivered in a variety of settings, ~~on an emergency or non-emergency basis~~.
- e) ~~A provider certified under 59 Ill. Adm. Code 130 prior to January 1, 1992, is deemed to be certified under this Part. Certification for those services beyond those enrolled under 59 Ill. Adm. Code 130 requires a written request to the Department from the provider with detailed program description(s), including staff qualifications, for each new additional service to be provided.~~

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

Section 132.20 Clients' Rights and Confidentiality (Repealed)

~~To assure that clients' rights are protected and that all services provided to clients comply with~~

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~~the law, providers shall ensure that:~~

- ~~a) The clients' rights shall be protected in accordance with Chapter 2 of the Mental Health and Developmental Disabilities Code [405 ILCS 5].~~
- ~~b) The right of clients to confidentiality shall be governed by the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].~~
- ~~e) Staff shall inform clients receiving services of the following:
 - ~~1) Their rights in accordance with subsections (a) and (b) of this Section;~~
 - ~~2) Their right to contact the Guardianship and Advocacy Commission and Equip for Equality, Inc. Staff shall offer assistance to clients in contacting these groups giving each client the address and telephone number of the Guardianship and Advocacy Commission and Equip for Equality, Inc.; and~~
 - ~~3) Their right to contact the Department, DCFS or DOC as appropriate.~~~~
- ~~d) The information in subsection (c) of this Section shall be explained using language or a method of communication that the clients understand and documentation of such explanation shall be placed in their clinical records.~~
- ~~e) Justification for restriction of client rights under the statutes cited in subsections (a) and (b) of this Section shall be documented in the client's clinical record. In addition, the client affected by such restriction, his or her parent or guardian and any agency designated by the client pursuant to subsection (c)(2) of this Section shall be notified of the restriction.~~
- ~~f) Every client shall be free from abuse and neglect.~~
- ~~g) Clients or guardians shall be permitted to present grievances and to appeal adverse decisions of the provider up to and including the executive director. A record of such grievances or adverse decision appeal and the response thereto shall be maintained by the provider. The executive director's decision on the grievance shall constitute a final administrative decision (except when such decisions are reviewable by the provider's governing board, in which case the governing board's decision is final) and shall be subject to review in accordance with the Administrative Review Law [735 ILCS 5/Art. III].~~

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- h) ~~Clients shall not be denied, suspended or terminated from services or have services reduced for exercising any of their rights.~~

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

Section 132.25 Definitions

For the purposes of this Part, the following terms are defined:

~~"Adaptive functioning, stabilization and developmental interventions." Interventions with an individual or a group of individuals directed toward independent or age-appropriate functioning and emotional stability.~~

~~"Admission note." Documentation completed within 24 hours after a client's admission to a program providing comprehensive mental health services or comprehensive rehabilitative services. The purpose of the admission note is to document the initiation of the assessment and treatment planning process and the client's current mental health functioning level, provisional diagnosis, pertinent history, precautions, initial treatment plan and other relevant information. The admission note is completed by a staff with at least a bachelor's degree in human services following a face-to-face meeting with the client and approved by at least a QMHP. Medicaid community mental health services may be provided to eligible clients for a maximum of 14 days following admission based on the service recommendations specified by the admission note. Thereafter, services must be provided in accordance with an individual treatment plan (ITP) or rehabilitative services plan (RSP) completed following a mental health or rehabilitative assessment.~~

"Adult." An individual who is 18 years of age or older or a person who is emancipated pursuant to the Emancipation of Mature Minors Act [750 ILCS 30].

"Applicant." An entity that seeks certification to provide Medicaid community mental health services under this Part.

"CGAS." The Children's Global Assessment Scale as published in the Archives of General Psychiatry, Volume 40, November 1983, pp. 1228-1231.

~~"Certification." Initial determination and redetermination of the eligibility of a provider to participate in the Medicaid community mental health program and to~~

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~~provide mental health services. Certification is issued by the Department or DCFS upon a determination of compliance with this Part. Certification must be issued by the Department or DCFS prior to enrollment with the Department of Public Aid as a Medicaid provider in order to provide Medicaid reimbursable mental health services. Enrollment as a Medicaid provider is issued by the Department of Public Aid on receipt of a letter of certification by the Department or DCFS and on determination of compliance with 89 Ill. Adm. Code 140.11 by the Department or Public Aid.~~

~~"Child or adolescent." For the Department and DOC, an individual who is 17 years of age or younger. For DCFS, an individual who is 17 years of age or younger, except for an individual 18 years of age but less than 21 years old, who was receiving child welfare services from DCFS prior to his or her 18th birthday and continues to receive such services following his or her 18th birthday.~~

~~"Client." An individual who is Medicaid-eligible and is receiving Medicaid community mental health program services financially supported in whole or in part by the Department (Section 1-123 of the Code), DCFS or DOC.~~

~~"Client-centered consultation." Individual client focused professional communication between provider staff, or staff of other agencies, or with others (including family members) who are involved with providing services to a client with a mental illness for the purpose of implementing or evaluating the treatment plan.~~

~~"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].~~

~~"Comprehensive mental health services." An array of services as described in Section 132.150 and 132.165 of this Part which has been approved by the Department, DCFS or DOC. One or more of these services is provided on a daily basis to a client who has a diagnosis of mental illness, as the term is defined in this Section, in order to restore or maintain the client's emotional or behavioral functioning to a level determined to be necessary for his or her successful functioning in a family, school and/or community. Comprehensive mental health services may only be provided to a client who lives in a specialized substitute care living arrangement. For the Department, the services are restricted to a client who resides in a specialized substitute care living arrangement, as defined in this Section, which is under contract with the Department pursuant to the Department's rules at 59 Ill. Adm. Code 135 (Individual Care Grants for Mentally Ill Children).~~

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~~"Comprehensive rehabilitative services." An array of services as described in Sections 132.155 and 132.170 of this Part which has been approved by DCFS or DOC. One or more of these services is provided on a daily basis to a client in order to restore or maintain the client's emotional or behavioral functioning to a level determined to be necessary for his or her successful functioning in a family, school and/or community. Comprehensive rehabilitative services may only be provided to a client who resides in a specialized substitute care living arrangement.~~

"Confidentiality Act." The Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

~~"Contract." For purposes of this Part, a written agreement between the applicant/provider and a public payer.~~

~~"Crisis intervention." Activities or services to persons who are experiencing a psychiatric crisis which are designed to interrupt a crisis experience including assessment, brief supportive therapy or counseling and referral and linkage to appropriate community services to avoid more restrictive levels of treatment and which has the goal of symptom reduction, stabilization and restoration to a previous level of functioning.~~

"Day." A calendar day unless otherwise indicated.

~~"Day rehabilitation treatment programs." Three levels of rehabilitative mental health services provided to persons with mental illness within a format of structured daily activities which are designed to promote improvement in psychological, interpersonal, and age appropriate or independent role functioning and which shall include intensive stabilization, extended treatment and rehabilitation and psychosocial rehabilitation.~~

"DCFS." The Illinois Department of Children and Family Services.

~~"Department." The Illinois Department of Human Services.~~

~~"Developmental rehabilitative services." Specialized interventions in accordance with Sections 132.150 and 132.155 using drama, art, music or recreation which are intended to result in the restoration to a maximum level of functioning for clients served by the Department or served by DCFS or for DOC youths pursuant~~

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~~to the Abused and Neglected Child Reporting Act [325 ILCS 5], the Children and Family Services Act [20 ILCS 505] or the Juvenile Court Act of 1987 [705 ILCS 405] for whom a recommendation for such services has been made by a physician or licensed practitioner of the healing arts.~~

~~"DHS." The Illinois Department of Human Services.~~

~~"DOC." The Illinois Department of Corrections.~~

~~"DPA." The Illinois Department of Public Aid.~~

~~"DOC youth." A youth placed in the legal custody of the Department of Corrections by a court on the basis of delinquency or conviction and who is granted an authorized absence or placed in a post-release setting, including but not limited to parole, mandatory supervised release, or electronic detention.~~

~~"DSM-IV." The Diagnostic and Statistical Manual of Mental Disorders, 4th Fourth Edition (American Psychiatric Association, 1994 edition) or DSM-IV-TR (2000), American Psychiatric Association, 1000 Wilson Boulevard, Suite 1825, Arlington, Virginia 22209-3901.~~

~~"Enrollment." The official enrollment of a certified provider in the medical assistance program by DPA the Department of Public Aid on determination of compliance with 89 Ill. Adm. Code 140.11.~~

~~"Extended treatment and rehabilitation." Rehabilitative mental health services provided to persons with mental illness within a format of structured daily programming designed to promote growth in or maintenance of age appropriate and independent role functioning.~~

~~"Family." A basic unit or constellation of one or more adults and/or children, foster or adoptive parents and children, and private individual guardians.~~

~~"Family counseling." A treatment approach in which one or more mental health staff meets with the client with a mental illness and his or her available family members or with his or her family members on the client's behalf in ongoing periodic formal sessions to deal with daily living issues associated with the client's emotional, cognitive or behavioral problems which are significantly impacted on by current family interactions. This counseling approach uses a variety of supportive and re-educative techniques.~~

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~~"Family therapy." A treatment approach in which one or more professionals deliberately establish a relationship with a client with a mental illness and his or her immediate family or with his or her family on the client's behalf in ongoing periodic formal sessions when the client's problems are perceived to be substantially due to impaired relations within the family. The goal is to modify family relationships which will result in amelioration or reduction of the client's symptoms of emotional, cognitive or behavioral disorder.~~

"GAF." The Global Assessment of Functioning Scale contained in the DSM-IV.

~~"Group counseling." A treatment approach in which one or more mental health staff meets with two or more clients with a mental illness in ongoing periodic formal sessions to deal with daily living issues associated with their emotional, cognitive or behavioral problems using a variety of supportive and re-educative techniques.~~

~~"Group therapy." An approach to treatment in which one or more professionals deliberately establish a relationship with two or more clients with a mental illness seen simultaneously in periodic formal sessions with the goal of ameliorating or reducing the symptoms of emotional, cognitive or behavioral disorder and promoting positive emotional, cognitive, and behavioral development.~~

"Guardian." The court-appointed guardian or conservator of the person under the Probate Act of 1975 [[755744 ILCS 5](#)] or a temporary custodian or guardian of the person of a child appointed by an Illinois juvenile court or a legally-appointed guardian or custodian or other party granted legal care, custody and control over a minor child by a juvenile court of competent jurisdiction located in another state whose jurisdiction has been extended into Illinois via the child's legally authorized placement in accordance with the applicable interstate compact. (The Juvenile Court Act of 1987 [[705 ILCS 405](#)]; Interstate Compact on the Placement of Children [[45 ILCS 15](#)])

"ICD-9-CM." International Classification of Diseases, 9th Revision, Clinical Modification (Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244-1850 (2003)).

~~"Individual counseling." A treatment approach in which one mental health staff person meets with one client with a mental illness in ongoing periodic formal sessions, and uses relationship skills to promote the client's ability to deal with~~

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~~daily living issues associated with his or her emotional, cognitive or behavioral problems.~~

~~"Individual/family social rehabilitation."— Structured activities provided individually or in a group setting to an individual with a mental illness or to his or her family in goal directed sessions directed toward improvement of social, emotional, cognitive, interpersonal or community adaptive functioning which are based on a clearly defined format which specifies the expected outcome. The approach is distinct from psychosocial rehabilitation day programming as defined in this Section.~~

~~"ITP." Individual treatment plan.~~

~~"Individual therapy."— A treatment approach in which a professional deliberately establishes a relationship with an individual client with a mental illness in ongoing periodic formal sessions with the goal of ameliorating or reducing the symptoms of emotional, cognitive or behavioral disorder and promoting positive emotional, cognitive and behavioral development.~~

~~"Individual treatment plan" or "treatment plan" (ITP).— A written document developed by the appropriate service provider staff with the participation of the client with a mental illness and, if applicable, the client's guardian, which specifies the client's diagnosis, problems, and service needs to be addressed, the intermediate objectives and long term goals for the services and the planned interventions for achieving these goals.~~

~~"Intensive family based services for children and adolescents."— A comprehensive psychosocial rehabilitation and training service provided in the home, school or other community based location to children and adolescents with a mental illness and substantial impairment in role functioning to reduce the risk of more restrictive treatment such as psychiatric hospitalization.~~

~~"Intensive stabilization day program."— Rehabilitative mental health services provided to persons with mental illness within a format of structured daily programming designed to promote crisis resolution and/or stabilization.~~

~~"Level of role functioning." RefersFor adults, refers to the client's abilitieslevel of functioning in everyday life in three critical areas such asincluding vocational, /educational productivity, independent living, and self-care, and social and familynetwork relationships. For adults, rating scales such as the GAF or form~~

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~~DMHDD-1215, Specific Level of Functioning Assessment (SLOF), shall be used to assess the severity of the impairment in role functioning, scales for the purpose of initiating services but shall not be used as the criteria for termination or discontinuation of services. For children and adolescents, these areas include family/home, school and community. Scales approved for use with children and adolescents include, but are not limited to, the GAF Scale or the CGAS Scale.~~

"Licensed practitioner of the healing arts (LPHA)." An Illinois licensed health care practitioner who, within the scope of State law, ~~as determined by the Department,~~ has the ability to independently make a clinical assessment, certify a diagnosis and recommend treatment for persons with a mental illness and who is one of the following: a physician; an advanced practice nurse with psychiatric specialty licensed under the Nursing and Advanced Practice Nursing Act [225 ILCS 65]; a clinical psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15];; a licensed clinical social worker (LCSW) licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20];; a licensed clinical professional counselor (LCPC) ~~licensed under holding a permanent license pursuant to~~ the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107];; or a licensed marriage and family therapist (LMFT) licensed under the Marriage and Family Therapist Licensing Act [225 ILCS 55] and ~~its administrative rule at~~ 68 Ill. Adm. Code 1283.

"Medicaid." Medical assistance ~~authorized issued~~ by DPA the Illinois Department of Public Aid under the provisions of the Illinois Public Aid Code [305 ILCS 5/Art. V], the Children's Health Insurance Program Act [215 ILCS 106] and Titles XIX and XXI ~~Title XIX~~ of the Social Security Act (42 USCA 1396 and 1397aa (20001996));; ~~for eligible recipients including Aid to the Aged, Blind and Disabled (AABD), Temporary Assistance for Needy Families (TANF), Medical Assistance No Grant (MANG), Refugee Repatriate Program (RRP) recipients as well as Title XIX eligible DCFS wards.~~

~~"Medicaid case management." Refers to the Title XIX of the Social Security Act case management services that the Department of Public Aid includes in the Medicaid State plan as covered services for Medicaid eligible clients as defined in Subpart F of this Part.~~

~~"Medicaid clinic option (MCO)." Refers to clinical services, as authorized in 42 CFR 440.90 (1994), and defined in Subpart D of this Part, that, at the option of the State, may be included in the Medicaid State plan as covered services for~~

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~~Medicaid clients.~~

~~"Medicaid community mental health services program." Assessment, treatment and/or rehabilitative services as defined in this Part which are provided by or under a subcontract with a certified provider under a contractual agreement with either the Department, DCFS or DOC. These services are supported financially in whole or in part by the Department, DCFS or DOC and are also included under the Illinois medical assistance program (89 Ill. Adm. Code 140) for eligible clients. Providers must be certified by the Department or DCFS and also be enrolled with and be approved by the Department of Public Aid as a Medicaid provider.~~

~~"Medicaid rehabilitative services option." Refers to rehabilitative services, as authorized in 42 CFR 440.130 (1996) and defined in Subpart E of this Part, that at the option of the Department of Public Aid may be included in the Medicaid State plan as covered services for Medicaid eligible clients.~~

~~"Mental health assessment." The formal process of gathering into a written report(s) demographic data, presenting problems, history or cause of illness, history of treatment, psychosocial history and current functioning in emotional, cognitive, social and behavioral domains through a face to face or personal contact with the client and collaterals, which results in identifying the client's mental health service needs and in recommendations for service delivery, and may include a tentative diagnosis.~~

~~"Mental health case management." Case management services to provide linkage, support and advocacy for persons with mental illness who need multiple services and require assistance in gaining access to and in using mental health, health, social, vocational, education and other community services and resources.~~

"Mental health professional (MHP)." An individual who provides services under the supervision of a qualified mental health professional and who possesses: a bachelor's degree; a practical nurse license ~~under pursuant to~~ the Nursing and Advanced Practice Nursing Act [225 ILCS 65]; a certificate of psychiatric rehabilitation from a DHS ~~Office of Mental Health~~-approved program plus a high school diploma plus ~~2 two~~ years experience in providing mental health services; or a minimum of ~~5 five~~ years supervised experience in mental health or human services.

"Mental illness." A mental or emotional disorder ~~verified by a~~ diagnosis contained

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~~in the DSM-IV or ICD-9-CM, authorized by the public payer funding the services under this Part and the condition that will be the main focus of treatment for services under this Part. The public payer funding the services may authorize the use of certain V-codes contained in the DSM-IV or ICD-9-CM. Mental illness does not include contained in the DSM-IV or ICD-9-CM which substantially impairs the person's cognitive, emotional and/or behavioral functioning, excluding V-codes, organic disorders such as dementia and those associated with known or unknown physical conditions such as hallucinosis, amnestic disorder and delirium; psychoactive substance induced organic mental disorders; and mental retardation or psychoactive substance use disorders. For purposes of this Part, this does not exclude individuals with a dual diagnosis of mental retardation or psychoactive substance use disorders as long as a mental illness is the principal diagnosis.~~

~~"Occupational therapy." The evaluation, after referral by a physician as part of the total rehabilitation and health care team, of functional performance ability of clients impaired by physical illness or injury, emotional disorder, congenital or developmental disability or the aging process, and the analysis, selection and application of occupations or goal-directed activities, for the treatment or prevention of these disabilities to achieve optimum functioning. Occupational therapy shall be provided in accordance with the Illinois Occupational Therapy Practice Act [225 ILCS 75].~~

~~"Physician." A physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine in all its branches.~~

~~"Physician services." The Medicaid community mental health program services which must be provided directly by a physician are psychiatric evaluation and psychotropic medication prescription and review.~~

~~"Post-payment review." The review of provider billings to determine compliance with documentation requirements pursuant to this Part.~~

~~"Principal diagnosis." When a person receives more than one diagnosis, the principal diagnosis is the condition that is chiefly responsible for precipitating inclusion in the appropriate Medicaid community mental health program services. A principal diagnosis of mental illness is the condition that will be the main focus of attention or treatment.~~

~~"Provider." An entity agency certified by the Department or DCFS to provide~~

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Medicaid community mental health services in accordance with this Part.

~~"Psychiatric evaluation." An in-depth evaluation of the client conducted by a psychiatrist, or a physician with training in mental health services or one year of clinical experience, under supervision, in treating problems related to mental illness. The psychiatric evaluation covers all aspects of assessment generally accepted as reasonable clinical practice in the field of psychiatry including a statement of assets and deficits and results in a formulation of problems, diagnosis, and treatment recommendations.~~

~~"Psychological assessment." An assessment of the client's functioning in emotional, cognitive, intellectual and/or behavioral domains by a licensed clinical psychologist consistent with the Clinical Psychologist Licensing Act using nationally standardized psychological assessment instruments. The assessment results in a formulation of problems, tentative diagnosis and recommendation for treatment or services.~~

~~"Psychosocial rehabilitation day program." A formal program of daily services directed towards assisting clients with a mental illness to function at their highest level in the community. Clients participate, based on individual needs as determined in their treatment plan, in a variety of integrated individual and group services during the regularly scheduled formal program including counseling and adaptive functioning, stabilization and developmental interventions.~~

"Psychotropic medication monitoring and training." On-going observation of the client's response to his or her medication and information provided to a client with mental illness regarding the appropriate use of the psychotropic medication prescribed for his or her mental illness.

"Public payer." DPA, a State agency or a unit of local government that is responsible for payment for services under this Part provided to a client pursuant to a contract with the provider.

"Qualified mental health professional (QMHP)." One of the following:

~~A physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine or osteopathy with training in mental health services or one year of clinical experience, under supervision, in treating problems related to mental illness, or specialized training (the treatment of children and adolescents);~~

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~~A psychiatrist (a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60]) who has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program identified as equivalent by the Department;~~

~~A psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15] with specialized training in mental health services;~~

A licensed practitioner of the healing arts (LPHA);

A licensed social worker (LSW) possessing at least a master's ~~or doctoral~~ degree in social work and licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] with specialized training in mental health services or with 2 years experience in mental health services;

A registered nurse (RN) licensed ~~underpursuant to~~ the Nursing and Advanced Practice Nursing Act [225 ILCS 65] with at least one year of clinical experience in a mental health setting or who possesses a master's degree in psychiatric nursing;

An occupational therapist (OT) registered ~~underpursuant to~~ the Illinois Occupational Therapy Practice Act [225 ILCS 75] with at least one year of clinical experience in a mental health setting; or

~~An individual with a master's degree and at least one year of clinical experience in mental health services and who holds a license to practice marriage and family therapy pursuant to the Marriage and Family Therapy Licensing Act [225 ILCS 55]; or~~

An individual possessing at least a master's ~~or doctoral~~ degree in counseling and guidance, rehabilitation counseling, social work, vocational counseling, psychology, pastoral counseling, or family therapy or related field, who has successfully completed a practicum ~~and/or~~ internship that included ~~which includes~~ a minimum of 1,000 hours of supervised direct service, or who has one year of clinical experience under the supervision of a QMHP. qualified mental health professional, or who is a licensed social worker holding a master's degree with two years of

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~~experience in mental health services or who is a permanently licensed professional counselor under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] holding a master's degree with one year of experience in mental health services.~~

~~"Rehabilitative assessment." Assessment activities in accordance with Section 132.155 including the use of recognized professional practices and, as necessary, the administration of valid and reliable instruments in order to determine a client's need for rehabilitative services.~~

~~"Rehabilitative crisis intervention and stabilization." Intensive, face-to-face interventions with an eligible client and/or family in accordance with Section 132.155 who is experiencing an acute crisis which are intended to result in the short-term restoration of the client's or family's stability and functioning to the extent that the client is not at risk of self-harm or of removal from his or her family or of psychiatric hospitalization or abuse or neglect and/or the client is not at risk of self-harm or of causing harm to others or property.~~

~~"Rehabilitative counseling." Counseling in accordance with Section 132.155 which is intended to result in the behavioral or functional changes necessary to restore a DOC youth or an eligible client served by DCFS pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5], the Children and Family Services Act [20 ILCS 505] or the Juvenile Court Act of 1987 [705 ILCS 405] who has been determined, as the result of a mental health or comprehensive assessment, to be in need of rehabilitative counseling, to the level necessary for the client's effective day-to-day functioning.~~

~~"Rehabilitative services associate (RSA)." A rehabilitative services associate assists in the provision of services in accordance with Sections 132.150, 132.155, 132.165 and 132.170. An RSA A rehabilitative services associate must be at least 21 years of age, have demonstrated skills in the field of services to adults or children, have demonstrated the ability to work within the provider's agency structure and accept supervision, and have demonstrated the ability to work constructively with clients, treatment resources other providers and the community.~~

~~"Rehabilitative services coordination." Activities in accordance with Section 132.170 intended to directly assist DOC youths or eligible clients served by DCFS pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5], the Children and Family Services Act [20 ILCS 505] or the Juvenile Court Act of~~

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~~1987 [705 ILCS 405] to access rehabilitative services recommended by a physician or LPHA pursuant to the rehabilitative services portion of the treatment plan.~~

~~"Rehabilitative services consultation and review."—Scheduled meetings with a supervisor, the recommending physician or LPHA or with a team of professionals from multiple disciplines in accordance with Section 132.155 which are for the distinct purpose of reviewing the status of prescribed rehabilitative services and/or determining whether there is a need to change the type or content of prescribed service for DOC youths or clients served by DCFS pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5], the Children and Family Services Act [20 ILCS 505] or the Juvenile Court Act of 1987 [705 ILCS 405].~~

~~"Rehabilitative services plan (RSP)."—A written plan developed in accordance with Section 132.155 which includes identification of the problems to be addressed, the rehabilitative services to be provided and the outcomes to be achieved for DOC youths or eligible clients served by DCFS pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5], the Children and Family Services Act [20 ILCS 505] or the Juvenile Court Act of 1987 [705 ILCS 405].~~

~~"Rehabilitative stabilization services."—Specific activities in accordance with Sections 132.150 and 132.155 undertaken with DOC youths or eligible clients served by the Department or served by DCFS pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5], the Children and Family Services Act [20 ILCS 505] or the Juvenile Court Act of 1987 [705 ILCS 405] pursuant to a recommendation for rehabilitative stabilization services. The activities, which may be provided individually or in a group setting, are intended to result in the client developing or maintaining his or her best possible functional level in the areas of family, school or community.~~

~~"Rehabilitative transition, linkage and aftercare."—Activities in accordance with Section 132.170 completed with or on behalf of a DOC youth or a child for whom DCFS is legally responsible, who is being moved from one living arrangement to another living arrangement or from one provider agency to another provider agency or service provider that are intended to result in an effective transition consistent with the child's need for rehabilitative services and his or her welfare and development, including transition to adult systems of care if indicated and appropriate.~~

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"SASS." A program of intensive mental health services provided by an agency certified to provide Part 132 services and under contract to provide screening, assessment and support services to children with a mental illness or emotional disorder who are at risk for psychiatric hospitalization.

~~"Secretary." The Secretary of the Department of Human Services or his or her designee.~~

~~"Service needs evaluation." The formal process of determining the service needs of the client through an assessment of the client, utilization of information gained from available collaterals (family and associates), data from the mental health assessment and specialized intensive assessments required by the nature of the client's condition, such as a psychiatric evaluation, psychological assessment or other specialized assessment approach.~~

~~"Short term diagnostic and rehabilitative services." Services as described in Subparts E and F of this Part which may include rehabilitative assessment, service plan development, crisis intervention and stabilization, counseling, rehabilitative case management and transition, linkage and aftercare provided for a maximum of 90 days for a DOC youth or a child for whom DCFS is legally responsible and who has a substantial impairment in role functioning as indicated by an ICD-9-CM diagnosis, or has a diagnosis of a mental illness as both are defined in this Section and who resides in a specialized substitute care living arrangement.~~

~~"Site." A discrete location other than a licensed foster family home that is owned or leased by a provider for the purpose of providing Medicaid community mental health services at which staff are housed and records maintained.~~

~~"Specialized substitute care living arrangement." A residential or group care living arrangement which, if providing services to a client child, is supervised by a provider an agency which, if located in the State of Illinois, is licensed under pursuant to the Child Care Act of 1969 [225 ILCS 10] or any comparable Act in another state and is certified pursuant to this Part and when the provider which is under contract to the State agency DCFS, the Department or DOC to provide specialized substitute care.~~

"State agency." Department of Human Services, Department of Children and Family Services or the Department of Corrections.

~~"Substantial impairment of role functioning." Refers to significant limitations in~~

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~~activities of daily living, such as self care, communications, learning, work skills, social interaction, the ability to self-direct one's behavior at an age appropriate or independent level and, in the case of a child or adolescent, may include the extrusion or risk of extrusion from family due to emotional and behavioral factors.~~

"Unit of local government." A county, municipal corporation, or other local government entity organized under the laws of the State of Illinois that, pursuant to an executed intergovernmental agreement with DPA, has agreed to pay for Medicaid community mental health services.

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

Section 132.30 Application, ~~and~~ Certification and Recertification Processes~~Process~~

- a) A State agency, subject to an executed interagency agreement with DPA in its capacity as the Medicaid State agency for Illinois, is authorized to perform the functions ascribed under this Part.
- ba) Any ~~entity~~agency having a contract with ~~a State agency~~the Department, DCFS or DOC for the provision of mental health services, other than hospital inpatient or hospital outpatient psychiatric services, with DCFS for the provision of child welfare services, ~~or with DCFS or DHS for the provision of~~ youth services, or with DOC for the provision of youth treatment, rehabilitative or transitional services may apply for certification as a provider. Applicants who meet the requirements of this Part~~Successful applicants~~ will be certified by one of the State agencies~~Department or DCFS~~ and enrolled as a provider in the Illinois medical assistance program by DPA~~the Department of Public Aid~~ pursuant to 89 Ill. Adm. Code 140.11. Providers will be certified by, and subject to, Medicaid certification review by only one State agency. Providers who are certified to provide comparable Medicaid services in other states may apply to a State agency for reciprocity consideration and enrollment.
- b) ~~DCFS is authorized to perform the functions ascribed to the Department in this Section and Sections 132.35 through 132.55, in relation to human service agencies contracting with DCFS or DOC as specified in subsection (d) of this Section.~~
- c) Applications may be obtained by submitting a request in writing to:

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Illinois Department of Human Services
Bureau of Accreditation, Licensure and Certification
303 East Monroe Street, 2nd Floor East 405 Stratton Building
Springfield, Illinois 62701-62765

or

Illinois Department of Children and Family Services
Office of Medicaid Certification
406 East Monroe Street
Springfield, Illinois 62701

or

Illinois Department of Corrections
Office of Medicaid Certification
1301 Concordia Court
Springfield, Illinois 62794-9277

- d) The applicant shall submit to ~~DHS, the Department of~~ DCFS ~~or DOC~~ a completed "Application for Certification of Medicaid Community Mental Health Services Programs" with all ~~of the required~~necessary accompanying components, ~~as specified on the application form, in accordance with the following: An applicant shall submit its application to the State agency that it intends to contract with for Part 132 services.~~
- 1) ~~If an applicant intends to contract for Part 132 services with more than one State agency, the applicant shall submit its application to the State agency that provides the most funding for those Medicaid community mental health services. An applicant intending to contract under this Part solely with the Department for children and adolescents and/or adult Medicaid community mental health services shall submit its completed application to the Department; or~~
 - 2) ~~If the funding from the State agencies is equal, the applicant shall submit the application to DHS. An applicant intending to contract under this Part solely with DCFS or DOC for Medicaid community mental health services for children and adolescents shall submit its completed application to DCFS; or~~

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- 3) ~~The application shall specify the Part 132 services the applicant seeks to provide. An applicant intending to contract under this Part with both the Department and DCFS for Medicaid community mental health services for children and adolescents shall submit its application to either the Department or DCFS; or~~
 - 4) ~~An applicant intending to contract under this Part with the Department, DCFS or DOC for Medicaid community mental health services for children and adolescents and with the Department for adult Medicaid community mental health services shall submit its completed application to the Department.~~
- e) If the application form and all of the required components are in compliance with this Part, the State agency shall issue to the provider a certificate for a Medicaid community mental health services program.
~~At the discretion of the Department or DCFS, agencies submitting applications which have all components attached may be certified in accordance with the procedures outlined in either subsection (f) or (g) of this Section.~~
- 1) An applicant that submits an application that is not in compliance with this Part shall receive a Notice of Deficiencies. The State agency shall issue the Notice of Deficiencies within 30 days after receiving the application. If the applicant intends to proceed with applying for Medicaid certification, the applicant shall submit corrected documentation to address all of the deficiencies. The applicant shall submit the corrected documentation to the State agency that received the application and issued the Notice of Deficiencies.
 - 2) The State agency shall issue the certificate within 30 days after the State agency receives the completed application and all required components, including corrected documentation, if applicable. The effective date of certification shall be the date that the application or, if required, corrected documentation was approved. The State agency shall also send the Medicaid enrollment forms to the provider. The provider shall complete the enrollment forms for each certified site to enroll those sites in the Illinois medical assistance program.
- f) Certification shall be for a 3-year period. Any changes during the certification period that affect the ability of the provider to deliver services in compliance with the requirements of this Part shall be reported to the certifying State agency. For

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~~applications that have attached to them, at a minimum, a staffing roster, evidence of compliance with State and local ordinances and codes relating to fire safety for all site(s) where Medicaid reimbursable services are being provided; documentation of compliance from a licensed plumber and electrician that any structure to be used as a site is in compliance with the codes and standards pertaining to the licensing and regulation of plumbers and the National Electrical Code (see Section 132.90) and a copy of the applicant's financial audit for the last fiscal year if it is not on file with the Department or DCFS, the Department or DCFS shall conduct an on-site review within 40 working days after the receipt of the application.~~

- 1) ~~The on-site review shall determine compliance with Level I and Level II requirements of this Part. The applicant shall demonstrate full compliance with the following Level I requirements:~~
 - A) ~~Section 132.80;~~
 - B) ~~Section 132.85;~~
 - C) ~~Section 132.90;~~
 - D) ~~Section 132.95;~~
 - E) ~~Section 132.100(a), (c), (d), (e), (h) and (i);~~
 - F) ~~Section 132.105;~~
 - G) ~~Section 132.115;~~
 - H) ~~Section 132.120(a), (b), (c), (e), (g), (h) and (i);~~
 - I) ~~Section 132.125(a), (d), (e), (f) and (h);~~
 - J) ~~Section 132.130;~~
 - K) ~~Section 132.135(a)(1), (a)(2), (a)(4), (b)(1), (b)(2)(A), (b)(2)(D) and (e)(1);~~
 - L) ~~Section 132.140 (a) through (c)(1);~~

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- M) ~~Section 132.145(a)(2), (a)(3), (a)(4), and (a)(5);~~
- N) ~~Section 132.150(a), (b), (c)(1), (c)(2), (c)(3), (c)(5) through (c)(9), (d)(2), (d)(4) through (d)(9), (e)(1) through (e)(5), (f)(1), (f)(2), (f)(4), (f)(6), (f)(7), (f)(8), (g), (h), (i), (j), (k), (l), (m) and (n);~~
- O) ~~Section 132.155(a), (b), (d)(2) through (d)(8), (e)(3), (e)(4), (e)(5), (e)(7), (e)(8), (f), (g)(1), (g)(2), (g)(4), (h), (i)(1), (i)(3), (j)(1), (j)(3), (k)(1), (k)(4), (l)(1) and (l)(4);~~
- P) ~~Section 132.160;~~
- Q) ~~Section 132.165; and~~
- R) ~~Section 132.170(a), (b), (d)(1), (d)(3), (e)(1) and (e)(3).~~
- 2) ~~All requirements not identified in subsection (f)(1) of this Section are deemed Level II requirements with which the applicant shall demonstrate substantial compliance.~~
- 3) ~~For Section 132.90, the applicant's site(s) on which the Medicaid community mental health program services are offered shall be reviewed for compliance with applicable federal, State, and local laws and ordinances pertaining to safety and accessibility. For the program specific Subparts, a review of a sample of Medicaid eligible client records shall be conducted. Such sample shall consist of a minimum of 10 records from the applicant's Medicaid-eligible clients. In the event the 10 records of Medicaid-eligible clients are not available, the sample will consist of all available Medicaid-eligible client records.~~
- 4) ~~If the on-site review confirms compliance with the requirements of this Part as specified in subsections (f)(1) and (2) of this Section, the Department or DCFS shall issue a letter of certification within 20 working days from the date of completion of the on-site review and send the Medicaid enrollment forms to the applicant. Certification shall be effective the date of the first day of the on-site review.~~
- 5) ~~If the on-site review does not confirm compliance with the requirements of this Part as specified in subsections (f)(1) and (2) of this Section, the Department or DCFS shall report deficiencies to the applicant in an exit~~

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~~conference. The Department or DCFS shall also issue to the applicant, within 40 working days, a notice of deficiencies enumerating those standards of this Part with which the applicant is not in compliance. The Department or DCFS may certify a provider for participation in the program at the conclusion of the exit conference, if the applicant agrees in writing to correct all Level I deficiencies.~~

- ~~A) The certified provider shall submit a plan of correction for the deficiencies within 25 working days after the date of the postmark date on the written notice of deficiencies. The plan of correction shall identify the actions that have been, or will be, taken in order to come into compliance with this Part and the time frames for implementation of the action. Time frames for implementation of action shall not exceed three months except when deficiencies relate to major structural deficiencies related to physical accessibility of the site(s) for persons with disabilities. In such instances, implementation must occur before the end of the next complete State fiscal year following the fiscal year during which the deficiency was first documented. Applicants required to correct deficiencies related to physical accessibility may be certified in the interim upon effecting measures to reasonably accommodate persons with disabilities.~~
- ~~B) The Department or DCFS shall notify the certified provider within 20 working days after receipt and approval of the plan of correction. Providers whose certification is continued based on the Department's or DCFS' approval of their plan of correction shall be liable for any claims disallowed due to non-compliance with this Part.~~
- ~~C) If the plan of correction does not effectively address the action which has been or will be taken to meet the standards for compliance, the Department or DCFS shall notify the certified provider within 20 working days. The certified provider shall resubmit an acceptable plan of correction within 10 days after the notice or the Department or DCFS shall act to suspend or terminate certification.~~
- ~~D) If the certified provider fails to respond to the notice of deficiencies within 25 working days after the postmark date on the~~

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~~notice of deficiencies with a plan of correction, the Department or DCFS shall act to suspend or terminate certification.~~

- g) ~~Within 12 months after the date of initial certification, the certifying State agency shall conduct a review. Applications which have attached to them all components identified in Section 132. Appendix A shall be reviewed for compliance with this Part. Applications missing any components will not be accepted as complete and the time frames of this Section pertaining to applications shall not apply. The applicant shall be notified in writing of missing components within 20 working days after the receipt of the application. The applicant shall submit any missing components within 25 working days after receipt of the written notification. Applications still missing components at this time shall be returned to the applicant.~~
- 1) ~~At the review, the certifying State agency shall evaluate the provider's compliance with this Part. If the application components are in compliance with this Part, the Department or DCFS shall issue a letter of certification within 20 working days after having received the application and send the Medicaid enrollment forms to the provider. The effective date of certification shall be the date the review of the application was completed.~~
 - 2) ~~If no deficiencies are noted at the review, the certifying State agency shall notify the provider of the results within 30 days after the completion of the review. Compliance reviews for recertification shall be conducted on or about the expiration date of the current certification period. If the application includes all of the components, but one or more of the components is not in compliance with this Part, the applicant shall be notified in writing within 20 working days after receipt of the completed application of identified deficiencies. The applicant shall submit corrected documentation or an acceptable plan of correction for these deficiencies within 25 working days after the postmark date on the notice of deficiencies. The plan of correction shall identify the actions that have been, or will be, taken in order to come into compliance with this Part and the time frames for implementation of the action. If the applicant does not respond with a plan of correction within the 25 working days, the application will be considered withdrawn and returned to the applicant.~~
 - 3) ~~If deficiencies are noted at the review, the certifying State agency shall report those deficiencies to the provider during an exit conference. The certifying State agency shall also issue a Notice of Deficiencies to the~~

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~~provider within 30 days after the completion of the review. Upon receipt and approval of the corrected documentation or the plan of correction for the identified deficiencies, the Department or DCFS shall notify the applicant and issue a letter of certification and send the Medicaid enrollment forms to the applicant. The effective date of certification shall be the date on which the corrected documentation is approved or the plan of correction is implemented except when deficiencies relate to major structural deficiencies as explained in subsection (g)(4)(D) of this Section.~~

- 4) ~~If the certifying State agency issues a Notice of Deficiencies to the provider, the provider shall respond with a Plan of Correction pursuant to Section 132.45. The Plan of Correction shall address all of the deficiencies listed on the Notice of Deficiencies. The Plan of Correction must identify the actions that have been, or will be, taken to comply with this Part and the timeframes for implementing the corrective actions. Unless otherwise specified, the timeframes for implementing corrective actions must follow the requirements specified in Section 132.45. The provider must submit this Plan of Correction to the certifying State agency within 30 days after receipt of the Notice of Deficiencies. Receipt is presumed 10 days after mailing. The Department or DCFS shall schedule an on-site review to verify compliance with this Part within six months after initial certification when certification has been issued based solely on a review of the application components specified in Section 132. Appendix A.~~
- A) ~~Providers that submit a Plan of Correction approved by the certifying State agency shall be notified of the approval. The certifying State agency shall notify the provider of the approval within 30 days after the State agency receives the provider's Plan of Correction. The certifying State agency shall verify the provider's implementation of the Plan of Correction at the next review. If a Plan of Correction was required, the next review shall occur within 12 months after the date the Plan of Correction was approved. The on-site review shall determine compliance with Level I and Level II requirements of this Part. The applicant shall demonstrate full compliance with the following Level I requirements:~~
- i) ~~If the findings at the next review indicate that a provider has failed to implement a Plan of Correction, the certifying~~

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- State agency may revoke the provider's certification.
Section 132.80;
- ii) Compliance reviews for recertification shall be conducted on or about the expiration date of the current certification period.Section 132.85;
- iii) Section 132.90;
- iv) Section 132.95;
- v) Section 132.100(a), (c), (d), (e), (h) and (i);
- vi) Section 132.105;
- vii) Section 132.115;
- viii) Section 132.120(a), (b), (c), (e), (g), (h) and (i);
- ix) Section 132.125(a), (d), (e), (f) and (h);
- x) Section 132.130;
- xi) Section 132.135(a)(1), (a)(2), (a)(4), (b)(1), (b)(2)(A), (b)(2)(D) and (c)(1);
- xii) Section 132.140;
- xiii) Section 132.145(a)(1) through (a)(5);
- xiv) Section 132.150(a), (b), (c)(1), (c)(2), (c)(3), (c)(5) through (c)(9), (d)(2), (d)(4) through (d)(9), (e)(1) through (e)(5), (f)(1), (f)(2), (f)(4), (f)(6), (f)(7), (f)(8), (g), (h), (i), (j), (k), (l), (m) and (n);
- xv) Section 132.155(a), (b), (c), (d)(2) through (d)(8), (e)(3), (e)(4), (e)(5), (e)(7), (e)(8), (f), (g)(1), (g)(2), (g)(4), (h), (i)(1), (i)(3), (j)(1), (j)(3), (k)(1), (k)(4), (l)(1) and (l)(4);
- xvi) Section 132.160;

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~~xvii) Section 132.165; and~~

~~xviii) Section 132.170(a), (b), (c), (d)(1), (d)(3), (e)(1) and (e)(3).~~

- B) ~~If a provider submits a Plan of Correction that does not sufficiently address the deficiencies noted during a review, the certifying State agency shall notify the provider within 30 days after receipt of the provider's Plan of Correction. The provider shall submit a revised Plan of Correction that addresses the deficiencies within 10 days after receiving notification. The certifying State agency may revoke the provider's certification if the provider fails to submit an acceptable revised Plan of Correction within 10 days after the presumed receipt date. All requirements not identified in subsection (g)(4)(A) of this Section are deemed Level II requirements with which the applicant shall demonstrate substantial compliance.~~
- C) ~~The certifying State agency may revoke a provider's certification if the provider fails to submit a Plan of Correction for deficiencies noted during a review within 30 days after receipt of the Notice of Deficiencies. The provider's site(s) on which Medicaid community mental health program services are offered shall be reviewed for compliance with applicable federal, State, and local laws and ordinances pertaining to safety and accessibility. For the program specific Subparts, a retrospective review of a sample of Medicaid-eligible client records shall be conducted. Such sample shall consist of a minimum of 10 records of the provider's Medicaid-eligible clients. In the event that 10 Medicaid-eligible client records are not available, the sample will consist of all available Medicaid-eligible client records.~~
- D) ~~If the on-site review verifies compliance with the requirements as specified in subsections (g)(4)(A) and (B) of this Section, the Department or DCFS shall issue a letter of verification within 20 working days from the date of completing the on-site review.~~
- E) ~~If the on-site review does not verify compliance with the requirements of this Part as specified in subsections (g)(4)(A) and (B) of this Section, the Department or DCFS shall report~~

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~~deficiencies to the provider during an exit conference. The Department or DCFS shall also issue, within 20 working days after the on-site review, a notice of deficiencies to the provider enumerating those standards of this Part with which the provider is not in compliance.~~

- ~~F) The provider is required to submit a plan of correction for the deficiencies within 25 working days after the postmark date on the written notice of deficiencies. The plan of correction shall identify the actions that have been, or will be, taken in order to come into compliance with this Part and the time frames for implementation of the action. Time frames for implementation of action shall not exceed three months except when deficiencies relate to major structural deficiencies related to physical accessibility of the site(s) for persons with disabilities. In such instances, implementation must occur before the end of the next complete State fiscal year following the fiscal year during which the deficiency was first documented in writing. Providers required to correct deficiencies related to physical accessibility may be certified in the interim upon effecting measures to reasonably accommodate persons with disabilities.~~
- ~~G) If the provider fails to respond to the notice of deficiencies within 25 working days after the postmark date on the notice of deficiencies with an acceptable plan of correction, the process to suspend or terminate shall be initiated.~~
- ~~H) The Department or DCFS shall notify the provider and, within 20 working days after receipt and approval of the plan of correction, shall issue a letter approving continuation of the certification period. Providers certified based on the Department's or DCFS' approval of their plan of correction shall be liable for any claims disallowed due to non-compliance with this Part.~~
- h) Compliance reviews for recertification shall be conducted on or about the expiration date of the current certification period. If the State agency fails to conduct a compliance review for certification before the expiration of the current certification period, the certification shall remain valid until completion of the compliance review. Subsequent compliance reviews shall follow the process outlined in Section 132.30(g). Initial certification shall be for a three-year period.

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~~Any changes during the certification period which affect the ability of the provider to deliver services in compliance with the requirements of this Part shall be reported to the Department or DCFS.~~

- i) ~~The certifying State agency, DPA, or their respective agents, shall be granted access to all provider sites. All records shall be made available to the State agency, DPA, or their respective agents, on request during the initial certification review, recertification reviews and any other compliance reviews for services delivered under this Part. Access to records shall occur in accordance with the Confidentiality Act. When a decision is made to not certify an applicant, the applicant may appeal the decision and request a hearing in accordance with Section 132.55 of this Part and Section 10-25 of the Illinois Administrative Procedure Act [5 ILCS 100/10-25].~~
- j) ~~When a decision is made to deny certification of an applicant or recertification of a provider, the applicant/provider may appeal the decision and request a hearing in accordance with Section 132.55 of this Part and Section 10-25 of the Illinois Administrative Procedure Act [5 ILCS 100/10-25].~~
- k) ~~If an applicant/provider has been denied certification or recertification, or if the provider's certification has been revoked, the applicant/provider may not reapply for certification under this Part for at least one year after the date of the final decision, including any appeals regarding certification, recertification or revocation.~~
- l) ~~Following a review, a provider shall be notified of its level of compliance with this Part as specified in Section 132.45.~~
- m) ~~The findings from a review shall be placed in one of the levels of compliance as described in Section 132.45.~~
- n) ~~Providers that seek certification for new sites shall submit the following documentation to the certifying State agency:~~
 - 1) ~~A clearance letter from the Office of the State Fire Marshal or approved local fire authority, dated within the preceding 12 months, stating that each additional site complies with local and State fire safety ordinances and codes pursuant to Section 132.90. For providers certified by DHS, the clearance letter must come from the Office of the State Fire Marshal only.~~

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- 2) A signed statement from a licensed plumber or licensed architect, dated within the preceding 12 months, stating that each additional site complies with applicable plumbing codes pursuant to Section 132.90.
- 3) A signed statement from a licensed electrician or licensed architect, dated within the preceding 12 months, stating that each additional site complies with applicable electrical codes pursuant to Section 132.90.
- 4) A signed statement from the provider, dated within the preceding 12 months, attesting to compliance with requirements of physical accessibility standards pursuant to Section 132.90.
- o) Providers that seek certification for additional Part 132 services shall submit a description of the additional services. The description shall state how the additional services will be provided within the provider's program and shall include a listing of the LPHAs and QMHPs who will be responsible for directing the services. The provider shall submit the documentation for certification of additional services to the certifying State agency.
- p) Additional sites or services must be approved by the certifying State agency before the additional sites or services may be considered for certification.
- q) The provider's application for certification of additional sites or services shall be processed by the certifying State agency according to the provisions outlined in Section 132.30(e). Approved additional sites or services shall be indicated on a revised certificate. If additional sites are certified, the provider shall enroll those sites in the Illinois medical assistance program. The addition of sites or services will not alter the expiration date of the certificate.
- r) The certifying State agency shall survey any additional sites or services during the next review.

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

Section 132.35 Recertification and Reviews (Repealed)

- a) ~~The Department or DCFS shall conduct a full compliance review prior to the end of the initial certification. A provider found in compliance with this Part subsequent to initial certification shall be issued a letter of certification within 20 working days, extending for three years from the date on which the prior~~

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~~certification period expired or will expire. Any changes during the certification period which affect the ability of the provider to deliver services in compliance with the requirements of this Part shall be reported to the Department or DCFS.~~

- b) ~~A provider found not in compliance with this Part shall be issued a notice of deficiencies within 40 working days. The provider shall be required to submit a plan of correction for these deficiencies within 25 working days after the postmark date of the notice of deficiencies. Time frames for implementation of action shall not exceed three months except when deficiencies relate to major structural deficiencies related to physical accessibility of the site(s) for persons with disabilities. In such instances, implementation must occur before the end of the next complete State fiscal year following the fiscal year during which the deficiency was first documented in writing. The Department or DCFS shall issue a letter of certification upon approving the plan of correction. This certification shall extend for three years from the date on which the prior certification period expired or will expire.~~
- e) ~~A provider which fails to submit a plan of correction or submits a plan of correction that is not approved by the Department or DCFS shall be subject to the suspension and termination provisions in Sections 132.45 and 132.50.~~
- d) ~~A focused review shall be conducted to verify the implementation of a plan of correction, to inspect new services and/or sites for which a provider seeks additional certification, to investigate complaints and/or to review major program changes related to the ability of the provider to deliver services in compliance with this Part. A focused review shall include an on-site survey when visual inspection is necessary.~~
- e) ~~If a recertified provider has a plan of correction on file with the Department or DCFS, a focused review shall be conducted within 12 months.~~
- f) ~~If the Department or DCFS fails to conduct a compliance review for recertification before the expiration of the current certification period, the certification shall remain valid until completion of such compliance review.~~
- g) ~~Subsequent compliance reviews for recertification will be conducted on or about the expiration date of the current certification period.~~
- h) ~~The Department or DCFS shall be granted access to all provider sites. Client records and all other records shall be made available to the Department or DCFS,~~

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~~on request, during the initial compliance survey, focused review(s) and three-year full compliance survey(s) required by this Section, in accordance with the Confidentiality Act.~~

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

Section 132.40 Certification for Additional Medicaid Community Mental Health Services and/or New Site(s) (Repealed)

- a) ~~Providers certified for specific Medicaid community mental health services pursuant to this Part that seek certification for the provision of additional Medicaid community mental health services shall submit the following documentation:~~
- 1) ~~A detailed program description of the service(s) delineating how the new service(s) is to be provided, when and where the service(s) is to be provided and who will provide the service(s), including staff qualifications; and~~
 - 2) ~~If the service is to be provided at a site which has not already been certified, a clearance letter from the local fire authority or the Office of the State Fire Marshal and statements from a licensed plumber and licensed electrician stating that the site(s) meets required local codes for their respective professions, and a letter from the provider attesting to compliance with the requirements of physical accessibility standards (see Section 132.90). (A statement from a local building inspector, a licensed architect, a licensed professional engineer or an electrical contractor will meet the plumber and electrician requirements.)~~
- b) ~~Providers certified for specific Medicaid community mental health services pursuant to this Part that seek certification for new site(s) shall comply with the documentation requirements specified in subsection (a)(2) of this Section.~~
- c) ~~The provider's request to certify additional Medicaid community mental health services or new site(s) shall be submitted to the Department to which the original application was submitted.~~
- d) ~~The documentation listed in subsections (a)(1) and/or (a)(2) of this Section will be reviewed for compliance within 20 working days after receipt.~~

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- 1) ~~If the review determines that the provider is in compliance with the requirements for certification for an additional Medicaid community mental health service(s) and/or new site(s), the provider shall be notified and a new Medicaid certificate issued with the same expiration date as the current certificate. The certificate shall identify the additional Medicaid community mental health service(s) or new sites certified. The Department or DCFS shall conduct a focused review within 18 months or at the next scheduled review, whichever comes first, to verify compliance with the requirements for new services only. The Department or DCFS shall conduct a focused review within 12 months after the Department's or DCFS' approval of the new site(s), whichever comes first, to verify compliance with the requirements for new site(s) only or both new site(s) and new services.~~
- 2) ~~If the review determines that the provider is not in compliance with the requirements for certification for additional service(s) or new site(s), the provider shall be notified of the deficiencies in writing within 20 working days after receipt of the documentation as identified in subsections (a)(1) and/or (a)(2) of this Section. The provider shall submit an acceptable plan of correction for these deficiencies within 25 working days after the postmark date on the notice of deficiencies.~~
- A) ~~Upon the Department's or DCFS' receipt and approval of a plan of correction, the provider shall be notified and a new Medicaid certificate issued with the same expiration date as the current certificate. The certificate shall identify the additional Medicaid community mental health service(s) and/or new site(s).~~
- B) ~~The Department or DCFS shall conduct a focused review to verify implementation of the plan of correction for new site(s) at the next scheduled review or within six months after the Department's or DCFS' approval of the new sites, whichever comes first. The Department or DCFS shall conduct a focused review to verify the implementation of the plan of correction for new services at the next scheduled review or within 18 months of the Department's or DCFS' approval of the new services, whichever comes first.~~

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

Section 132.42 Post-Payment Review

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The ~~State agency~~ Department, DCFS or DOC may conduct on-site post-payment reviews to determine compliance with documentation requirements of this Part and to determine amounts subject to recoupment ~~to the Department, DCFS or DOC when documentation is not in compliance with this Part.~~

- a) The ~~State agency~~ Department, DCFS or DOC shall compare billed services to those listed on the ~~individual treatment plan (ITP)~~ or Admission Note ~~rehabilitative services plan (RSP)~~ in effect at the time service was provided. The ~~State agency~~ Department, DCFS or DOC will determine that the following are unsubstantiated:
- 1) ~~Billings~~ billings for services without ~~a completed~~ an ITP or Admission Note ~~RSP~~ being in effect (except for mental health ~~or rehabilitative~~ assessment; ITP ~~or RSP~~ development, review and modification; crisis intervention; ~~or rehabilitative crisis intervention and stabilization; mental health/rehabilitative social history; rehabilitative~~ transition, linkage, and aftercare; ~~or~~ and mental health case management pursuant to Section 132.165(a)(1) ~~when immediate assistance is needed to obtain food, shelter and clothing;~~
 - 2) ~~Billings~~ billings for services that the ~~provider~~ agency is not certified to provide;
 - 3) ~~Billings~~ billings for services not listed on the ITP or Admission Note, ~~RSP~~ (except for mental health ~~or rehabilitative~~ assessment; ITP ~~or RSP~~ development, review and modification; crisis intervention; ~~or rehabilitative crisis intervention and stabilization; mental health/rehabilitative social history; rehabilitative~~ transition, linkage, and aftercare; ~~or~~ and mental health case management pursuant to Section 132.165(a)(1) ~~when immediate assistance is needed to obtain food, shelter and clothing; and/;~~ or
 - 4) ~~Billings that~~ billings which do not comply with the documentation required in this Part.
- b) The post-payment review must verify compliance with the documentation requirements identified in subsection (a) of this Section.

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- c) The State agency will report its findings to the provider through an Initial Notice of Unsubstantiated Billings.
- 1) The initial notice will be sent to the provider within 30 days after the completion of the on-site review.
 - 2) The provider will have 30 days after the receipt of the initial notice to submit documentation that was not available during the on-site review. Documentation submitted may not include anything produced following the on-site review.
 - A) The State agency will review the additional documentation within 14 days after receipt to determine if it meets the requirements of this Part.
 - B) Adjustments will be made to the State agency's findings if the additional documentation meets the requirements of this Part.
- d) The State agency will report the final outcome to the provider through a Final Notice of Unsubstantiated Billings or a Notice of Suspension from Billing.
- 1) When a provider receives a Notice of Suspension from Billing, the provider will immediately stop submitting bills for Medicaid community mental health services under this Part.
 - 2) The provider will have 90 days to make corrections to its documentation processes to bring them into compliance with this Part.
 - 3) When the provider notifies the State agency in writing that they have made the necessary corrections, the State agency will review them for compliance with this Part within 14 days.
 - 4) If compliant, the provider will be notified by mail and may resume billing.
 - 5) The provider may submit bills that have the required documentation for services provided during the suspension.
 - 6) If corrections are not made within 90 days, the State agency may revoke the provider's certification.

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- ee) If the ~~State agency~~~~Department, DCFS or DOC~~ finds evidence of suspected Medicaid fraud or abuse, the ~~State agency~~~~Department, DCFS or DOC~~ shall refer such evidence to DPA~~the Department of Public Aid~~, Office of Inspector General for further action.
- f) DPA, in its capacity as the Medicaid single state agency for Illinois, may conduct on- or off-site reviews of payments made by any and all public payers to a provider.
- gd) The provider may appeal the ~~State agency's~~~~Department's, DCFS' or DOC's~~ intent to recover funds as specified in Section 132.44~~132.55~~.

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

Section 132.44 Appeal of Post-Payment Review Findings

- a) If the State agency determines that the provider is not in compliance with the billing documentation requirements of this Part pursuant to a post-payment review conducted in accordance with Section 132.42, the State agency shall notify the provider in writing of its findings. The notice shall include:
- 1) The reason for the State agency's findings;
 - 2) A statement of the provider's right to request a hearing within 20 days after the provider's receipt of the written notice;
 - 3) A statement of the legal authority and jurisdiction under which the hearing is to be held; and
 - 4) The address where a request for hearing may be filed.
- b) If a provider chooses to appeal the State agency's findings, the provider shall submit a written request for a hearing to the State agency within 20 days after the date of receipt of the written notice.
- c) The sole issue at the hearing shall be whether the provider is in compliance with billing documentation requirements set forth in this Part.
- d) The request for hearing shall be filed with, and received by, the State agency within 20 days after the date of the receipt of the written notice to the provider.

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- e) Hearing process
- 1) DPA's hearing rules for medical vendor hearings at 89 Ill. Adm. Code 104.200 shall apply, except that the following Sections do not apply to these hearings: 104.204, 104.206, 104.208, 104.210, 104.216, 104.217, 104.221, 104.260, 104.272, 104.273 and 104.274.
 - 2) The State agency shall, within 5 days after receiving the appeal, send a copy of the appeal to the Illinois Department of Public Aid Vendor Hearings Section, 401 South Clinton, 6th Floor, Chicago, Illinois 60607.
 - 3) The appellant shall direct all subsequent communications relevant to the hearing to the DPA Vendor Hearings Section.
 - 4) An administrative law judge appointed by DPA shall conduct the hearing.
 - 5) A recommended decision shall be submitted to the Director of Public Aid and copies mailed to the parties, in accordance with the provisions of 89 Ill. Adm. Code 104.290. A copy shall also be mailed to the State agency that referred the matter to DPA.
- f) Final administrative decision
The Director of Public Aid shall issue a final administrative decision in accordance with the provisions of 89 Ill. Adm. Code 104.295.
- g) Judicial review
The final administrative decision shall be subject to judicial review exclusively as provided in Article 3 of the Code of Civil Procedure [735 ILCS 5/3-101ff].
- h) A provider shall be liable for reimbursement of claims submitted from the date of the final administrative decision pursuant to this Section if such decision results in an adverse finding for the provider.

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

Section 132.45 Compliance with Certification Requirements~~Suspension of certification~~

- a) Medicaid community mental health service providers shall be recognized according to levels of compliance with standards as set forth in this Part.

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Providers with findings of Level 1 and 2 will be considered to be in good standing with the State agency. The levels of compliance are:

- 1) Level 1 – Compliant: No written Plan of Correction will be required of the provider.
- 2) Level 2 – Substantial compliance: A Notice of Deficiencies is issued. The provider shall submit a written Plan of Correction to address the identified deficiencies. Within 12 months after the date that a Plan of Correction is approved, the State agency shall conduct a review to evaluate the provider's implementation of the Plan of Correction. If the provider fails to submit and implement a Plan of Correction within the designated time frame, the State agency may revoke the provider's certification to provider services pursuant to this Part.
- 3) Level 3 – Minimal compliance: A Notice of Deficiencies is issued. The provider shall submit a written Plan of Correction to address the identified deficiencies. Within 90 days after the date that a Plan of Correction is approved, the State agency shall conduct a review to evaluate the provider's implementation of the Plan of Correction. The provider's level of compliance must reach at least Level 2 to demonstrate implementation of the Plan of Correction. If the provider fails to submit and implement a Plan of Correction within the designated time frame, the State agency may revoke the provider's certification to provide services pursuant to this Part.
- 4) Level 4 – Unsatisfactory compliance: A Notice of Deficiencies is issued. The provider shall submit a written Plan of Correction to address the cited deficiencies. Within 60 days after the date that a Plan of Correction is approved, the State agency shall conduct a review to evaluate the provider's implementation of the Plan of Correction. The provider's level of compliance must reach at least Level 3 to demonstrate implementation of the Plan of Correction. Within 90 days after the date that the Plan of Correction was approved, the provider's level of compliance must reach at least Level 2 to demonstrate implementation of the Plan of Correction. If the provider fails to submit and implement a Plan of Correction within the designated time frames, the State agency may revoke the provider's certification to provide services pursuant to this Part.

Failure to comply with the requirements of this Part during a certification period shall result in the certified provider being suspended from participation in the Medicaid community mental health services program.

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- b) When a written Plan of Correction is required, the provider shall submit the Plan of Correction, within 30 days after receipt of the Notice of Deficiencies. The Department or DCFS shall issue a written warning and a correction order to a certified provider which has failed to comply with this Part. The following shall occur as a result of such suspension:
- 1) The provider shall have a maximum of 60 working days from the postmark date of the written notice to correct the cited deficiencies.
 - 2) If the provider does not correct the cited deficiencies within 60 working days, the Department or DCFS shall refer the matter to the Department of Public Aid for action to terminate the provider's participation in the medical assistance program pursuant to 89 Ill. Adm. Code 140.16.
 - 3) A provider shall be liable for reimbursement of claims submitted from the date of the final administrative decision pursuant to Section 132.55 if such decision results in an adverse finding for the provider.
- c) The provider shall take immediate corrective action if the State agency The Department or DCFS will immediately suspend a certified provider, and such suspension shall not be stayed pending an appeal, if it determines:
- 1) Provider meets any of the grounds for termination set forth in 89 Ill. Adm. Code 140.16-Clinical supervision of services, as specified in each Subpart, is not being provided or;
 - 2) Provider has discontinued delivery of all Medicaid community mental health services for which the provider has been certified. The provider's staff is inflicting physical or mental injury or sexual assault on the clients;
or
 - 3) Provider has been convicted of defrauding the medical assistance program under Section 8A-1ff of the Illinois Public Aid Code [305 ILCS 5/8A-1ff. The site in which the services are provided presents an immediate danger to clients, such as a gas leakage in the heating system.
- d) In the event that all contracts between the provider and a State agency for the provision of services under this Part are terminated, certification of the provider shall likewise be revoked and DPA will be advised of this by the State agency.

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~~The provider is solely liable for the cost of services provided after a contract has been terminated or certification has been revoked. The suspension shall continue until the Department or DCFS determines that the cited deficiencies have been corrected or until action pursuant to subsections (b)(1) and (b)(2) above is taken.~~

- e) ~~The Department or DCFS shall notify the Department of Public Aid of any action taken pursuant to this Section and further shall refer any evidence of Medicaid fraud within 10 working days to the Department of Public Aid for further action.~~

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

Section 132.50 Revocation of Certification~~Termination of certification~~

- a) ~~The State agency shall issue~~A provider shall be issued a written notice ~~revoking~~terminating certification during a certification period for any of the following:
- 1) ~~Provider meeting~~Meeting any of the grounds for termination set forth in 89 Ill. Adm. Code 140.16; or
 - 2) ~~Provider discontinuing~~Discontinuing delivery of all Medicaid community mental health services for which the provider has been certified; or
 - 3) ~~Provider being~~Being convicted of defrauding the medical assistance program under Article VIII A of the Illinois Public Aid Code [305 ILCS 5/8A-1ffArt. VIII A]; ~~or~~
 - 4) ~~Failing to submit and/or implement a plan of correction for cited deficiencies.~~
- b) In the event that all contracts between the provider and a State agency~~the Department, DCFS or DOC~~ for the provision of services under this Part are terminated, certification of the provider shall likewise be ~~revoked~~terminated and DPA the Department of Public Aid~~will be advised of this by the State agency~~Department, DCFS or DOC. The provider is solely liable for the cost of services provided after a contract has been terminated or certification has been revoked.

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

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Section 132.55 Appeal of Certification Decisions~~Criteria and Process~~

- a) An applicant or provider may appeal the following to the certifying State agency:
Grounds for appeal by the provider:
- ~~1)~~ Determination of non-compliance with this Part;
 - 12) Refusal to issue certification;
 - 23) Refusal to issue recertification; or
 - 34) Revocation~~Suspension or termination~~ of certification~~any or all Medicaid community mental health services;~~ or
 - ~~5)~~ Notice of intent to recover funds following a post-payment review.
- b) Certification appeal criteria and process
- 1) If the State agency ~~either the Department or DCFS~~ determines that certification or ~~the~~ recertification should not be issued or that certification should be revoked, the State agency ~~suspended or terminated during a certification period because of non-compliance with the provisions of this Part, either the Department or DCFS~~ shall send, by certified registered mail, written notice to the applicant or the ~~certified~~ provider within 30 ~~working~~ days after the determination. The notice shall contain the specific requirements with which the applicant or provider has not complied with the State agency's, ~~either the Department's or DCFS'~~ proposed action, and the applicant or provider rights as follows:
 - A) If the applicant or ~~certified~~ provider chooses to appeal the State agency's ~~either the Department's or DCFS'~~ decision, the applicant or provider shall submit a written request for a hearing to the State agency~~Department or DCFS~~ within 20 ~~working~~ days after the date of receipt of the notice. Receipt is presumed 10~~ten~~ days after mailing.
 - B) If an appeal is initiated by a ~~certified~~ provider, services shall be continued pending a final administrative decision unless the State agency also determines, and notifies the provider, that conditions specified in Section 132.45(c) apply.

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- C) The request for a hearing shall be addressed to the appropriate State agency as follows:

Illinois Department of Human Services
Bureau of Administrative Hearings
100 South Grand Avenue East, 3rd Floor
Springfield IL 62762-0001

or

Illinois Department of Children and Family Services
Office of Medicaid Certification
406 East Monroe
Springfield IL 62701-1498

or

Illinois Department of Corrections
Office of Medicaid Certification
1301 Concordia Court
Springfield IL 62794-9277

- 2) If the applicant or ~~certified~~ provider does not submit a request for a hearing, as provided in this Part, or if, after conducting the hearing, the State agency either the Department or DCFS determines that the certification or recertification should not be issued or that the certification should be ~~revoke~~~~suspended~~~~or terminated~~, the State agency either the Department or DCFS shall issue an order to that effect. If the order is to ~~revoke~~~~suspend~~~~or terminate~~ the certification, it shall specify that the order takes effect upon receipt by the ~~certified~~ provider, and that the provider shall not provide Medicaid community mental health ~~program~~ services during the pendency of any proceeding for judicial review of the State agency's Department's or DCFS' decision, except by court order.

- e) ~~Intent to recover funds appeal criteria and process~~

- 1) ~~If either the Department or DCFS determines that the provider is not in compliance with the billing documentation requirements of this Part pursuant to a post-payment review conducted in accordance with Section~~

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~~132.42 of this Part, it shall submit written notification of the Department's or DCFS' intent to recover funds in a Final Notice of Unsubstantiated Billings or Notice of Suspension of Billing. The notice shall set forth:~~

- ~~A) the reason for the Department's or DCFS' action;~~
 - ~~B) a statement of the right to request a hearing within 20 working days after the provider's receipt of the Final Notice of Unsubstantiated Billings or Notice of Suspension of Billing;~~
 - ~~C) a statement of the legal authority and jurisdiction under which the hearing is to be held;~~
 - ~~D) the date after which the Department or DCFS will start to recover money by deducting from Department or DCFS obligations to the provider, unless the provider submits a written request for a hearing in accordance with subsection (c)(1)(B); and~~
 - ~~E) that the provider must submit necessary corrections to the billing information previously submitted and that the Department or DCFS will adjust payments to the provider upon receipt of those adjustments.~~
- ~~2) If the provider chooses to appeal the Department's or DCFS' intent to recover money, the provider shall submit a written request for a hearing to the Department or DCFS within 20 working days after the date of receipt of the Final Notice of Unsubstantiated Billings or Notice of Suspension of Billing. Receipt is presumed ten days after mailing.~~
- ~~3) The sole issue at the hearing requested by a provider appealing a Final Notice of Unsubstantiated Billings or Notice of Suspension of Billing following a post-payment review shall be whether the provider is in compliance with billing documentation requirements set forth in this Part and identified in the Final Notice of Unsubstantiated Billings or Notice of Suspension of Billing.~~
- d) Hearing process
- 1) The hearing shall be conducted by an impartial administrative law judge appointed by the Department of Public Aid (DPA).

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- 2) ~~DPA's hearing rules for medical vendor hearings at 89 Ill. Adm. Code 104.200 shall apply, except that the following Sections do not apply to these hearings: 104.204, 104.206, 104.208, 104.210, 104.216, 104.217, 104.221, 104.260, 104.272, 104.273, and 104.274.~~
- 3) ~~The appeal shall be filed with, and received by, the Department's Bureau of Administrative Hearings, 100 South Grand Avenue East, 3rd Floor, Springfield, IL 62762, within 20 working days after the date of receipt of the notice.~~
- 4) ~~The Department or DCFS shall send a copy of the appeal to the DPA Vendor Hearings Section, 401 South Clinton Avenue, 6th Floor, Chicago, IL 60607 within five days after receiving the appeal.~~
- 5) ~~The appellant shall direct all non-written communications relevant to the hearing to the Bureau Chief of the Department's Bureau of Administrative Hearings or to DCFS, who shall send them to the DPA Vendor Hearings Section.~~
- 6) ~~A recommended decision shall be submitted to the DPA Director and copies mailed to the parties, in accordance with DPA's rule at 89 Ill. Adm. Code 104.290. A copy shall also be mailed to the Bureau Chief of the Department's Bureau of Administrative Hearings or to DCFS.~~
- e) ~~Final administrative decision
The Director of the Department of Public Aid shall issue a final administrative decision in accordance with DPA's rule at 89 Ill. Adm. Code 104.295.~~
- f) ~~Judicial review
The final administrative decision shall be subject to judicial review exclusively as provided in the Administrative Review Law [735 ILCS 5/Art. III].~~

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

Section 132.60 Rate Settingsetting

- a) ~~The State agency shallDepartment, DCFS and/or DOC will compute rates of reimbursement for services under this Part which are reimbursed under the Medicaid community mental health services program. The rates will be computed~~

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~~for each State fiscal year and will be effective only 30 days after approval by DPA in its capacity as the Medicaid single state agency is received from the Department of Public Aid. The rates shall be in effect for one State fiscal year. Providers and the public shall be informed of any changes in the methods and standards of determining payment rates for services funded under this Part pursuant to 42 CFR 447.205.~~

- b) ~~Reimbursement rates will be the product of hourly payment rates and services units designated as fractions or multiples of service hours as indicated in Section 132. Appendix B.~~
- be) ~~Rate calculation~~ Hourly payment rates for each Medicaid community mental health service are computed from the following factors:
- 1) ~~For services authorized by this Part to be reimbursed at fractions of or multiples of service hours, the State agency shall calculate rates on an hourly basis. Rates shall be calculated for each of the direct care staff classifications (RSAs, MHPs, QMHPs, and RNs) as the sum of average annual direct care wages and salaries (including paid benefits) and annual per person overhead and administrative costs necessary for direct care staff divided by billable annual direct care staff hours. Hourly wages and salaries for direct care staff (QMHP, MHP, and RSA) who are authorized to provide billable services;~~
 - 2) ~~Average annual direct care wages and salaries shall be obtained for each of the 4 direct care staff classifications from the most recent State of Illinois Consolidated Financial Reports, as submitted to meet the requirements in Section 132.80(b). Annual per person overhead and administrative costs necessary for direct care staff shall be calculated from a model of reasonable and efficient operation and include consideration of the cost of administrative staff, support staff, clinical supervisory staff, and site operation. Billable annual direct care staff hours shall be calculated from a model of reasonable and efficient operation and include the consideration of direct care staffing activities necessary to produce billable services that are not themselves billable, such as training, travel, documentation, and missed appointments. Hourly paid benefits for direct care staff;~~
 - 3) ~~Hourly Medicaid reimbursable community provider operating expenses other than direct care staff salaries, wages, and paid benefits;~~

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- 4) ~~Time spent in delivering services which may be billed; and~~
- 5) ~~Client staff ratios.~~
- A) Hourly crisis service rates shall be calculated in the manner described above and multiplied by a factor of 1.6 to compensate for availability of 24 hours per day, 7 days per week.
- B) Hourly rates for services that may be provided for groups of clients shall be calculated in the manner described above and divided by the maximum allowable group size as specified in Section 132.150, with an allowance for incomplete attendance or participation.
- cd) ~~Mental health~~Rehabilitative services described in ~~Subpart C~~Subparts E and F of this Part may be integrated into a comprehensive array and billed on a per diem basis and defined on an individual specialized substitute care provider basis by the ~~State agency~~Department, DCFS or DOC using the factors enumerated in subsection ~~(b)~~(e) of this Section.

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

SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

Section 132.65 Organizational Requirementsstructure

- a) The ~~provider administrative organization~~ shall ~~operate~~ promote effective operation of the various programs in a manner consistent with all applicable State laws; and federal regulations, and adopted procedures of the provider.
- b) A provider ~~shall have written~~must present written documentation of the existence of operating policies and procedures ~~that which~~ detail and explain the operation of programs and the delivery of services, including a description of staff decision-making authority.
- c) A provider ~~shall have~~must present proof of insurance against professional and physical liabilities.
- d) A provider shall ensure the availability of staff ~~and/or~~ consultants capable of using

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~~languages~~language(s) or ~~methods~~method(s) of communication used by Medicaid-eligible clients served by the provider.

- e) The provider shall have an active system of program evaluation.
- 1) This system shall monitor quantitative characteristics such as caseload information and qualitative characteristics such as client satisfaction.
 - 2) The evaluation system shall include mechanisms for producing evaluation reports that describe the outcome of monitoring activities and provide for the use of the results to improve the program.

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

Section 132.70 Personnel and Administrative Recordkeeping~~administrative recordkeeping~~

- a) The provider shall have a comprehensive set of personnel policies and procedures that include, but are not limited to:
- 1) Job descriptions and qualifications and, including but not limited to documentation of current licensure, and certification ~~shall be maintained~~ for all staff, including those on contract with physicians who are employed either directly or by contract by the provider or by an agency subcontracting with the provider or program, the provider or with an entity subcontracting with the provider;
 - 2) Documentation~~Providers shall assure in writing~~ that staff providing or supervising services pursuant to this Part meet the staff qualifications defined in this Part, and that their individual performance is evaluated no less frequently than once every 12~~twelve~~ months; and-
 - 3) Documentation~~Providers shall have documentation~~ that the provider ~~has they have~~ written personnel policies concerning ~~the~~ hiring, evaluating, ~~and~~ disciplining and terminating~~(including terminating)~~ of staff.
- b) The provider shall document professional~~that it provides directly or indirectly for~~ development and continuing education activities for staff to ~~of its employees~~ which broaden their ~~existing~~ knowledge in ~~the field of~~ mental health and related areas.

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- c) ~~A provider certified or funded by DHS~~~~an agency~~ shall not employ a person in any capacity until the ~~provider~~~~agency~~ has inquired of the Department of Public Health as to information in the Nurse Aide Registry concerning the person. If the Registry has information substantiating a finding of abuse or neglect against the person, the ~~provider~~~~agency~~ shall not employ him or her in any capacity.

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

Section 132.75 Program Evaluation ~~(Repealed)~~

~~The provider must document that it has and uses an active system of program evaluation for purposes of determining the degree to which the services are meeting their goals and objectives.~~

- a) ~~This system shall monitor quantitative characteristics such as caseload information, and qualitative characteristics such as client satisfaction.~~
- b) ~~The evaluation system shall include mechanisms for producing evaluation reports which describe the outcome of monitoring activities.~~
- e) ~~The evaluation reports shall summarize data into useful information and provide recommendations for remedial action when necessary.~~

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

Section 132.80 Fiscal ~~and Statistical~~ Requirements

- a) Providers shall ~~provide written assurances that they will submit billings in the manner specified by the Department, DCFS or DOC, as applicable, and that they have a formal accrual accounting system in accordance with Generally Accepted Accounting Principles (GAAP) (Harcourt, Brace, Jovanovich, Publisher (1989)).~~
- b) ~~The provider shall submit to the Department, DCFS or DOC, as applicable, annually an independent audit report consistent with each respective agency's contracts, rules and/or regulations. These required audit reports shall be prepared in accordance with the current American Institute of Certified Public Accountants generally accepted auditing standards appropriate for the provider and in accordance with relevant federal single audit requirements (e.g., U.S. Office of Management and Budget Circular A-128 (April 12, 1985) or Circular A-133 (Single Audit Information Service, Thompson Publishing Group, 1725 K. Street N.W., Suite 200, Washington, DC 20006)). The report shall contain all applicable~~

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~~statements including the basic financial statement presenting the financial position of the organization, the results of its operation, and changes in fund balances or retained earnings. The report shall contain the certified public accountant's opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an opinion cannot be expressed. If the certified public accountant expresses a qualified opinion, a disclaimer of opinion, or an adverse opinion, the reason shall be stated. (A report will not be accepted if the certified public accountant's opinion is qualified or denied because the provider placed an unnecessary limitation on the scope of the audit.)~~

- ~~be)~~ The provider shall ~~also~~ submit to the certifying State agency within 180 days after the end of the State fiscal year the State of Illinois Consolidated Financial Report ~~to the Department, DCFS or DOC, as applicable,~~ unless the State agency~~Department, DCFS or DOC~~ extends the time-frame for a provider having a different fiscal year than the State of Illinois.
- ~~cd)~~ The provider shall ~~also~~ comply with the requirements governing audits, false reporting and other fraudulent activities pursuant to 89 Ill. Adm. Code 140.30 and 140.35 for services provided to Medicaid-eligible clients. ~~The provider will be held responsible for any claims disallowed resulting from non-compliance with this Part.~~
- ~~e)~~ ~~Each provider shall contract with the Department, DOC and/or DCFS for the provision of Medicaid community mental health services.~~
- ~~df)~~ Billings for services rendered under the Medicaid community mental health services program ~~shall~~must be submitted only by ~~thea~~ thea provider of the service and only to the public payer with which the provider has contracted for the service~~the Department, DCFS or DOC, as applicable,~~ in the manner required by each public payer~~department.~~ The billings shall include the following:
- ~~1)~~ ~~A claim for reimbursement for each covered item of service provided to a client.~~
 - ~~2)~~ ~~A claim for reimbursement shall be submitted during the State fiscal year that the service was delivered but in no case shall a claim be submitted later than one year from the date on which the service was provided.~~
 - ~~3)~~ ~~The provider shall keep and make available such hard copy records and source documents associated with each submitted reimbursement claim as~~

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~~necessary to disclose fully the nature and extent of service billings included therein.~~

- 4) ~~Each reimbursement claim submitted to the Department, DCFS or DOC, as applicable, shall be accompanied by a transmittal document providing a description of the claim for reimbursement (submitting provider, number of claim transactions, etc.) and a signed certification for each such batch.~~
- e) ~~The provider shall determine if there are any third party payers liable for treatment costs incurred by a client and shall follow procedures for seeking payment from these parties and for calculating subsequent Medicaid charges as outlined in 89 Ill. Adm. Code 140.~~
- g) ~~The provider shall report to the Department, DCFS or DOC, as applicable, information regarding the client's private insurance coverage or third party liability coverage on the claim transaction. In addition, adjustments to prior approved claims must be submitted on the claim transaction. The provider shall bill all other third parties prior to billing the Department, DCFS or DOC, as applicable, for services and shall maintain a record of all such billings and payments received.~~
- h) ~~Day treatment services such as intensive stabilization and extended treatment and rehabilitation shall be reimbursed at an hourly rate per client payable to the nearest hour. Billable services are limited to eight hours per day up to seven days per week. Comprehensive mental health and comprehensive rehabilitation services shall be reimbursed at a daily rate per client. All other mental health services shall be reimbursed at an hourly rate per client payable to the nearest quarter hour.~~
- i) ~~Psychiatric services provided by physicians are reimbursed directly by the Department of Public Aid.~~

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

Section 132.85 Recordkeeping

- a) The provider shall maintain records, including but not limited to in the regular course of business the following:
- 1) All payments received, including cash; ~~Any and all business records which~~

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~~provide written documentation of financial arrangements between the provider and other providers in the program and other entities, or which are necessary to determine compliance with this Part, including but not limited to:~~

- ~~A) Business ledgers of all transactions;~~
- ~~B) Records of all payments received, including cash;~~
- ~~C) Records of all payments made, including cash;~~
- ~~D) Corporate papers, including stock record books and minute books;~~
- ~~E) Records of all arrangements and payments related in any way to the leasing of real estate or personal property, including any equipment;~~
- ~~F) Records of all accounts receivable and payable; and~~
- ~~G) Hard copy and source documents relating to the creation of the service billing files.~~

- 2) All payments made, including cash;~~Any and all client records which document the quality, type and quantity of services, including actual time and amount of time, provided by the provider for which payment is claimed under this Part. Such records shall also include written documentation of compliance with all Sections of this Part pertinent to service provision. (See also Section 132.100(h).)~~
- 3) Corporate papers, including stock record books and minute books;
- 4) All arrangements and payments related in any way to the leasing of real estate or personal property, including any equipment;
- 5) All accounts receivable and payable;
- 6) Service billing files;
- 7) Clinical records as defined in Section 132.100; and

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- 8) Required individual client information including: guardianship, representative payee, trust beneficiary and resource availability.
- b) Required records shall ~~The business and client records required to be maintained must~~ be retained for a period of not less than five ~~6~~ years from the date of service, except that if an audit is initiated within the required retention period the records ~~shall~~must be retained until the audit is completed and every exception resolved. This provision is not to be construed as a statute of limitations.
- c) Required records~~All clinical and financial records required to be maintained~~ shall be readily available for inspection, audit and copying during normal business hours (including photocopying) ~~by Department, DCFS or DOC personnel representing the certifying State agency, the public payer, and DPA, Department of Public Aid and or the U.S. Centers for Medicare and Medicaid Services (CMMS), U.S. Department of Health and Human Services, Health Care Financing Administration compliance personnel during normal business hours at the provider's facility. Reviewing~~ ~~Department, DCFS or DOC~~ personnel shall make all attempts to examine such records without interfering with the professional activities of the provider.
- d) The compilation and storage of and accessibility to client information and clinical records shall be governed by written policies and procedures, in accordance with the Confidentiality Act and the Health Insurance Portability and Accountability Act (HIPAA) (45 CFR 160 and 164). ~~which shall specify that:~~
- 1) ~~Access to client records shall be limited to persons authorized by the Confidentiality Act and to the client;~~
 - 2) ~~Records of DOC youths shall be released to DOC pursuant to Section 9 of the Confidentiality Act;~~
 - 3) ~~All entries in the client record shall be current, legible, dated and signed by the author;~~
 - 4) ~~Facilities for the handling, processing and storage of client records shall be secured from theft, loss, or fire and access limited to personnel authorized by the provider; and~~
 - 5) ~~Client data maintained on magnetic tapes, computer files, or other automated information systems shall be secure from theft, loss, or fire.~~

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- e) Clinical records and other client information shall be secured from theft, loss, or fire. Client, clinical, business and financial records which are required to be maintained may be transferred to magnetic tape, computer files, microfilm, microfiche, optical scanning or other automated manner no sooner than five years after services to an individual are terminated, except that if an audit was initiated within the required retention period, the hard copy records must be retained until the audit is completed and every exception resolved.
- f) Electronic signature or computer-generated signature codes are acceptable as authentication of record content.
- 1) In order for a provider to employ electronic signatures or computer-generated signature codes for authentication purposes, the provider shall adopt a policy that permits authentication by electronic or computer-generated signature.
- 2) At a minimum, the policy shall include adequate safeguards to ensure confidentiality of the codes, including, but not limited to, the following:
- A) Each user shall be assigned a unique identifier that is generated through a confidential access code.
- B) The provider shall certify in writing that each identifier is kept strictly confidential. This certification shall include a commitment to terminate a user's use of a particular identifier if it is found that the identifier has been misused. "Misused" shall mean that the user has allowed another person or persons to use his or her personally assigned identifier or that the identifier has otherwise been inappropriately used.
- C) The user shall certify in writing that he or she is the only person with user access to the identifier and the only person authorized to use the signature code.
- D) The provider shall monitor the use of identifiers periodically and take corrective action as needed. The process by which the provider will conduct monitoring shall be described in the policy.

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- 3) A system employing the use of electronic signatures or computer-generated signature codes for authentication shall include a verification process to ensure that the content of authenticated entries is accurate. The verification process shall include, at a minimum, the following provisions:
- A) The system shall require completion of certain designated fields for each type of document before the document may be authenticated, with no blanks, gaps or obvious contradictory statements appearing within those designated fields. The system shall also require that correction or supplementation of previously authenticated entries shall be made by additional entries, separately authenticated and made subsequent in time to the original entry.
- B) The system shall make an opportunity available to the user to verify that the document is accurate and the signature has been properly recorded.
- C) The provider shall periodically sample records generated by the system to verify the accuracy and integrity of the system.
- 4) Each report generated by a user shall be separately authenticated.

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

Section 132.90 Provider Sitessite(s)

For the purpose of this Part, provider sites are discrete locations, other than a licensed foster family home, that are owned or leased by a provider for the purpose of providing Medicaid community mental health services. The provider shall:

- a) The provider shall use sites deemed accessible in accordance with the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.). Use site(s) meeting accessibility standards as contained in the Illinois Accessibility Code (71 Ill. Adm. Code 400) pursuant to the Environmental Barriers Act [410 ILCS 25] (Ill. Rev. Stat. 1991, ch. 111½, par. 3711 et seq.).

AGENCY NOTE: "Accessibility" is determined by the extent to which the provider has adapted sites where services are provided to render its parking lot, entrances, hallway and physical facilities (lavatories, drinking fountains, ramps, etc.) available to persons with disabilities as well as the provider's arrangement to

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provide services to otherwise eligible clients for whom their site is inaccessible. The certifying State agency may waive or require specific accommodations to meet the needs of clients served at a particular site.

- b) Provider sites shall be in compliance~~Comply~~ with approved ~~State~~~~state~~ and local ordinances and codes relating to fire, building and sanitation, and health and safety requirements as follows:
- 1) Fire safety in accordance with rules of the Office of the State Fire Marshal at 41 Ill. Adm. Code 100.
 - A) ~~NFPA 10, Standard for Portable Extinguishers, (National Fire Protection Association, 1984);~~
 - B) ~~NFPA 220, Standard Types of Building Construction, (National Fire Protection Association, 1985);~~
 - C) ~~NFPA 255, Test of Surface Burning Characteristics of Building Materials (National Fire Protection Association, 1984);~~
 - D) ~~NFPA 258, Measuring Smoke Generated by Solid Material (Construction), (National Fire Protection Association, 1987);~~
 - E) ~~Fire Resistance Index (Underwriters Laboratories, Inc., January 1987);~~
 - F) ~~Building Material Index (Underwriters Laboratories, Inc., January 1987);~~
 - G) ~~The rules of the Office of the State Fire Marshal at 41 Ill. Adm. Code 100.~~
 - 2) Building requirements shall be in compliance with the "Uniform" or "National Building Code" adopted by the local or county ordinance. Documentation may include a written statement from a licensed electrician or licensed architect stating that the site is in compliance with applicable electrical codes and a written statement from a licensed plumber or licensed architect stating that the site is in compliance with applicable plumbing codes.

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- A) ~~The Illinois Plumbing License Law [225 ILCS 320] (Ill. Rev. Stat. 1991, ch. 111, par. 1101 et seq.).~~
- B) ~~NFPA 70—National Electrical Code (National Fire Protection Association, 1987).~~
- C) ~~The "Uniform" or "National Building Code" as adopted by the local or county ordinance.~~
- 3) ~~Sanitation, health and safety~~
- c) To ensure the sanitation, health and safety of the sites, the provider shall:
- 1A) Have written policies and procedures for the provision of housekeeping services at the sitessite(s).
- 2B) Develop and maintain an external and internal emergency disaster plan, including a fire evacuation plan.
- 3C) Designate space, equipment, and furnishings for the provision of services which shall be conducive to privacy, comfort and safety.
- de) The certifying State agency~~Department or DCFS will~~ not review, the requirements infor purposes of this Section if the provider delivers ,providers which deliver Medicaid services exclusively in locations other than provider sites. Such locations include, but are not limited to, the client's residence, the client's school, a detention facility, or other agreed upon locations. Providers which deliver direct client services at the provider site shall be in compliance with the above provisions.

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

Section 132.91 Accreditation

- a) The certifying State agency~~Department~~ shall grant deemed status to providers having a contract with the State agency~~Department~~ and demonstrating current accreditation status under any of the standards of the following accrediting organizations:
- 1) 20031997 Hospital Accreditation Standards (Joint Commission on

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Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, ~~20031996~~);

- 2) ~~20031997~~ Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, ~~20031996~~);
- 3) ~~20031996~~ Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, ~~20031996~~);
- 4) ~~COA Standards and Self Study Manual, 7th Edition Council on Accreditation 1997 Standards for Behavioral Health Care and Community Support and Educational Services~~ (Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, New York, New York 10005, ~~20031996~~);
- 5) Outcome Based Performance Measures (The Council on Quality Leadership, 100 West Road, Suite 406, Towson, Maryland 21204, 1993);
- 6) Standards Manual and Interpretive Guidelines for Behavioral Health (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, ~~20031996~~); or
- 7) Standards Manual and Interpretive Guidelines for Employment and Community Support Services (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, ~~20031996~~).

b) "Deemed status" means that if a provider has been accredited by any of the accrediting organizations identified in subsections (a)(1) through (a)(7) of this Section, the ~~certifying State agency~~ Department shall deem the provider to be in ~~substantial~~ compliance ~~with for the programs the Department funds for~~ the following Sections of this Part:

- 1) Section 132.65;
- 2) Section 132.70(a) and (b);

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- ~~3)~~ ~~Section 132.75~~
- ~~34)~~ Section 132.85(a)(1) ~~through (a)(6) and (a)(8)~~, (b), ~~(d)(3) through (d)(5)~~ and (e);
- ~~45)~~ Section 132.95 (a) and (d) through (f) and (h);
- ~~56)~~ Section 132.100(a) through (~~hg~~) and (~~ki~~) through (~~m1~~); and
- ~~67)~~ Section ~~132.145(f)~~~~132.105~~.
- c) Demonstration of current accreditation status shall be achieved by submission of a certificate of accreditation and the most recent accreditation report by the provider to the ~~certifying State agency~~~~Department~~.
- d) If the provider's accreditation status changes for any reason, the provider shall notify the ~~certifying State agency~~~~Department~~ of that change within 30 days after the effective date ~~of~~ the change. ~~A provider who fails to notify the certifying State agency of a change in accreditation may have its certification revoked pursuant to Section 132.50.~~
- e) Deemed status may be nullified by a finding by the ~~State agency~~~~Department~~ that the provider is ~~non-compliant in substantial non-compliance~~ with one or more of the Sections identified in subsections (b)(1) through (b)(~~67~~) of this Section.

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

~~SUBPART C: UTILIZATION REVIEW AND CONTINUITY OF SERVICES~~**Section 132.95 Utilization ~~Review~~~~review~~**

~~The provider shall have~~~~There shall be~~ a written utilization review (UR) plan and ongoing activities ~~designed~~ to assess the appropriateness of ~~the admission to~~ Medicaid community mental health services, intensity/level of services, and continued services ~~for the client~~. Such services may be subject to utilization management parameters established by the ~~public payer~~~~respective departments~~. The written UR plan shall address:

- a) The methods and procedures for performing and recording individual case reviews ~~by persons not involved in providing services to the clients whose records are reviewed~~;

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- b) The authority and functions of the individual case review designated unit, which may be. The designated unit may be:
- 1) A ~~committee~~ representative committee, chaired by a QMHP, and including of the staff providing the services which may include QMHPs, MHPs, and RSAs, ~~and chaired by a QMHP;~~ or
 - 2) A QMHP;
- c) Procedures describing the method for selecting cases for quarterly case review and the procedures for reviewing 10 percent of the clients served under this Part annually;
- d) Procedures to ensure that the review includes and summarizes the client's progress over the previous 90 days;
- e) Policies and procedures for documenting and reporting individual case reviews findings, determinations and recommendations to the supervising QMHP and, if applicable, the billing department;
- f) Procedures for appeal by clients and staff affected by the UR decisions with which they disagree;
- g) Provisions for ensuring confidentiality of individual case reviews, determinations, results and/or recommendations in accordance with the Confidentiality Act; and
- h) Procedures for following up on case review recommendations.

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

Section 132.100 Clinical Records

The client's clinical record shall contain, but is not limited to the following:

- a) Identifying information, including client's name, Medicaid ~~recipient~~client identification number, address and telephone number, ~~gender~~sex, date of birth, primary language or method of communication, ~~if other than English, (e.g., Spanish, American Sign Language, communication board), name and phone number of~~ emergency contact ~~or guardian~~, date of initial contact and initiation of

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- mental health services, third party insurance coverage, ~~and, as appropriate, may include~~ marital status, and source of referral;
- b) Documentation of consent for or refusal of mental health services;
- c) Assessment and reassessment reports;
- d) A current ITP ~~or rehabilitative services plan, progress notes and reviews;~~
- e) Admission Note, if applicable;
- fe) Documentation concerning the prescription and administration of psychotropic medication as specified in Section 130.150(c)(1);
- gf) Documentation of missed appointments;
- hg) Documentation of client ~~referral or transfer~~ movement (referral/transfer) during any active service period to or from the provider's programs or to or from other providers;
- ih) Documentation to support services ~~provided~~ rendered for which reimbursement is claimed shall be in the format specified by the public payer, shall be legible and shall include, at a minimum, the following elements which includes:
- 1) The specific ~~services~~ services rendered;
 - 2) The date the ~~service was provided~~ services were rendered;
 - 3) The start time and duration for each service ~~who rendered the services~~;
 - 4) The setting ~~in which the services were rendered~~; and
 - 5) Written documentation describing the interaction that occurred during service delivery, including the client's response ~~client progress~~ in relation to the goals ~~services~~ in the ITP ~~or rehabilitative services plan~~;
- ji) Comprehensive ~~rehabilitative services and comprehensive~~ mental health services and short-term diagnostic mental health services shall be documented: that shall be provided according to the client's ITP or RSP. These services shall be documented on a daily basis by completion of shift treatment summaries and/or other service

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~~documentation. Mental health services not documented on the shift treatment summaries shall be documented according to subsection (h) of this Section. Shift treatment summaries may only be used to document rehabilitative stabilization services and developmental rehabilitation, and must include the following:~~

- 1) ~~According to subsection (i) of this Section; and the specific services received over the period being documented;~~
 - 2) ~~On a daily basis by completion of shift treatment summaries and other service documentation, the date the services were rendered;~~
 - A) ~~Shift treatment summaries may only be used to document therapeutic behavioral services and activity therapy;~~
 - B) ~~Shift treatment summaries shall be completed according to subsection (i); and~~
 - C) ~~Shift treatment summaries shall include the client's general level of role functioning over the period being documented.~~
 - 3) ~~who rendered the services;~~
 - 4) ~~the signature of the author with credentials;~~
 - 5) ~~the setting in which the services were rendered;~~
 - 6) ~~client progress in relation to the goals, objectives and/or expected outcomes on the client's ITP or RSP; and~~
 - 7) ~~the client's general level of role functioning over the period being documented;~~
- kj) ~~ITP~~Periodic reviews describing the client's overall progress;
- lk) A record of the client's major accidents or incidents that occur at the site with regard to a specific client, whether self-reported or observed, and resulting in an adverse change in the client's physical ~~and~~/or mental functioning; and
- ml) Discharge summary documenting the outcome of treatment and, as necessary, the linkages for continued services.

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

Section 132.105 Continuity and Coordination of Services (Repealed)

~~The provider shall ensure the continuity and coordination of services as provided in the client's ITP. The provider shall:~~

- ~~a) Communicate relevant treatment and service information prior to or at the time that the client is transferred to a receiving program of the provider, or is terminated from service and referred to a program operated by another service provider, if the client and/or parent or guardian provides written authorization; and~~
- ~~b) Document in the client's record the referrals to other human service providers and follow-up efforts to link the client to services.~~

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

SUBPART D: CLINIC SERVICES**Section 132.115 Provisions (Repealed)**

- ~~a) Providers which are certified and enrolled to provide Medicaid community mental health services under the Medicaid clinic services option shall comply with the following:
 - ~~1) A provider contracting with the Department, DCFS or DOC must directly provide mental health assessment, ITP development, review, modification and psychiatric treatment as specified in this Subpart.~~
 - ~~2) Clinic services shall be provided to clients with a diagnosis of mental illness as defined in Section 132.25 and whose level of role functioning is impaired.~~
 - ~~3) Following an assessment, clinic services shall be prescribed by and provided under the direction of a physician.~~
 - ~~4) Clinic services shall be delivered by a physician or by QMHP(s) and MHP(s) under physician direction pursuant to subsection (b) of this~~~~

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- b) ~~The provider shall ensure that physician direction of clinic services shall include the assumption of professional responsibility by the physician for the formulation of, approval of, or involvement of the physician in each client's ITP within 45 days from the date of completing the mental health assessment. The physician must document his or her direction by signing and dating his or her approval on the ITP or by signing a clinical note indicating concurrence with the ITP in the client's clinical record. Such review and approval of the ITP shall occur whenever there is a modification in the ITP or at least once every six months for all clients, whichever comes first. If the physician is not a psychiatrist, the physician must have access to a psychiatrist. If the physician is directing services for children, the physician must have one year of experience in the treatment of children and adolescents. To fulfill the requirements of physician direction, the physician must see the client at least once.~~
- e) ~~All Medicaid community mental health services delivered pursuant to this Section shall be provided at a certified clinic site except as follows:~~
- 1) ~~Clinic services may be provided to homeless persons in any setting(s) where the homeless individual to be served is located.~~
 - 2) ~~Crisis assessment and crisis intervention services may be initiated at non-clinic sites for a Medicaid eligible client when such services are not provided in the client's residence, are urgently needed, and when it is apparent that follow-up psychiatric treatment or other clinic services may be deemed necessary.~~
- d) ~~The Department, DCFS or DOC may grant a waiver of subsection (a)(1) of this Section, if it deems that such waiver increases the availability of clinic services to Medicaid eligible clients.~~
- e) ~~Enrolled providers must obtain certification for all mental health clinic services within 12 months after the provider's initial certification unless waived by the Department or DCFS. The provider shall enroll for certification of remaining services, using forms prescribed by the Department or DCFS. Services shall be certified based on compliance with the requirements of this Subpart. Such compliance will be determined through a retrospective review of Medicaid-eligible client records, utilization review documents and the inspection of the provider's site(s).~~

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

Section 132.120 Service Needs Evaluation (Repealed)

- a) ~~The provider shall insure that an individual requesting Medicaid community mental health services, or any individual who has been referred by order of a court, or any individual referred pursuant to a recommendation resulting from an early and periodic screening, diagnosis and treatment (EPSDT) examination shall receive an assessment of his or her need for mental health services. The assessment process may include a mental health assessment, a psychological assessment and/or a psychiatric evaluation. The assessment process shall result in a determination of the need for mental health services and the type of Medicaid community mental health services required and shall ensure the appropriateness of admission for inpatient psychiatric hospitalization.~~
- b) ~~The service needs evaluation shall include a face-to-face or personal contact interview with the client and/or collaterals, as indicated.~~
- e) ~~A client shall receive a mental health assessment prior to the development and implementation of the ITP. If the client is determined to be in need of immediate crisis intervention services, a mental health assessment shall not be required prior to the initiation of crisis services.~~
- d) ~~Prior to the initiation of mental health services, the provider shall obtain written consent from the client and/or the client's guardian, if applicable, unless the client is determined to be in need of crisis intervention services or if the assessment is court-ordered for the client. Individuals who participate in treatment services are deemed to have consented; oral consent shall also be documented in the clinical record.~~
- e) ~~The mental health assessment shall include, at a minimum, the assessment and written report of the following:~~
 - 1) ~~Identifying information (see Section 132.100(a));~~
 - 2) ~~Extent, nature, and severity of presenting problem(s);~~
 - 3) ~~Personal and family history including the history of mental illness in the family;~~

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- 4) ~~Cognitive functioning (attention, memory, information, attitudes); perceptual disturbances, thought content, speech, and affect; and an estimation of the ability and willingness to participate in treatment;~~
 - 5) ~~History of mental health treatment;~~
 - 6) ~~Present level of functioning including social adjustment and daily living skills;~~
 - 7) ~~Legal status (guardianship, representative payee, trust beneficiary, pending court order);~~
 - 8) ~~Level of education and/or specialized training, if applicable for adults;~~
 - 9) ~~Previous employment, acquired vocational skills, and activities/interests, if applicable;~~
 - 10) ~~History of and/or current alcohol or chemical dependency;~~
 - 11) ~~Previous and current psychotropic medications, last physical examination, and any known medical problems; and~~
 - 12) ~~Resource availability (income entitlements, health care benefits, subsidized housing, social services, etc.);~~
- f) ~~During the mental health assessment, the client and the client's guardian, if applicable, shall be apprised of the client's rights in accordance with Chapter 2 of the Code.~~
- g) ~~Responsibility for the completed mental health assessment shall be conducted by a QMHP who has had, at a minimum, one face-to-face contact with the client, his or her family, and the client's guardian, if applicable, at the client's request or by agreement of the client, during which the family was given the opportunity to provide pertinent information or support. Other mental health professionals who are under the direct supervision of a QMHP may participate in the mental health assessment pursuant to Section 132.115. The mental health assessment shall not require physician prescription and direction.~~
- h) ~~The results of a mental health assessment shall be reviewed by the directing~~

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~~physician and documented by a signature on the ITP. The directing physician shall make a determination if a psychiatric evaluation and/or psychological assessment is necessary in order to develop the client's ITP. The psychiatric evaluation, if applicable, shall be conducted by the physician on a face-to-face basis with the client. The psychological assessment, if applicable, shall be conducted by a licensed psychologist on a face-to-face basis with the client. If the mental health assessment is not conclusive and the client's diagnosis is deferred or a rule-out diagnosis is given, the provider has 45 days to determine the client's mental health needs and treatment. In instances when the diagnosis still cannot be determined or a rule-out diagnosis is given, the client's record must contain documentation as to what evaluations will be performed in order to provide a definitive diagnosis in the ITP.~~

- i) ~~The assessment report(s), including the mental health assessment and the psychiatric evaluation and psychological assessment, if applicable, shall be used in the development of the client's ITP.~~

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

Section 132.125 Treatment Plan Development and Modification (Repealed)

- a) ~~The individual treatment plan (ITP) shall be developed with the participation of the client and the client's guardian, if applicable, shall be signed by the QMHP and the physician who is directing the formulation of the ITP, and shall be incorporated in the client's clinical record.~~
- b) ~~The plan shall be signed by the client if the client is 12 years of age or older or by the parent or legal guardian of a minor or by the legally appointed guardian of an adult who has been adjudicated as legally disabled. A copy of the signed plan shall be given to the client, if not clinically contraindicated, and the client's parent or guardian, if applicable.~~
- e) ~~The provider shall explain to the client and to the client's guardian, if applicable, the process for the development and the contents of the ITP.~~
- d) ~~The ITP shall be developed within 45 days after the documented date of completing the mental health assessment. The ITP shall include a definitive diagnosis that has been determined using the DSM-IV or the ICD-9-CM.~~
- e) ~~The ITP shall state the overall goals of treatment, indicate the specific mental~~

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~~health services to be provided and describe the mental health services needs of the client in relation to the mental health services to be provided including goals, objectives, expected outcome, date(s) on which each service objective was set and the anticipated time frame for achievement of each objective, frequency and responsible staff.~~

- ~~f) The ITP shall be under the direction of a physician, pursuant to Section 132.115. The QMHP shall participate in the development of the ITP under physician direction pursuant to Section 132.115. Other mental health professionals who are under the direct supervision of the QMHP, pursuant to Section 132.120, may also participate in the development of the ITP.~~
- ~~g) Clients who receive more than one type of mental health service shall have an ITP developed, reviewed and modified, as necessary, by the team of individuals responsible for providing the respective services.~~
- ~~h) The ITP shall be reviewed and modified, as necessary, but semi-annually at a minimum, for all clients and by the directing physician and the QMHP involved in the formulation, implementation and supervision of the ITP.~~
- ~~i) If multiple Medicaid certified providers are providing mental health services to the same client under this Section, one master ITP shall be developed by the team of individuals responsible for providing the respective services.~~

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

Section 132.130 Psychiatric Treatment (Repealed)

- ~~a) Service requirements
Psychiatric treatment services shall be provided to clients who require interpersonal therapy and/or psychotropic medication to promote growth in role functioning or to maintain role functioning in order to assist the client in functioning in the community.~~
- ~~b) Psychiatric treatment—psychotropic medication requirements include:
 - ~~1) Psychotropic medication shall be prescribed by a physician licensed in accordance with the Medical Practice Act of 1987 who has conducted a psychiatric evaluation of the client, or in an emergency, is aware of the client's psychotropic medication history and the client's current level of~~~~

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~~functioning.~~

- ~~2) Psychotropic medication shall be administered by personnel licensed to administer medication pursuant to the Illinois Nursing Act of 1987 and the Medical Practice Act of 1987.~~
- ~~3) Psychotropic medication shall be reviewed every 90 days, at a minimum, by the physician.~~
- ~~4) Psychotropic medication shall be monitored and training shall be provided to clients in the following areas, if prescribed by the treating physician:
 - ~~A) Psychiatric illness;~~
 - ~~B) Psychotropic medications, effects, side effects, and adverse reactions;~~
 - ~~C) Self-administration of medications;~~
 - ~~D) Storage and safeguarding of medication; and~~
 - ~~E) Communicating with mental health professionals regarding medication issues.~~~~
- ~~5) Notation shall be made in the client's clinical record regarding psychotropic medication and other types of medication. Notations shall include:
 - ~~A) All medication being taken by the client;~~
 - ~~B) Current psychotropic medication: name, dosage, frequency, and method of administration;~~
 - ~~C) Activities implemented to address any problem(s) resulting from psychotropic medication administration; and~~
 - ~~D) A statement indicating that the client has been informed of the purpose of the psychotropic medication ordered and the side effects of the medication.~~~~

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- ~~6) Psychotropic and other medication shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, security and in accordance with 77 Ill. Adm. Code 300.1640.~~
- ~~7) Psychotropic medication monitoring and training shall be provided by the physician, by a QMHP under the direction of a physician or by a MHP under the supervision of a QMHP pursuant to Section 132.115. The physician must designate, in writing, the professionals who provide medication monitoring and training services, as medication monitoring and training staff.~~
- e) ~~Psychiatric treatment—primary therapy shall include:~~
 - ~~1) Individual therapy;~~
 - ~~2) Group therapy; and~~
 - ~~3) Family therapy (includes couples' therapy and marital counseling).~~
- d) ~~The services shall be provided:~~
 - ~~1) Following a mental health assessment consistent with the client's ITP;~~
 - ~~2) On a face-to-face or personal contact basis with adult clients and their families at the client's request or agreement, or with groups of clients, or with a child or adolescent client and/or his or her family, or on behalf of a child or adult with the child's or adult's family based on the ITP; and~~
 - ~~3) In the provider's clinic.~~
- e) ~~Service eligibility and termination criteria~~
 - ~~1) Service eligibility criteria shall include a determination that the client's role functioning is impaired.~~
 - ~~2) Service termination criteria shall include:~~
 - ~~A) Determination that the client's level of role functioning and the personal distress level has improved and can be maintained consistent with the ITP; or~~

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- ~~B) Determination that the client's level of role functioning has significantly deteriorated to a degree where referral or a transfer to a more intensive mental health treatment is indicated; or~~
 - ~~C) Documentation in the client's clinical record that the client terminated participation in the program.~~
- f) **Staffing**
~~Psychiatric treatment services shall be delivered by or prescribed by a physician and delivered by a QMHP, or for psychotropic medication monitoring and training, an MHP under the supervision of a QMHP pursuant to Section 132.115.~~

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

Section 132.135 Crisis Intervention (Repealed)

- a) **Service requirements**
- ~~1) Crisis intervention services shall be provided to clients who are experiencing a psychiatric crisis and a high level of personal distress to provide brief and immediate intensive treatment to reduce symptomatology, stabilize and restore the client to a previous level of role functioning and to assist the client in functioning in the community.~~
 - ~~2) Crisis intervention shall include:
 - ~~A) Immediate preliminary assessment;~~
 - ~~B) Therapy (brief and immediate); and~~
 - ~~C) Referral, linkage and consultation with other appropriate mental health services.~~~~
 - ~~3) Crisis intervention services shall provide immediate crisis assessment to ensure the appropriateness of admission for psychiatric hospitalization.~~
 - ~~4) Services shall be provided on a face-to-face or personal contact basis, following, at a minimum, an assessment of the need for Medicaid community mental health services. If an ITP does not already exist, a~~

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~~preliminary ITP shall be developed and shall become a part of the ITP if additional Medicaid community mental health services are to be provided.~~

- ~~5) Access, referral, and linkage with continuing mental health services shall be provided for clients in crisis, including residential crisis care, respite care, and/or inpatient psychiatric treatment, as determined by a QMHP under the supervision of a physician or prescribed by a physician.~~
- b) ~~Service eligibility and termination criteria~~
 - 1) ~~Crisis intervention services shall be available to persons presenting an apparent need for immediate mental health services. Service eligibility criteria shall include:~~
 - A) ~~Determination of deterioration in one or more areas of role functioning within the past seven days which requires immediate resolution and stabilization to prevent further deterioration in role functioning; or~~
 - B) ~~Determination that acute symptomatology requires immediate stabilization to prevent substantial deterioration in role functioning and to relieve personal distress.~~
 - 2) ~~Service termination criteria assessed by a QMHP under the supervision of a physician shall include:~~
 - A) ~~Determination that the crisis has been resolved and the client shows positive change toward restoration to a previous level of role functioning and/or decrease in personal distress and is not in need of further crisis mental health services; or~~
 - B) ~~Determination that the client has been stabilized but requires a transfer or referral to less intensive mental health treatment for continuing mental health services; or~~
 - C) ~~Determination that the client has not been stabilized and the client requires a transfer or referral to more intensive mental health treatment for continuing mental health services; or~~
 - D) ~~Documentation in the client's clinical record that the client~~

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~~terminated participation in the program.~~

- e) **Staffing**
- 1) ~~Crisis intervention services shall be delivered by or prescribed by a physician and delivered by a QMHP pursuant to Section 132.115. Physician prescription, however, shall not be required prior to service initiation but shall be secured within 45 days after service provision. The QMHP may also be assisted by other mental health professionals who are under the direct supervision of the QMHP pursuant to Section 132.115.~~
 - 2) ~~Crisis intervention staff shall be selected for experience and acuity in mental health assessment, crisis intervention techniques, and effective clinical decision-making under emergency conditions.~~
 - 3) ~~The number of crisis intervention staff shall be adequate to provide immediate crisis assessment, brief therapy and referral and linkage on a face-to-face basis during the regular hours of service operation and, at a minimum, provide crisis assessment and referral to mental health services, as necessary, after the regular hours of operation. Written agreements shall be established for referral of clients to crisis intervention services after regular operating hours, as necessary.~~

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

Section 132.140 Day Treatment (Repealed)

- a) **Service requirements**
- 1) ~~Day treatment shall include intensive stabilization and extended treatment and rehabilitation services provided on an integrated, comprehensive and complimentary schedule of psychiatric and psychosocial treatment modalities addressing at least three areas of functioning:~~
 - A) ~~Psychological;~~
 - B) ~~Interpersonal; and~~
 - C) ~~Primary role.~~

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- ~~2) Day treatment for individuals under the age of 21 years shall not include services that are educational in nature; for example, services identified in the individual education plan (IEP).~~
 - ~~3) Intensive stabilization and extended treatment and rehabilitation services shall include a range of therapeutic interventions provided in a therapeutic milieu following a mental health assessment, consistent with the client's ITP.~~
 - ~~4) Intensive stabilization services shall be available for a minimum of four hours a day, five days per week with a schedule of interventions focused on resolution or stabilization of short term problems or crisis situations which, if not treated, would require inpatient psychiatric hospitalization including the provision of the following:
 - ~~A) Therapy (individual, group and family); or~~
 - ~~B) Occupational therapy (optional).~~~~
 - ~~5) Extended treatment and rehabilitation services shall be available for a minimum of four hours a day, five days a week with a schedule of interventions focused on the development, acquisition, enhancement and/or maintenance of interpersonal skills and living skills to restore client functioning and to facilitate re-entry into the family and community, including the provision of the following:
 - ~~A) Therapy (individual, group and family);~~
 - ~~B) Occupational therapy (optional); and~~
 - ~~C) Adaptive functioning, stabilization and developmental interventions.~~~~
- ~~b) Service eligibility and termination criteria~~
- ~~1) Specific service eligibility criteria for intensive stabilization shall include determination that the client:
 - ~~A) Exhibits signs, symptoms and associated features of mental illness and has experienced deterioration in role functioning in one or~~~~

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- ~~more primary areas, which requires immediate intervention to prevent further deterioration and the need for 24-hour supervised treatment, e.g., hospitalization; or~~
- ~~B) Requires further continuation of treatment following hospitalization because symptoms persist and role functioning has not improved.~~
- 2) ~~Specific service eligibility criteria for extended treatment and rehabilitation shall include a determination that:~~
- ~~A) The client's role functioning is impaired; and~~
- ~~B) The client lacks independent adaptive functioning, and/or is unable to maintain community adjustment without structured intervention.~~
- 3) ~~Termination criteria~~
- ~~A) General termination criteria for intensive stabilization shall include:~~
- ~~i) Determination that the client's level of acute distress/ crisis has been resolved and previous role functioning restored consistent with ITP objectives; or~~
- ~~ii) Documentation in the client's clinical record that the client terminated participation in the program.~~
- ~~B) General termination criteria for extended treatment and rehabilitation shall include:~~
- ~~i) Determination that the client's level of role functioning has improved, and the rehabilitation services objectives have been obtained and maintained consistent with the ITP; or~~
- ~~ii) Determination that the client's level of role functioning has not improved or has deteriorated and the extended rehabilitation services objectives have not been obtained consistent with the ITP; or~~

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- iii) ~~Documentation in the client's clinical record that the client terminated participation in the program.~~
- e) ~~Staffing~~
- 1) ~~Intensive stabilization services shall be prescribed by a physician and delivered by a QMHP. Extended treatment and rehabilitation services shall be prescribed by a physician and delivered by a QMHP, or by an MHP under the direct supervision of the QMHP pursuant to Section 132.115.~~
- 2) ~~Intensive stabilization services shall have a minimum of one full-time equivalent (FTE) QMHP to every six adult clients (1:6) or 1:3 for child and adolescent clients based on average daily attendance calculated annually.~~
- 3) ~~Extended treatment and rehabilitation services shall have a minimum of one FTE MHP to 10 adult clients (1:10) or 1:6 to child and adolescent clients based on average daily attendance calculated annually.~~

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

SUBPART ~~CE~~: ~~MENTAL HEALTH~~REHABILITATIVE SERVICES**Section 132.142 Clients' Rights**

To assure that a client's rights are protected and that all services provided to clients comply with the law, providers shall ensure that:

- a) A client's rights shall be protected in accordance with Chapter 2 of the Mental Health and Developmental Disabilities Code [405 ILCS 5].
- b) The right of a client to confidentiality shall be governed by the Confidentiality Act and the Health Insurance Portability and Accountability Act of 1996.
- c) Justification for restriction of a client's rights under the statutes cited in subsections (a) and (b) shall be documented in the client's clinical record. In addition, the client affected by such restriction, his or her parent or guardian and any agency designated by the client pursuant to subsection (d)(2) shall be notified of the restriction.

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- d) Staff shall inform the client prior to evaluation services of the following:
- 1) The rights in accordance with subsections (a), (b) and (c):
 - 2) The right to contact the Guardianship and Advocacy Commission and Equip for Equality, Inc. Staff shall offer assistance to a client in contacting these groups, giving each client the address and telephone number of the Guardianship and Advocacy Commission and Equip for Equality, Inc.;
 - 3) The right to be free from abuse and neglect;
 - 4) The right to be provided mental health services in the least restrictive setting;
 - 5) The right or the guardian's right to present grievances up to and including the executive director or comparable position. A record of such grievances and the response to those grievances shall be maintained by the provider. The executive director's decision on the grievance shall constitute a final administrative decision (except when such decisions are reviewable by the provider's governing board, in which case the governing board's decision is final);
 - 6) The right not to be denied, suspended or terminated from services or have services reduced for exercising any rights; and
 - 7) The right to contact the public payer.
- e) The information in subsection (d) shall be explained using language or a method of communication that the client understands and documentation of such explanation shall be placed in the clinical record.

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

Section 132.145 General Provisions

~~a) Providers which are certified and enrolled to provide Medicaid community mental health services under the Medicaid rehabilitative service option. A provider shall comply with the following:~~

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- a)1) ~~A provider shall, A provider contracting with the Department must,~~ at a minimum, directly provide mental health assessment, ITP development, review, modification (see Section 132.148(c)) and at least one additional Part 132 mental health service. The public payer may waive one or more of these requirements if it deems that such waiver increases the availability of mental health services to Medicaid-eligible clients of the following:
- A) ~~Intensive stabilization services;~~
 - B) ~~Extended treatment and rehabilitation services;~~
 - C) ~~Psychosocial rehabilitation day program services;~~
 - D) ~~Individual/family social rehabilitation; or~~
 - E) ~~Intensive family-based services for children and adolescents.~~
- b)2) A provider ~~contracting with the Department~~ may subcontract for services authorized by this Part identified in subsection (a)(1) of this Section. There shall be a written agreement between the provider and the subcontractor that which defines their contractual agreement and assures the subcontractor's compliance with applicable service provisions of ~~this~~ Subpart C. All subcontractors must be certified to participate in the Illinois Medicaid program and enrolled as a provider with DPA. All subcontracts must be approved by and on file with the certifying State agency and, when applicable, the public payer. For purposes of this subsection, an employee or contractual employee is not considered to be a ~~subcontractor~~ Department.
- 3) ~~A provider contracting with DCFS or DOC must provide directly or by subcontract rehabilitative services assessment, rehabilitative services ITP development, review, modification and at least one other rehabilitative service as specified in Section 132.155.~~
- 4) ~~A physician or LPHA shall be responsible for recommending medically necessary rehabilitative services.~~
- 5) ~~The provider shall ensure that clinical direction of specified rehabilitative services, including review and approval of the ITP or rehabilitative services plan, review and approval of modifications in the ITP or rehabilitative services plan, and periodic review of the client's progress is~~

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~~provided in accordance with Sections 132.150 and/or 132.155.~~

- ~~6) All Medicaid community mental health services delivered pursuant to this Subpart may be provided on-site, in non-clinic locations and in other locations where the clients to be served are located.~~
- b) ~~The Department, DCFS or DOC may grant a waiver of any of the services specified in subsection (a)(1) or (a)(2) of this Section, if it deems that such waiver increases the availability of rehabilitative services to Medicaid-eligible clients. The Department's waiver may include a substitution of other services as specified in Section 132.150, excluding Section 132.150(1).~~
- c) Services under this Section shall be provided to clients with a diagnosis of mental illness as defined in Section 132.25 and whose level of role functioning is impaired. The provision of mental health services is expected to result in an improvement or prevention of regression in the client's existing condition.
- d) Prior to the initiation of mental health services, the provider shall obtain written or oral consent from the client and the client's parent or guardian, as applicable. If the client is determined to be in need of crisis intervention services, or if the assessment is court ordered for the client, consent is not required. Individuals who participate in treatment services are deemed to have consented. Oral consent shall also be documented in the record.
- e) An LPHA shall provide the clinical direction of mental health services as documented by his/her dated signature on the mental health assessment and ITP.
- f) When discharging a client from services, the provider shall ensure the continuity and coordination of services as provided in the client's ITP. The provider shall:
- 1) Communicate relevant treatment and service information prior to or at the time that the client is transferred to a receiving program of the provider or is terminated from service and referred to a program operated by another service provider, if the client, or parent or guardian, as appropriate, provides written authorization; and
 - 2) Document in the client's record the referrals to other human service providers and follow-up efforts to link the clients to services.

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- g) Services provided under this Part are subject to the provisions of an executed contract between the provider and the public payer. The public payer is not required to reimburse services under this Part not enumerated in the contract.
- h) Services under this Part, provided in or from a provider site that is not certified at the time that the services are delivered, is not required to be reimbursed by any public payer.

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

Section 132.148 Evaluation and Planning

- a) Mental health assessment is a formal process of gathering information regarding a client's mental and physical status and presenting problems through face-to-face or telephone contact with the client and collaterals, resulting in the identification of the client's mental health service needs and recommendations for service delivery.
 - 1) A mental health assessment is required prior to the development and implementation of an ITP. A mental health assessment is not required prior to the initiation of crisis services.
 - 2) A written mental health assessment report shall be a compilation of the following:
 - A) Identifying information: name, gender, date of birth, primary method of communication;
 - B) Extent, nature, and severity of presenting problems;
 - C) Family history, including the history of mental illness in the family;
 - D) Mental status evaluation, including, at a minimum, attention, memory, information, attitudes, perceptual disturbances, thought content, speech, affect, suicidal or homicidal ideation, and an estimation of the ability and willingness to participate in treatment;
 - E) Personal history, including mental illness and mental health treatment;

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- F) History of current abuse/trauma (childhood sexual or physical abuse, intimate partner violence, sexual assault or other forms of interpersonal violence);
 - G) Present level of functioning, including social adjustment and daily living skills;
 - H) Legal history and status, including guardianship and current court involvement;
 - I) Gang affiliation, if any, and level of involvement;
 - J) Education, specialized training, and vocational skills;
 - K) Employment history;
 - L) Interests, activities and hobbies;
 - M) History of current alcohol or other substance use, abuse or dependence;
 - N) Previous and current psychotropic medications, including date of most recent psychiatric evaluation;
 - O) General physical health, including date of last physical examination and any known symptoms or complaints;
 - P) Resources such as family, community, living arrangements, religion, and personal client strengths; and
 - Q) Summary analysis, conclusions and recommendations for specific Part 132 services.
- 3) An Admission Note may be used to authorize the provision of comprehensive mental health services or short-term diagnostic and mental health services prior to the completion of a mental health assessment. An Admission Note must be completed within 24 hours after a client's admission and is effective for a maximum of 30 days.

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- A) The Admission Note is a written report of an initial assessment and treatment plan and shall include the following:
- i) Identifying information: name, gender, date of birth, primary language or method of communication, date of initiating assessment;
 - ii) Client's current mental health functioning level;
 - iii) Provisional diagnosis;
 - iv) Pertinent history;
 - v) Precautions;
 - vi) Initial treatment plan; and
 - vii) Other relevant information.
- B) An Admission Note shall be completed by at least an MHP following a face-to-face meeting with the client.
- C) A QMHP shall be responsible for approving the completed Admission Note as documented by the QMHP's dated signature on the Admission Note.
- 4) For comprehensive mental health services or short-term diagnostic and mental health services, a mental health assessment report shall be completed within 30 days after a client's admission.
- 5) A QMHP who has had, at a minimum, one face-to-face contact with the client shall be responsible for the completed mental health assessment report as documented by his/her dated signature on the mental health assessment. The State agency may waive this requirement in a specialized substitute care living arrangement to allow staff possessing a master's degree in human services or a bachelor's degree and 5 years of human services experience to have face-to-face contact with the client and be responsible for a completed mental health assessment report. MHPs may participate in the mental health assessment.

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- 6) The client's family or guardian may participate in the mental health assessment during which the family will be given the opportunity to provide pertinent information or support. Participation by the family and other interested persons must be in accordance with the Confidentiality Act [740 ILCS 110] and HIPAA.
 - 7) The mental health assessment report shall be reviewed and approved by the LPHA as documented by the LPHA's dated signature on the mental health assessment. The LPHA shall determine if any additional evaluations are required to assess the client's functioning or service needs.
- b) A psychological evaluation, if recommended, shall:
- 1) Be conducted and documented by the provider consistent with the Clinical Psychologist Licensing Act [225 ILCS 15] using nationally standardized psychological assessment instruments; a master's level professional may assist;
 - 2) Be conducted face-to-face with the client; and
 - 3) Result in a written report that includes a formulation of problems, tentative diagnosis and recommendations for treatment or services.
- c) Treatment plan development, review and modification is a process that results in a written ITP, developed with the participation of the client and the client's parent/guardian, as applicable, and is based on the mental health assessment report and any additional evaluations.
- 1) The ITP shall be completed within 45 days after the completion of the mental health assessment as documented by the LPHA's dated signature on the ITP. Providers of comprehensive mental health services or short-term diagnostic and mental health services must complete an ITP within 30 days after a client's admission to the program when an Admission Note was completed to initiate services.
 - 2) A written ITP is a compilation of the following:
 - A) The goals of services;
 - B) Intermediate objectives to achieve the goals;

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- C) The specific Part 132 mental health services to be provided;
 - D) The frequency of Part 132 services for those services for which the LPHA determines frequency must be specified; and
 - E) Staff responsible for delivering services.
- 3) The ITP shall include a definitive diagnosis that has been determined using the DSM-IV or the ICD-9-CM. If the diagnosis cannot be determined by the time the ITP is completed or a rule out diagnosis is given, the client's clinical record must contain documentation as to what evaluations will occur in order to provide a definitive diagnosis in the ITP. A diagnosis shall be determined within 90 days and the ITP shall be modified to reflect the diagnosis, as necessary.
 - 4) Responsibility for development of the ITP shall be assumed by a QMHP as documented by his/her dated signature on the ITP. MHPs may participate in the development of the ITP. An LPHA shall provide the clinical direction of mental health services identified in the ITP as documented by his/her dated signature on the ITP.
 - 5) The LPHA and the QMHP shall review the ITP no less than once every 6 months and modify the ITP as necessary, as documented by their dated signatures. The State agency may authorize the staff in a specialized substitute care living arrangement to allow a QMHP to review the ITP at 6 months and modify the ITP as necessary, as documented by the QMHP's dated signature. The LPHA and QMHP shall sign and date the annual review of the ITP and any modifications associated with the review.
 - 6) The results of crisis assessments, reassessments or additional evaluations after the client's ITP is completed shall be incorporated into a modified ITP.
 - 7) The provider shall explain to the client and the client's parent/guardian, as applicable, the process for the development, review and modification of the contents of the ITP. The ITP shall be developed, reviewed and modified with the participation of the client and the client's parent/guardian, as applicable.

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- 8) The ITP and all its revisions shall be signed by the parent or guardian if the client is under 12 years of age. If the client is 12 through 17 years of age, the ITP shall be signed by the client and by the parent/guardian, as applicable. A client 18 years of age or older shall sign the ITP. If the client is 18 years of age or older and has been adjudicated as legally disabled, the ITP shall be signed by the legally appointed guardian. If the client or parent/guardian refuses to sign the ITP, the provider shall document and date the refusal on the ITP.
- 9) A copy of the signed ITP shall be given to the client, if not clinically contraindicated, and the client's parent/guardian, as applicable. The ITP shall be incorporated into the client's clinical record.
- 10) Mental health services may be provided concurrently with ITP development if:
- A) The mental health assessment report is completed, signed and dated by the LPHA or the Admission Note is signed and dated by the QMHP; and
- B) The services provided are included in the completed ITP, signed by an LPHA within the designated time frame.

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

Section 132.150 ~~Rehabilitative~~-Mental Health Services

- a) All services defined in this Section shall be provided and terminated in accordance with the following criteria unless exceptions are noted:
- 1) The services shall be provided:
- A) Following a mental health assessment or Admission Note, as applicable, and consistent with the client's ITP or Admission Note, as applicable;
- B) Through face-to-face or telephone contact;

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- C) To clients and their families, at the client's request or agreement; with groups of clients; or with the client's family as it relates to the client's ITP; and
 - D) Services may be provided on- or off-site, as indicated under the specific service.
- 2) Service termination criteria shall include:
- A) Determination that the client's acute symptomatology has improved and improvement can be maintained;
 - B) Determination that the client's level of role functioning has significantly deteriorated to a degree where referral or transfer to a more intensive mental health treatment is indicated; or
 - C) Documentation in the client's clinical record that the client terminated participation in the program.

~~Services under this Section shall be provided to clients with a diagnosis of mental illness as defined in Section 132.25 and whose level of role functioning is impaired.~~

- b) Crisis intervention services are activities to stabilize a client in a psychiatric crisis to avoid more restrictive levels of treatment and that have the goal of immediate symptom reduction, stabilization and restoration to a previous level of role functioning.
- 1) Crisis intervention services shall be provided to clients who are experiencing a psychiatric crisis and acute symptomatology. A crisis may include extrusion of a child or adolescent from the family or community.
 - 2) Crisis intervention services may be provided prior to a mental health assessment.
 - 3) Crisis intervention services shall include an immediate preliminary assessment that includes written documentation in the clinical record of presenting symptoms and recommendations for remediation of the crisis. Crisis intervention services may also include, if appropriate, brief and

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immediate mental health services or referral, linkage and consultation with other mental health services.

- 4) The preliminary assessment shall be incorporated into the mental health assessment and ITP, as applicable.
- 5) Crisis intervention services shall be delivered by at least an MHP with access to a QMHP who is available for immediate consultation and clinical supervision.
- 6) During regular hours of operation, the provider shall be able to provide immediate face-to-face crisis intervention services. Outside regular hours of operation, the provider shall be able to provide, at a minimum, crisis assessment and referral to mental health services, as necessary.

~~A physician or a LPHA shall provide clinical direction of the provision of rehabilitative mental health services which shall include review and approval of ITP development and modification. Such ITP shall be reviewed and modified, as necessary, but no less than once every six months.~~

c) Psychotropic medication services~~Service needs evaluation~~

- 1) ~~Documentation requirements~~The provider shall ensure that an individual requesting Medicaid community mental health services, any client who has been referred by order of a court or any individual referred pursuant to a recommendation resulting from an early and periodic screening, diagnostic and treatment (EPSDT) examination, shall receive an evaluation of his or her need for mental health services. The service needs evaluation process may include a mental health assessment, a psychological assessment and/or a psychiatric evaluation. The service needs evaluation process shall result in a determination of the need for mental health services and the type of mental health services required and shall ensure the appropriateness of admission for inpatient psychiatric hospitalization.
 - A) If prescribed by a physician or an advanced practice nurse, employed by or on contract with the provider, there shall be evidence that psychotropic medication has been prescribed by the physician or advanced practice nurse per the collaborative agreement that includes physician-delegated prescription authority.

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- B) If a physician is employed by or on contract with the provider, there shall be evidence that psychotropic medication is reviewed at least every 90 days by a physician or advanced practice nurse.
- C) Notations shall be made in the client's clinical record regarding psychotropic medication and other types of medication. Notations shall include:
- i) All medication being taken by the client;
 - ii) Current psychotropic medication: name, dosage, frequency and method of administration;
 - iii) Any problems with psychotropic medication administration and activities implemented to address these problems;
 - iv) A statement indicating that the client has been informed of the purpose of the psychotropic medication ordered and the side effects of the medication; and
 - v) Assessment of the client's ability to self-administer medications.
- 2) Psychotropic and other medication shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security and in accordance with Department of Public Health's rules at 77 Ill. Adm. Code 300.1640. ~~The service needs evaluation shall include a face-to-face or personal contact interview with the client and collaterals, as indicated.~~
- 3) Services shall be provided face-to-face. ~~A client shall receive a mental health assessment prior to the development and implementation of an ITP. If the client is determined to be in need of immediate crisis intervention services, a mental health assessment shall not be required prior to the initiation of crisis services.~~
- 4) Psychotropic medication administration ~~Prior to the initiation of mental health services, the provider shall obtain written or oral consent from the client and/or the client's guardian, as applicable, unless the client is~~

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~~determined to be in need of crisis intervention services, or if the assessment is court-ordered for the client. Individuals who participate in treatment services are deemed to have consented; oral consent shall also be documented in the record.~~

~~A) Psychotropic medication administration consists of preparing the client and the medication for administration, administering psychotropic medications, observing the client for possible adverse reactions, and returning the medication to proper storage.~~

~~B) Psychotropic medication shall be administered by personnel licensed to administer medication pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65] or the Medical Practice Act of 1987 [225 ILCS 60].~~

5) ~~Psychotropic medication monitoring~~~~The mental health assessment shall include, at a minimum, the compilation, assessment and written report of the following:~~

~~A) Psychotropic medication monitoring includes observation and evaluation of target symptom response, adverse effects, including tardive dyskinesia screens, and new target symptoms or medication. Identifying information (see Section 132.100(a));~~

~~B) Psychotropic medication monitoring shall be provided by staff designated in writing by a physician or advanced practice nurse per the collaborative agreement. Extent, nature, and severity of presenting problems;~~

~~C) Personal and family history including the history of mental illness in the family;~~

~~D) Cognitive functioning (attention, memory, information, attitudes), perceptual disturbances, thought content, speech, and affect, and an estimation of the ability and willingness to participate in treatment;~~

~~E) History of mental health treatment;~~

~~F) Present level of functioning including social adjustment and daily living skills;~~

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- ~~G) Legal status (guardianship, representative payee, trust beneficiary, pending court order);~~
 - ~~H) Level of education and/or specialized training, if applicable for adults;~~
 - ~~I) Previous employment, the acquired vocational skills and activities/interests, if applicable;~~
 - ~~J) History of and/or current alcohol or chemical dependency;~~
 - ~~K) Previous and current psychotropic medications, last physical examination and any known medical problems; and~~
 - ~~L) Resource availability (i.e., income entitlements, health care benefits, subsidized housing, social services).~~
- 6) Psychotropic medication training ~~Responsibility for the completed mental health assessment shall be assumed by a QMHP who has had, at a minimum, one face to face contact with the client, his or her family, and the client's guardian, if applicable, at the client's request or by agreement of the client, during which the family was given the opportunity to provide pertinent information or support. MHPs under the direct supervision of a QMHP may participate in the mental health assessment.~~
- A) Psychotropic medication training includes training the client or the client's family or guardian to administer the client's medication, to monitor proper levels and dosage, and to watch for side effects.
 - B) Psychotropic medication training shall be provided by staff designated in writing by a physician or an advanced practice nurse per the collaborative agreement.
 - C) Psychotropic medication training shall be provided to clients in the following areas:
 - i) Purpose of taking psychotropic medications;

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- ii) Psychotropic medications, effects, side effects and adverse reactions;
 - iii) Self-administration of medications;
 - iv) Storage and safeguarding of medications;
 - v) Communicating with professionals regarding medication issues; or
 - vi) Communicating with family/caregivers regarding medication issues.
- D) Services may be provided individually or in a group setting
- 7) ~~The mental health assessment may be initiated without the prior recommendation of the physician or LPHA.~~
- 8) ~~The results of the mental health assessment shall be reviewed by the physician or LPHA and documented by signature on the ITP. The physician or LPHA shall determine if a psychiatric evaluation and/or a psychological assessment is necessary in order to develop the client's ITP. A psychiatric evaluation, if recommended, shall be conducted with the client by the physician on a face-to-face basis. A psychological assessment, if recommended, shall be conducted with the client by a licensed clinical psychologist on a face-to-face basis.~~
- 9) ~~The service needs evaluation reports, including the mental health assessment, the psychiatric evaluation, if applicable, and the psychological assessment, if applicable, shall be used in the development of the client's ITP.~~
- d) Therapy/counseling is treatment in which a staff person meets with a client in ongoing periodic formal sessions with the goal of ameliorating or reducing the symptoms associated with his/her emotional, cognitive or behavioral problems. Treatment plan development, review and modification
- 1) Therapy/counseling services may be provided to: The provider shall explain to the client and to the client's guardian, if applicable, the process for the development and the contents of the ITP.

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- A) An individual client;
 - B) A group of 2 or more clients; or
 - C) A family, including parents, spouses and siblings (client need not be present).
- 2) ~~Therapy/counseling services shall be provided by at least an MHP. The ITP shall be developed with the participation of the client and the client's guardian, if applicable, shall be signed by the QMHP and the physician and/or LPHA who is directing the formulation of the ITP and shall be incorporated in the client's clinical record.~~
 - 3) ~~The plan shall be signed by the client if the client is 12 years of age or older or by the parent or legal guardian of a minor or by the legally appointed guardian of an adult who has been adjudicated as legally disabled. A copy of the signed plan shall be given to the client, if not clinically contraindicated, and the client's parent or guardian, if applicable.~~
 - 4) ~~The ITP shall be developed within 45 days after the documented date of completing the mental health assessment. The ITP shall include a definitive diagnosis that has been determined using the DSM-IV or ICD-9-CM. If the diagnosis cannot be determined within 45 days or a rule-out diagnosis is given, the client's clinical record must contain documentation as to what evaluations will be performed in order to provide a definitive diagnosis in the ITP.~~
 - 5) ~~The ITP shall state the overall goals of treatment, indicate the specific mental health services to be provided and describe the mental health services needs of the client in relationship to mental health services to be provided including goals, objectives, expected outcome, frequency and responsible staff.~~
 - 6) ~~Responsibility for development of the ITP shall be assumed by a QMHP as documented by his or her signature on the ITP.~~
 - 7) ~~A physician or LPHA shall provide the clinical direction of rehabilitative mental health services identified in the ITP as documented by his or her signature on the ITP. Such clinical direction includes reviewing the plan~~

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~~no less than once every six months and modifying the plan as necessary.~~

- ~~8) Mental health professionals may participate in the development of the ITP.~~
- ~~9) If multiple Medicaid-certified providers are involved in providing mental health services to the same client under this Section, one master ITP shall be developed by the team of individuals responsible for providing the respective services.~~
- e) Skills training and development are structured services that are goal directed, clearly defined and focused on improving adaptive functioning deficits.
Psychiatric treatment
 - 1) Services shall be provided on a face-to-face basis individually or in a group setting with the client or client's family. Psychotropic medication requirements:
 - A) ~~Psychotropic medication shall be prescribed by a physician who has conducted a psychiatric evaluation of the client, or in an emergency, is aware of the client's psychotropic medication history and the client's current level of functioning.~~
 - B) ~~Psychotropic medication shall be administered by personnel licensed to administer medication pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65] and the Medical Practice Act of 1987 [225 ILCS 60].~~
 - C) ~~Psychotropic medication shall be reviewed, at a minimum, every 90 days by the physician.~~
 - D) ~~When psychotropic medication monitoring and self-administration training are prescribed by the treating physician, the monitoring and training shall be provided to clients in the following areas:~~
 - i) ~~Psychiatric illness;~~
 - ii) ~~Psychotropic medications, effects, side-effects, and adverse reactions;~~
 - iii) ~~Self-administration of medications;~~

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- ~~iv) Storage and safeguarding of medication; and/or~~
 - ~~v) Communicating with mental health professionals regarding medication issues.~~
 - ~~E) Notations shall be made in the client's clinical record regarding psychotropic medication and other types of medication. Notations shall include:
 - ~~i) All medication being taken by the client;~~
 - ~~ii) Current psychotropic medication: name, dosage, frequency and method of administration;~~
 - ~~iii) Any problems with psychotropic medication administration and activities implemented to address these problems; and~~
 - ~~iv) A statement indicating that the client has been informed of the purpose of the psychotropic medication ordered and the side effects of the medication.~~~~
 - ~~F) Psychotropic and other medication shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, security and in accordance with the Department of Public Health's rules at 77 Ill. Adm. Code 300.1640.~~
 - ~~G) Psychotropic medication monitoring and training shall be provided by the physician, by a QMHP under the direction of a physician, or by a MHP under the supervision of a QMHP. The physician must designate, in writing, the professionals who provide medication monitoring and training services, as medication monitoring and training staff.~~
- 2) Services shall be provided by at least an MHP. Therapy or counseling shall include:
 - A) Individual therapy or counseling;
 - B) Group therapy or counseling; and

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- ~~C) Family therapy (includes couples' therapy and marital counseling) or family counseling.~~
- 3) ~~The services shall be provided:~~
 - ~~A) Following a mental health assessment and consistent with the client's ITP; and~~
 - ~~B) On a face to face or personal contact basis with adult clients and their families, at the client's request or agreement or with groups of clients, or with a child or adolescent client and his or her family, or on behalf of a child or adult with the child's or adult's family and based on the ITP.~~
- 4) ~~Service termination criteria shall include:~~
 - ~~A) Determination that the client's level of role functioning and the personal distress level have improved and can be maintained consistent with the ITP; or~~
 - ~~B) Determination that the client's level of role functioning has significantly deteriorated to a degree where referral or a transfer to a more intensive mental health treatment is indicated; or~~
 - ~~C) Documentation in the client's clinical record that the client terminated participation in the program.~~
- 5) ~~Psychiatric treatment services shall be provided in accordance with the following:~~
 - ~~A) Therapy services shall be provided by a QMHP; and~~
 - ~~B) Counseling may be provided by a QMHP or MHP.~~
- f) Therapeutic behavioral services are direct interactions with the client, or on behalf of the client with a member of the client's family, with such interactions intended to result in improving or maintaining the client's ability to function in a variety of interpersonal situations, including in the family, school or community. ~~Crisis intervention~~

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- 1) ~~Services may be provided individually or in a group setting with the client or the client's family. Crisis intervention services shall be provided to clients who are experiencing a psychiatric crisis and a high level of personal distress to provide brief and immediate intensive treatment to reduce symptomatology, stabilize and restore the client to a previous level of role functioning and to assist the client in functioning in the community.~~
- 2) ~~Therapeutic behavioral services provided in a group setting shall be provided with a staff to client ratio of no more than 1:15. Crisis intervention services shall include:~~
 - A) ~~Immediate preliminary assessment;~~
 - B) ~~Therapy or counseling (brief and immediate); and~~
 - C) ~~Referral, linkage and consultation with other appropriate mental health services.~~
- 3) ~~Services shall be provided by at least an RSA. Crisis intervention services shall provide immediate crisis assessment to ensure the appropriateness of admission for psychiatric hospitalization.~~
- 4) ~~Services shall be provided on a face to face or personal contact basis, following, at a minimum, an assessment of the need for mental health services. If one does not already exist, a preliminary ITP shall be developed and shall become a part of the ITP, if additional mental health services are to be provided.~~
- 5) ~~Crisis intervention services may be initiated prior to development of the ITP. Referral and linkage with continuing mental health services shall be provided for clients in crisis, including residential crisis care, respite care and/or inpatient psychiatric treatment, as needed.~~
- 6) ~~Service eligibility and termination criteria~~
 - A) ~~Crisis intervention services shall be available to clients presenting an apparent need for immediate mental health services. Service eligibility criteria shall include:~~

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- ~~i) Determination of deterioration in one or more areas of role functioning within the past seven days which requires immediate resolution and stabilization to prevent further deterioration in role functioning; or~~
- ~~ii) Determination that acute symptomatology requires immediate stabilization to prevent substantial deterioration in role functioning and to relieve personal distress.~~
- ~~B) Service termination criteria shall include:~~
 - ~~i) Determination that the crisis has been resolved and the client shows positive change toward restoration to a previous level of role functioning and/or decrease in personal distress and is not in need of further crisis mental health services; or~~
 - ~~ii) Determination that the client has been stabilized or requires a transfer or referral to less intensive mental health treatment for continuing mental health services; or~~
 - ~~iii) Determination that the client has not been stabilized and the client requires a transfer or referral to more intensive mental health treatment for continuing mental health services; or~~
 - ~~iv) Documentation in the client's clinical record that the client terminated participation in the program.~~
- ~~7) Crisis intervention services may be delivered by a QMHP or an MHP with access to a QMHP who is available for immediate consultation and clinical supervision.~~
- ~~8) The number of crisis intervention staff shall be adequate to provide immediate crisis assessment, brief therapy or counseling and referral and linkage on a face-to-face basis during the regular hours of service operation and, at a minimum, provide crisis assessment and referral to mental health services, as necessary, after the regular hours of operation. Written agreements shall be established for referral of clients to crisis~~

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~~intervention services after regular operating hours, as necessary.~~

- g) Assertive community treatment (ACT)~~Day rehabilitation treatment programs~~
- 1) ACT is a specialized model of treatment/services that provides an inclusive array of community-based mental health services and supportive services for adults (18 years of age and older) with serious mental illness who have a history of high use of psychiatric hospitalization. It requires an integrated package of services, provided by a multi-disciplinary team over an extended duration.~~Day rehabilitation treatment programs may include three levels of rehabilitative mental health services provided within a format of structured daily activities which are designed to promote improvement in psychological, interpersonal and age-appropriate or independent role functioning which shall include intensive stabilization, extended treatment and rehabilitation and psychosocial rehabilitation. Such programs are specified as intensive stabilization services, extended treatment and rehabilitation services or psychosocial rehabilitation day program services. Each service provides an integrated, comprehensive and complimentary schedule of psychiatric and/or psychosocial treatment modalities provided in a therapeutic milieu addressing at least three areas of functioning:~~
- A) ~~Psychological;~~
- B) ~~Interpersonal; and~~
- C) ~~Age-appropriate or independent role functioning.~~
- 2) Eligibility criteria
- A) Adult with frequent, lengthy or repeated admissions to State-operated facilities who meet one of the following criteria:
- i) Three or more hospitalizations in a State-operated facility in the past 12 months;
- ii) Five or more hospitalizations in a State-operated facility in the past 24 months; or

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iii) A cumulative length of stay of at least 180 days in the past 12 months.

B) DHS may authorize ACT services for other specific target populations (e.g., persons who are homeless, who have a severe and persistent mental illness) or individuals based on the need for assertive community treatment level services.

~~Day rehabilitation treatment programs for individuals under the age of 21 years shall not include services that are educational in nature; for example, services identified in the individual education plan (IEP).~~

3) Termination criteria

In addition to the general criteria for termination, if any individual consistently refuses to participate for a period of 6 months, he/she may be placed on an "inactive roster" and may be reactivated as needed.~~Intensive stabilization and extended treatment and rehabilitation services shall include a range of therapeutic interventions provided following a mental health assessment and consistent with the client's ITP.~~

4) The ACT team shall assume responsibility for assisting the individual to achieve improved community functioning, to include:~~Intensive stabilization services shall be available for a minimum of four hours a day, five days a week with a schedule of interventions focused on resolution or stabilization of short term problems or crisis situations which, if not treated, would require inpatient psychiatric hospitalization including the provision of the following:~~

A) Stabilizing the living arrangement, including obtaining and maintaining housing and other basic necessities;~~Therapy (individual, group and family); or~~

B) Improved symptom self-management, clinical status, and independent community living skills;~~Occupational therapy (optional).~~

C) Effective engagement in, and linkage to, necessary services and support;

D) Development and activation of individual's support network;

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- E) Improved identification of and treatment outcomes for concurrent substance abuse disorders;
- F) Medication evaluation, education, prescription, administration, self-administration, monitoring and training (including delivery of medication as necessary); and
- G) General health, vision, hearing and dental, including access to services for assessment, on-going treatment, follow-up, medication management and compliance, providing training in obtaining medical services in emergencies and non-emergency situations.

- 5) Staff qualifications
The ACT team shall include a multi-disciplinary mix, including professionals in mental health and substance abuse treatment. The team shall include, at a minimum, a psychiatrist, a QMHP, and an MHP and may include RSAs. It is highly desirable to include a registered nurse (RN) and a certified alcoholism and other drug counselor, certified by the Illinois Alcohol and Other Drug Abuse Professional Association, Inc., and a vocational specialist as part of the team.~~Extended treatment and rehabilitation services shall be available for a minimum of four hours a day, five days a week with a schedule of interventions focused on the development, acquisition, enhancement and/or maintenance of interpersonal and adaptive functioning to restore client functioning and to facilitate re-entry into the family and community, including the provision of the following:~~
- A) ~~Therapy (individual, group and family);~~
 - B) ~~Occupational therapy (optional); and~~
 - C) ~~Adaptive functioning, stabilization and developmental interventions.~~
- 6) Services may be provided following a determination of eligibility for ACT services and may commence prior to the completion of a mental health assessment and the ITP when immediate assistance is needed to obtain food, shelter or clothing.~~Psychosocial rehabilitation day program services shall be available for a minimum of four hours a day, five days a week.~~

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~~Individuals participate in services based on their individualized needs consistent with their ITPs.~~

- 7) ~~Case management is an integral part of ACT and shall not be considered a separate service. Psychosocial rehabilitation day program services include provision of core service elements which address age-appropriate or independent role functioning and include:~~
- ~~A) Individual or group counseling;~~
 - ~~B) Individual or group adaptive functioning, stabilization, and developmental interventions; and~~
 - ~~C) Community integration and reintegration.~~
- 8) ~~A staff to client ratio of no more than 1:15 shall be maintained. Service eligibility and termination criteria~~
- ~~A) Specific service eligibility criteria for intensive stabilization shall include determination that the client:~~
 - ~~i) Exhibits signs, symptoms and associated features of mental illness and has experienced deterioration in role functioning in one or more primary areas, which requires immediate intervention to prevent further deterioration and the need for 24-hour supervised treatment, e.g., hospitalization; or~~
 - ~~ii) Requires further continuation of treatment following hospitalization because symptoms persist and role functioning has not improved.~~
 - ~~B) Specific service eligibility criteria for extended treatment and rehabilitation services and psychosocial rehabilitation day program services shall include a determination that the client lacks independent living skills and/or is unable to maintain community adjustment without structured intervention.~~
 - ~~C) General termination criteria for intensive stabilization shall include:~~

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- ~~i) Determination that the client's level of acute distress/crisis has been resolved and previous role functioning restored consistent with ITP objectives; or~~
 - ~~ii) Documentation in the client's clinical record that the client terminated participation in the program.~~
- ~~D) General termination criteria for extended treatment and rehabilitation services and psychosocial rehabilitation day program services shall include:~~
 - ~~i) Determination that the client's level of role functioning has improved, and the rehabilitation services objectives have been obtained and maintained consistent with the ITP;~~
 - ~~ii) Determination that the client's level of role functioning has not improved or has deteriorated and the extended rehabilitation services objectives have not been obtained consistent with the ITP; or~~
 - ~~iii) Documentation in the client's clinical record that the client terminated participation in the program.~~
- 9) Staffing
 - A) Intensive stabilization services shall be delivered by a QMHP. Extended treatment and rehabilitation services may be delivered by a QMHP or MHP. Psychosocial rehabilitation day program services may be delivered by an MHP.
 - B) Intensive stabilization services shall have a minimum of one full-time equivalent (FTE) QMHP to every six adult clients (1:6) or 1:3 for child and adolescent clients, based on average daily attendance calculated annually.
 - C) Extended treatment and rehabilitation services shall have a minimum of one FTE MHP to 10 adult clients (1:10) or 1:6 for child and adolescent clients, based on average daily attendance calculated annually.

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- ~~D) Psychosocial rehabilitation day program services shall have a minimum of one FTE MHP to 15 clients (1:15) based on average daily attendance calculated annually.~~
- h) Mental health day treatment services are scheduled group therapeutic sessions made available for at least 4 hours per day, 5 days per week. Individual/family social rehabilitation
- 1) Mental health day treatment services are for clients with objectives to maintain or improve:
- A) Interpersonal functioning; or
- B) Age-appropriate, independent role functioning.
- ~~Services shall be delivered following a mental health assessment, and shall be goal directed, clearly defined and focused on improving adaptive functioning deficits identified in the ITP.~~
- 2) Mental health day treatment services shall be provided by at least an MHP. Services shall be provided individually or in a group setting on a face-to-face basis with the client or with the client and/or the client's family.
- 3) Mental health day treatment services shall be provided with a staff to client ratio that does not exceed 1:16 for adults and 1:8 for children and adolescents. Service eligibility shall include a determination that the client or the client and the client's family has adaptive functioning deficits for which social rehabilitation is the appropriate intervention.
- 4) Services shall be provided on a face-to-face basis. Service termination criteria shall include a determination that the service objectives have not and/or are unlikely to be met through continuation of this service or documentation in the client's clinical record that the client terminated participation in the program.
- ~~5) Client/family social rehabilitation services shall be provided by MHPs.~~
- i) Mental health intensive outpatient services are scheduled group therapeutic sessions made available for at least 4 hours per day, 5 days per

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~~week. Rehabilitative stabilization services~~

- 1) ~~Mental health intensive outpatient services are for clients with a history of psychiatric hospitalization who currently have ITP objectives to reduce or eliminate symptoms that have, in the past, led to the need for hospitalization. Rehabilitative stabilization services shall be provided in accordance with specifications in the ITP in order to develop or maintain an adult's or child's functioning.~~
 - 2) ~~Services shall be provided by at least a QMHP. Rehabilitative stabilization activities may include:~~
 - A) ~~Parental functioning development;~~
 - B) ~~Individual functioning development;~~
 - C) ~~Self-management functioning development;~~
 - D) ~~Parent-child interaction functioning development or sibling interaction functioning development;~~
 - E) ~~Self-management development; and~~
 - F) ~~Family management development.~~
 - 3) ~~Mental health intensive outpatient services shall be provided with a staff to client ratio that does not exceed 1:8 for adults and 1:4 for children and adolescents. Responsibility for the provision of rehabilitative stabilization services shall be assumed by a person with no less than two years of human services experience or by an RSA.~~
 - 4) ~~Services shall be provided on a face-to-face basis. This service is restricted to a child who resides in a specialized substitute care living arrangement and is receiving comprehensive mental health services under subsection (k) of this Section.~~
- j) Activity therapy services are direct interactions with the client, or on behalf of the client with a member of the client's family, with such interactions intended to result in improving or maintaining the client's ability to function in a variety of interpersonal situations, including in the family, school or community. Activity

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therapy services may include activities using art, music, drama, play or recreation. ~~Developmental rehabilitative services~~

- 1) ~~Services may be provided individually or in a group setting with the client or the client's family. Developmental rehabilitative services shall be provided in accordance with an ITP to restore a child or adolescent to a maximum level of functioning.~~
 - 2) ~~Services shall be provided by at least an RSA. Developmental rehabilitative services may include time spent in activities using art, music, drama, play or recreation either individually or as a group activity.~~
 - 3) ~~Services shall be provided on a face-to-face basis. Responsibility for the provision of developmental rehabilitative services shall be assumed by an RSA.~~
 - 4) ~~This service is restricted to a child who resides in a specialized substitute care living arrangement and is receiving comprehensive mental health services under subsection (k) of this Section.~~
- k) Intensive family-based services are interactions with the client, or with a member of the client's family on behalf of the client, to restore the client to prior levels of functioning, to reduce the risk of more restrictive treatment for the client such as psychiatric hospitalization, to reduce the risk of alternative placement, or to avert a family crisis. ~~Comprehensive mental health services~~
- 1) Intensive family-based services shall be provided only to a child or adolescent:
 - A) Who is served by a provider under contractual obligation to provide Screening, Assessment and Support Services (SASS), when such services have been authorized by the State's mental health crisis telephone line in accordance with the provisions of 59 Ill. Adm. Code 131 (Children's Mental Health Screening and Support Services Program); or
 - B) For a child for whom DCFS is legally responsible who is served by a provider under contract with DCFS to provide, and be reimbursed for, this service.

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~~Comprehensive mental health services shall be provided to a client for the purpose of behavioral functioning changes which are necessary for the client's day-to-day role functioning.~~

- 2) ~~Services shall be provided by at least an MHP. Comprehensive mental health services may be provided to a client receiving care or services in a specialized substitute care living arrangement supervised by a certified provider which is under contract to the Department, DCFS or DOC to provide specialized substitute care.~~
- 3) ~~Services shall be provided on a face-to-face basis. Comprehensive mental health services shall be provided following the completion of an admission note and/or a mental health assessment and ITP.~~
 - A) ~~Prior to the completion of an ITP, comprehensive mental health services shall be provided according to the admission note for a maximum of 14 days from the date of the client's admission.~~
 - B) ~~A mental health assessment and ITP must be completed in accordance with subsections (c) and (d) of this Section within 14 days after a client's admission to a program providing comprehensive mental health services.~~
 - C) ~~Following completion of the mental health assessment and ITP, comprehensive mental health services shall be provided according to the client's ITP.~~
- 4) ~~Comprehensive mental health services may include any of the services described in this Section and in Section 132.165.~~
- 5) ~~Comprehensive mental health services shall be provided by individuals possessing the required qualifications for each discrete service.~~
- l) Comprehensive mental health services~~Client-centered consultation~~
 - 1) Comprehensive mental health services are an array of services as described in Sections 132.150 and 132.165 that have been approved by the public payer. One or more of these services is provided on a daily basis in order to restore or maintain the client's emotional or behavioral functioning to a level determined to be necessary for his/her successful

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~~functioning in a family, school, or community. Is provided on a face-to-face or personal contact basis for the purpose of implementing and/or evaluating the implementation of the client's ITP.~~

- 2) ~~Comprehensive mental health services require that at least one of the allowable services in Section 132.150 or 132.165 is provided each day. Each service must be provided in accordance with the requirements of this Part for the respective service. May include:~~

~~A) A scheduled meeting or conference for professional communication among provider staff, staff of other agencies, and child care systems including school personnel or other professionals involved in the treatment process.~~

~~B) A scheduled meeting or conference for professional communication between provider staff and family members involved in the treatment process.~~

- 3) ~~Comprehensive mental health services shall be provided by individuals possessing the required qualifications for each discrete service. Must be provided in conjunction with one or more rehabilitative mental health services as specified in this Section and in accordance with the ITP.~~

- 4) ~~Does not include advice given in the course of clinical staff supervisory activities, in service training, treatment planning or utilization review and may not be billed as part of the assessment process.~~

- 5) ~~May be provided by a QMHP or MHP.~~

- m) ~~Short-term diagnostic and mental health services Intensive family-based services for children and adolescents~~

- 1) ~~Short-term diagnostic and mental health services are an array of services, as described in Sections 132.150 and 132.165, that have been approved by the State agency. One or more of these services is provided on a daily basis in order to assess, restore or maintain the client's emotional or behavioral functioning necessary to be at a level determined to be appropriate for his/her successful functioning in a family, school or community. Intensive family-based services:~~

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- A) ~~Shall be provided to a child or adolescent with a mental illness and to his or her other family members as needed to support the rehabilitation and restoration of the child or adolescent to an optimal level of functioning and to reduce the risk of more restrictive treatment for the child or adolescent such as psychiatric hospitalization;~~
- B) ~~Are concentrated therapeutic activities which may include:~~
- ~~i) One to one counseling for therapeutic activities;~~
 - ~~ii) Counseling related to ITP goals and objectives;~~
 - ~~iii) Individual/family social rehabilitation related to the child's emotional deficits;~~
 - ~~iv) Counseling in behavioral management; and~~
 - ~~v) Assistance in household management related to the provision of mental illness related care services for the child;~~
- C) ~~Are generally provided in home or at other off-site locations and are made available when and where the needs of the child and family can best be met; and~~
- D) ~~Must be provided in conjunction with other rehabilitative mental health services and are primarily used as a catalyst to stabilize acute crisis situations and/or to diffuse or avert a family crisis.~~
- 2) Short-term diagnostic and mental health services shall last no more than 45 days. One extension of an additional 45 days may be authorized by an LPHA. A client 17 years of age or younger and his or her family are eligible for services when the level of the client's or his or her family's role functioning requires in-home or other intensive therapeutic interventions to avoid more restrictive services such as inpatient hospitalization or other out of home placement.
- 3) Short-term diagnostic and mental health services require that at least one of the allowable services in Section 132.150 or 132.165 be provided each

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~~day. Each service shall be provided in accordance with the requirements of this Part for the respective service. Generally, termination criteria for intensive family-based services shall include a determination that the child's and his or her family's level of role functioning has improved or has been stabilized to allow for transfer or referral to less intensive rehabilitative mental health services or case closure.~~

- 4) ~~Short-term diagnostic and mental health services shall be provided by individuals possessing the required qualifications for each discrete service. Services may be provided by an MHP.~~

n) ~~Assertive community treatment (ACT)~~

- 1) ~~ACT is an inclusive array of community-based rehabilitative mental health services and supportive services for persons with serious mental illness who have a history of high use of psychiatric hospitalization and therefore require a well-coordinated and integrated package of services, provided over an extended duration, in order to live successfully in the community of their choice.~~

2) ~~Eligibility criteria~~

A) ~~Adult (18 and over) with frequent, lengthy or repeated admissions to State-operated facilities who meet one of the following criteria:~~

- i) ~~Three or more hospitalizations in a State-operated facility in the past 12 months;~~
- ii) ~~Five or more hospitalizations in a State-operated facility in the past 24 months; or~~
- iii) ~~180 days total length of stay in the past 12 months.~~

B) ~~The Department may authorize ACT services for other specific target populations (e.g., persons who are homeless, who have a severe and persistent mental illness) or individuals based on the need for assertive community treatment level services.~~

3) ~~Termination criteria~~

~~Individuals may be served for as long as their needs dictate. However, if~~

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~~any individual consistently refuses to participate for a period of six months, he or she may be placed on an "inactive roster" and may be re-activated as needed.~~

- 4) ~~The ACT team shall assume responsibility for assisting the individual to achieve, most importantly, decreased hospitalization and improved community functioning, to include:~~
 - A) ~~Stabilizing the living arrangement, including obtaining and maintaining housing and other basic necessities, i.e., food and clothing, assisting the individual to obtain and maintain community living arrangements which afford safety and basic comforts, and providing ongoing services to ensure maintenance of the living arrangement during periods of institutional care, such as paying the rent and utilities;~~
 - B) ~~Medication, including medication evaluation, education, prescription, administration, self-administration monitoring and training (including delivery of medication as necessary). This further includes observing and reporting effects and side effects of prescribed medication;~~
 - C) ~~Money management, providing assistance in money management, budgeting, and applying for financial entitlements, including becoming the representative payee; and~~
 - D) ~~General health, vision, hearing and dental, including access to services for assessment, on-going treatment, follow-up, medication management and compliance, providing training in obtaining medical services in emergencies and non-emergency situations.~~
- 5) ~~The ACT team will include but not limit itself to the following activities:~~
 - A) ~~Linking individuals with resources and services;~~
 - B) ~~Providing supportive counseling and problem-solving;~~
 - C) ~~Assistance on an on-going basis and in times of crisis, including 24 hour crisis response;~~

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- ~~D) Providing personal support and assistance in gaining access to other mental health treatment and rehabilitation services; vocational training, educational services, legal services, employment opportunities, leisure, recreation, religious and social activities and self-help groups;~~
- ~~E) Maintaining on-going involvement with the individual during stays in other environments such as State-operated facilities, convalescent care facilities, community hospitals or rehabilitation centers;~~
- ~~F) Accessing and providing training in obtaining medical services, emergency and non-emergency;~~
- ~~G) Advocating on behalf of the individual;~~
- ~~H) Providing information and educational and advocacy services to family members;~~
- ~~I) Developing natural community supports and fostering relationships with non-paid persons in the community such as neighbors, landlords and volunteers;~~
- ~~J) Assisting individuals with activities of daily living through skills training and acquisition of assistive devices; and~~
- ~~K) Providing or assisting with transportation.~~
- 6) Staff qualification
~~The ACT team shall include a multi-disciplinary mix including mental health professionals and substance abuse treatment professionals. The team shall include a psychiatrist, a QMHP, and mental health professionals and may include RSAs. It is highly desirable to include a nurse and a certified alcoholism and other drug counselor, certified by the Illinois Alcohol and Other Drug Abuse Professional Association, Inc., as part of the team.~~
- 7) Service requirements
 - ~~A) ACT services shall be provided on a face-to-face or personal~~

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~~contact basis, with the client or on behalf of clients, with involved others, for the purpose of gaining access to treatment, rehabilitation and support services.~~

- ~~B) Services may be provided following a determination of eligibility for ACT services and may commence prior to the completion of a comprehensive assessment and the development of the individual treatment plan when immediate assistance is needed to obtain food, shelter and clothing.~~
- ~~C) Services shall be provided under the direction of a LPHA which is demonstrated by the LPHA's signature on the individual treatment plan.~~
- ~~D) The individual treatment plan shall be developed within 45 days after completing the assessment.~~
- ~~E) Case management may not be billed in combination with ACT services.~~
- ~~F) A staff to client ratio of no more than 1:10 to 1:15 shall be maintained.~~

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

Section 132.155 Family Intervention, Stabilization and Reunification Services (Repealed)

- ~~a) Services under this Section are provided to clients with substantial impairment in role functioning as indicated by an ICD-9-CM diagnosis and whom DCFS has determined require services pursuant to one of its legal mandates for the purpose of assuring the protection and permanency of one or more child or adolescent members of the family, and who meet one or more of the following conditions:
 - ~~1) A child for whom DCFS is legally responsible and who is placed in a relative foster home, a licensed foster home, group home or, as permitted by federal law, a child care institution, or an undomiciled child, when the child has been determined to be:
 - ~~A) demonstrating behavioral and/or emotional responses so different from generally accepted age appropriate, ethnic or cultural norms~~~~~~

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~~as to result in a significant impairment in self-care, social relationships, educational progress and behavior, work adjustment or family (or equivalent) adjustment; or~~

- ~~B) at risk or has actually experienced separation from his or her family.~~
- ~~2) Members of the family of a child described in subsection (a) (1) of this Section when involvement of the child's family in services is identified as directly related to the child's problems and is also identified in the child's rehabilitative services plan.~~
- ~~3) A child for whom DCFS is legally responsible or any other child served by DCFS who resides with his or her parent or guardian and the child meets one of the criteria listed in subsection (a)(1) of this Section.~~
- ~~4) Members of the family served by DCFS when the child who meets one of the criteria in subsection (a)(1) of this Section is residing with his or her parent or guardian and involvement of the family in services is directly related to resolving the child's problems as identified in the child's rehabilitative services plan.~~
- b) ~~Services under this Section are provided to DOC youths with substantial impairments in role functioning as indicated by an ICD-9CM diagnosis, who DOC has determined require services, and who demonstrate behavioral and/or emotional responses so different from generally accepted age appropriate, ethnic or cultural norms as to result in a significant impairment in self-care, social relationships, educational progress and behavior work adjustment or family (or equivalent) adjustment.~~
- e) ~~When the parent or guardian with whom the child resides has a DSM-IV diagnosis of mental illness and successful treatment of the illness is essential for the child's protection and/or permanency, services shall be provided in accordance with Section 132.150.~~
- d) ~~Rehabilitative assessment~~
- 1) ~~A rehabilitative assessment shall be initiated within 45 working days after a written referral or a verbal request which is confirmed in writing within 48 hours.~~

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- ~~2) The rehabilitative assessment shall include a face-to-face or personal contact interview with the client and collaterals, as indicated.~~
 - ~~3) A psychiatric evaluation, if applicable, shall be conducted by a physician on a face-to-face basis with the client.~~
 - ~~4) A psychological assessment, if applicable, shall be conducted by a licensed clinical psychologist on a face-to-face basis with the client.~~
 - ~~5) The rehabilitative assessment shall include at a minimum the items identified in Section 132.150(c)(6).~~
 - ~~6) When the rehabilitative assessment results in the determination that additional services under this Section are required, such services shall be recommended by a physician or a LPHA.~~
 - ~~7) Responsibility for the completed rehabilitative assessment shall be assumed by staff possessing a master's degree in human services or a bachelor's degree and having five years of human services experience who may be assisted by staff with a minimum of a bachelor's degree. A minimum of one face-to-face contact with the client and his or her family, and the client's guardian, if applicable, at the client's request or by agreement of the client, when the family can provide pertinent information or support, is required by the staff responsible for completing the rehabilitative services assessment.~~
 - ~~8) A client determined to be in need of rehabilitative services shall receive a rehabilitative assessment prior to the determination of the specific rehabilitative services and the initiation of services. If the client is determined to be in need of immediate rehabilitative crisis intervention and stabilization services pursuant to subsection (f) of this Section, a rehabilitative assessment shall not be required prior to the initiation of rehabilitative crisis intervention and stabilization services.~~
- e) ~~Rehabilitative services plan development, review and modification~~
- ~~1) The rehabilitative services plan shall be developed with the participation of the client and the client's guardian, if applicable. The plan shall be signed by the client, if 12 years of age or older, or by the parent or legal~~

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~~guardian of the minor client, the staff who developed the plan and the physician, LPHA or QMHP. A copy shall be given to the client, if not contraindicated, and the client's parent or guardian, if applicable, and incorporated in the client's record.~~

- ~~2) The rehabilitative services planning process consists of face-to-face contacts, collateral contacts and meetings with the client.~~
- ~~3) The rehabilitative services plan shall be developed within 45 days after the documented date of completing the rehabilitative services assessment. The rehabilitative services plan shall include a diagnosis as specified in the DSM-IV or ICD-9-CM.~~
- ~~4) The rehabilitative services plan shall state the overall goal of the services, identify the specific rehabilitative services to be provided, the duration of services and the anticipated outcomes.~~
- ~~5) Responsibility for development of the rehabilitative services plan shall be assumed by staff having at least a bachelor's degree with two years of human services experience.~~
- ~~6) The planning process for clients who also receive rehabilitative services under Section 132.150 shall comply with the provisions of Section 132.150(d).~~
- ~~7) A physician, LPHA or QMHP shall provide ongoing clinical direction of family intervention, stabilization and reunification services identified in the rehabilitative services plan. Such clinical direction includes reviewing the plan no less than once every six months and modifying the plan, as necessary.~~
- ~~8) A physician or a LPHA shall determine the continuing necessity for services under this Section at least annually.~~
- ~~9) If multiple Department or DCFS Medicaid-certified providers are involved in providing services described in this Section, one master rehabilitative services plan shall be developed by the team of individuals responsible for providing the respective services.~~

f) Rehabilitative counseling

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- 1) ~~Rehabilitative counseling shall be provided in accordance with a rehabilitative services plan for the purpose of behavioral or functional changes in the eligible adult or child which are necessary for the individual's day-to-day functioning.~~
 - 2) ~~Rehabilitative counseling activities may include individual, group or family counseling.~~
 - 3) ~~Responsibility for the provision of rehabilitative counseling shall be assumed by an individual possessing at least a bachelor's degree in human services with one year of human services experience.~~
- g) ~~Rehabilitative crisis intervention and stabilization~~
- 1) ~~Rehabilitative crisis intervention and stabilization services shall be provided to all eligible clients who are experiencing an acute crisis which threatens safety or functioning, or extrusion from the family.~~
 - 2) ~~Rehabilitative crisis intervention and stabilization shall include:~~
 - A) ~~Immediate preliminary assessment;~~
 - B) ~~Counseling; and~~
 - C) ~~Referral to other applicable medically necessary rehabilitative services.~~
 - 3) ~~The rehabilitative crisis intervention and stabilization process consists of face-to-face or personal contact intervention with a client and short-term placement prevention services.~~
 - 4) ~~Rehabilitative crisis intervention and stabilization services shall be delivered by staff possessing a bachelor's degree in human services with one year of human services experience. Pre-psychiatric hospitalization screening shall be handled only by a QMHP or by an MHP with access to a QMHP who is available for immediate consultation and clinical supervision.~~
- h) ~~Rehabilitative consultation and review~~

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- 1) ~~Rehabilitative consultation and review activities are provided in accordance with a rehabilitative services plan.~~
 - 2) ~~Rehabilitative consultation and review activities may include:~~
 - A) ~~Scheduled or unscheduled multidisciplinary case consultations with other external or internal professionals or agencies;~~
 - B) ~~Attendance at and participation in required DCFS or DOC case reviews including administrative case reviews; and~~
 - C) ~~Participation in scheduled court hearings.~~
 - 3) ~~Responsibility for rehabilitative consultation and review activities is limited to:~~
 - A) ~~Staff serving as case managers/lead workers and their supervisors;~~
 - B) ~~Staff meeting as part of a multidisciplinary consultation team; and/or~~
 - C) ~~Staff participating in required DCFS or DOC reviews, including administrative case reviews.~~
- i) ~~Rehabilitative stabilization services~~
- 1) ~~Rehabilitative stabilization services shall be provided in accordance with specifications in a rehabilitative services plan in order to develop or maintain an adult's or child's functioning.~~
 - 2) ~~Rehabilitative stabilization activities may include:~~
 - A) ~~Parental functioning development;~~
 - B) ~~Individual functioning development;~~
 - C) ~~Self-management functioning development;~~
 - D) ~~Parent-child interaction functioning development or sibling~~

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~~interaction functioning development;~~

~~E) Self-management development; and~~

~~F) Family management development.~~

~~3) Responsibility for the provision of rehabilitative stabilization services shall be assumed by a person with no less than two years of human services experience or by a rehabilitative services associate (RSA).~~

~~j) Developmental rehabilitative services~~

~~1) Developmental rehabilitative services shall be provided in accordance with a rehabilitative services plan to restore a child or adolescent to a maximum level of functioning.~~

~~2) Developmental rehabilitative services may include time spent in activities using art, music, drama, play or recreation either to individuals or as a group activity.~~

~~3) Responsibility for the provision of developmental rehabilitative services shall be assumed by an individual possessing a bachelor's degree plus no less than two years of human services experience or by an RSA.~~

~~k) Comprehensive rehabilitative services~~

~~1) Comprehensive rehabilitative services shall be provided to a client for the purpose of behavioral or functional changes which are necessary for the client's day-to-day role functioning.~~

~~2) Comprehensive rehabilitative services may be provided to a client in a specialized substitute care living arrangement supervised by a certified provider which is under contract to the Department, DCFS or DOC to provide specialized substitute care.~~

~~3) Comprehensive rehabilitative services shall be provided following the completion of an admission note and/or a rehabilitative assessment and RSP.~~

~~A) Prior to completion of an RSP, comprehensive rehabilitative~~

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~~services shall be provided according to the admission note for a maximum of 14 days from the date of the client's admission.~~

- ~~B) A rehabilitative assessment and RSP must be completed in accordance with subsections (d) and (e) of this Section within 14 days of a client's admission to a program providing comprehensive rehabilitative services.~~
- ~~C) Following completion of the rehabilitative assessment and RSP, comprehensive rehabilitative services shall be provided according to the client's RSP.~~
- 4) ~~Comprehensive rehabilitative services may include any of the services described in subsections (a) through (j) of this Section and Section 132.170.~~
- 5) ~~Comprehensive rehabilitative services shall be provided by individuals possessing the required qualifications for each discrete service.~~
- 1) ~~Short-term diagnostic and rehabilitative services~~
- 1) ~~Short-term diagnostic and rehabilitative services shall be provided to eligible children for the purpose of behavioral or functional changes which are necessary for the child's day-to-day functioning.~~
- 2) ~~Short-term diagnostic and rehabilitative services may be provided to a child receiving care or services in a specialized substitute care living arrangement.~~
- 3) ~~Short-term diagnostic and rehabilitative services may included any of the services described in subsections (a) through (j) of this Section and Section 132.170.~~
- 4) ~~Short-term diagnostic and rehabilitative services shall be provided by individuals possessing the required qualifications for each discrete service.~~

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

~~SUBPART F: CASE MANAGEMENT SERVICES~~

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Section 132.160 Provisions (Repealed)

~~A provider contracting with the Department, DCFS or DOC and certified under Subpart D or E of this Part may apply for certification in accordance with the provisions of this Subpart.~~

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

Section 132.165 Case Management Services~~Mental health case management services~~

- a) ~~Mental health case management services provide coordination, support and advocacy for clients who need multiple services and require assistance in gaining access to and in using mental health, social, vocational, educational, child welfare, and other community services and resources. Case management also may include client-specific advocacy and assistance with problem solving/resolution to assist the client in building community support and family support systems, and mandated child welfare and juvenile justice activities. Mental health case management services may be provided to any individual who has a mental illness and who is receiving services or who has refused services as prescribed in accordance with Subpart D or E of this Part.~~
- b) ~~Mental health case management activities shall include:~~
- ~~1) Linkage with a continuum of mental health services;~~
 - ~~2) Linkage with basic resources, which may include:
 - ~~A) Applying for financial, medical and other public entitlements;~~
 - ~~B) Locating housing;~~
 - ~~C) Obtaining medical and dental care; and~~
 - ~~D) Obtaining other social, educational, vocational, and recreational services;~~~~
 - ~~3) Client-specific advocacy and assistance with problem solving/resolution to assist the client in building community support and family support systems; and~~
 - ~~4) 24-hour crisis response availability, either directly or through written~~

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~~interagency agreements which assure that a QMHP or MHP assesses the situation and makes a determination of the proper course of action.~~

- ~~1)e) Mental health case management services shall be provided following a mental health assessment and be authorized consistent with the client's ITP, with the following exceptions: (except that immediate assistance may be provided to obtain food, shelter and clothing without prior authorization, if needed) on a face-to-face basis or personal contact basis with the client, his or her family, or other persons (such as employees of the public aid offices, restaurants, or neighborhood centers), at the client's request or agreement or based on the ITP, primarily in the client's own home or other appropriate community locations.~~
- ~~A) Immediate assistance is needed to obtain food, shelter or clothing;~~
- ~~B) The client has refused all other appropriate services under this Part;
or~~
- ~~C) There are mandated child welfare or juvenile justice activities.~~
- d) ~~Service eligibility criteria shall include a determination that:~~
- ~~1) The client is currently receiving or has refused mental health services in accordance with Subparts D or E of this Part and requires assistance in gaining access to social, educational, vocational, housing, public income entitlements and other community services to assist the client in functioning in the community.~~
- ~~2) The client is planned to be discharged from an inpatient psychiatric facility and may require linkage with a provider for continuing mental health services and community/family support and may be in need of immediate assistance in securing appropriate housing and income entitlements in order to function independently in the community.~~
- e) ~~Service termination criteria shall include:~~
- ~~1) Determination that the client's level of role functioning has improved and has been maintained consistent with the ITP, and that the client is no longer in need of advocacy to support adequate role functioning; or~~

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- 2) ~~Determination that the client has been successfully linked with appropriate mental health services and other basic services consistent with the ITP and is no longer in need of assistance or advocacy to maintain them. Successful linkage is person-to-person contact between a client and the staff of a community provider which has agreed to provide necessary services and the mutual agreement between a client and the staff of the community provider that appropriate services are available and are likely to meet the client's needs; or~~
- 3) ~~Documentation in the client's record that the client terminated participation in the program.~~
- 2)† Mental health case management services shall ~~may~~ be provided by at least an RSAa-QMHP or an MHP.
- b) Transition linkage and aftercare services shall be provided to assist in an effective transition in living arrangements consistent with the client's welfare and development. This includes discharge from inpatient psychiatric care (in hospitals and nursing facilities), transition to adult services, and assisting the client or the client's family or caretaker with the transition.
- 1) Transition linkage and aftercare services may consist of:
- A) Planning with staff of a client's current or receiving living arrangements (including foster or legal parents as necessary);
- B) Locating placement resources;
- C) Arranging/conducting pre- or post-placement visits;
- D) Developing an aftercare services plan; or
- E) Planning a client's discharge and linkage from an inpatient psychiatric facility for continuing mental health services and community/family support.
- 2) Transition linkage and aftercare services shall be provided by at least an MHP.

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

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Section 132.170 Rehabilitative Case Management Services (Repealed)

- a) ~~Services under this Section are provided to clients with substantial impairment in role functioning as indicated by an ICD-9-CM diagnosis and whom DCFS has determined require services pursuant to one of its legal mandates for the purpose of assuring the protection and permanency of one or more child or adolescent members of the family, and who meet one or more of the following conditions:~~
- 1) ~~A child for whom DCFS is legally responsible who is placed in a relative foster home, a licensed foster home, group home or, as permitted by federal law, a child care institution, or an undomiciled child and the child has been determined to:~~
 - A) ~~Be demonstrating behavioral and/or emotional responses so different from generally accepted age appropriate, ethnic or cultural norms as to result in a significant impairment in self care, social relationships, educational progress and behavior, work adjustment or family (or equivalent) adjustment; or~~
 - B) ~~Be at risk or has actually experienced separation from his or her family.~~
 - 2) ~~Members of the family of a child described in subsection (a)(1) of this Section when involvement of the child's family in services is identified as directly related to the child's problems and is also identified in the child's rehabilitative services plan.~~
 - 3) ~~A child for whom DCFS is legally responsible or other child served by DCFS who resides with his or her parent or guardian and the child meets one of the criteria listed in subsection (a)(1) of this Section.~~
 - 4) ~~Members of the family served by DCFS when the child who meets one of the criteria in subsection (a)(1) of this Section is residing with his or her parent or guardian and involvement of the family in services is directly related to resolving the child's problem as identified in the child's rehabilitative services plan.~~
- b) ~~Services under this Section are provided to DOC youths with substantial impairments in role functioning as indicated by an ICD-9-CM diagnosis, who~~

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~~DOC has determined require services, and who demonstrate behavioral and/or emotional responses so different from generally accepted age appropriate, ethnic or cultural norms as to result in a significant impairment in self-care, social relationships, educational progress and behavior work adjustment or family (or equivalent) adjustment.~~

- e) ~~When the parent or guardian with whom the child resides has a DSM-IV diagnosis of mental illness, and mental health case management services are needed to support the child's protection and/or permanency, services are to be provided in accordance with Section 132.165.~~
- d) ~~Rehabilitative services coordination~~
 - 1) ~~Rehabilitative services coordination shall be provided in accordance with a rehabilitative services plan to assist eligible adults and children access and participation in recommended rehabilitative services.~~
 - 2) ~~Rehabilitative services coordination activities may include all direct or collateral contacts, including problem-solving intervention of a short duration, with or on behalf of the eligible client, which are intended to coordinate the client's access to and receipt of recommended services.~~
 - 3) ~~Responsibility for the provision of rehabilitative services coordination shall be assumed by a person who has no less than two years of human services experience or a RSA.~~
- e) ~~Rehabilitative transition linkage and aftercare services~~
 - 1) ~~Rehabilitative transition linkage and aftercare services shall be provided to eligible children to assist in an effective transition in living arrangement consistent with the child's welfare and development.~~
 - 2) ~~Rehabilitative transition linkage and aftercare services activities may consist of the time spent:~~
 - A) ~~Planning with staff of current or receiving living arrangements (including foster or legal parents as necessary);~~
 - B) ~~Locating placement resources;~~

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- ~~C) Arranging/conducting pre-placement visits; and~~
- ~~D) Developing an aftercare services plan.~~
- 3) ~~Rehabilitative transition linkage and aftercare services responsibility shall be assumed by a person possessing at least a bachelor's degree and one year of human services experience.~~

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

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Section 132.APPENDIX A Medicaid Community Mental Health Services Application Components (Repealed)

~~The following items are required as attachments to the application pursuant to Section 132.30(g):~~

- ~~1. Detailed program description (including staff qualifications, dates and times of operations) for each service for which application is made.~~
- ~~2. Utilization review plan pursuant to Section 132.95.~~
- ~~3. A copy of a client record format including copies of all forms to be used.~~
- ~~4. If licensed or accredited, a copy of the applicant's most recent accreditation letter or license and, if applicable, the report of survey findings.~~
- ~~5. Documentation of compliance with State and local ordinances and codes pursuant to Section 132.90 as they relate to fire and safety for all sites where Medicaid services are provided.~~
- ~~6. Documentation of compliance from a licensed plumber and electrician for all sites where Medicaid services are provided. (A statement from a local or municipal/county building inspector, a licensed architect, a licensed professional engineer, or an electrical contractor will meet this requirement.)~~
- ~~7. A copy of the applicant's financial audit for the last fiscal year if it is not on file with the Department, DCFS or DOC.~~
- ~~8. Policy statements on:
 - ~~a. Third party payments (see Section 132.80(g));~~
 - ~~b. Written recommendation and clinical direction of services pursuant to Sections 132.115 and 132.145;~~
 - ~~c. How the applicant maintains business records which indicate financial arrangements between the applicant and other providers in the Medicaid community mental health services program and other entities which are necessary to maintain the program compliance (e.g., payments received) (see Section 132.85); and~~~~

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- d. ~~Confidentiality of client records (see Section 132.85).~~
- 9. ~~The most recent contract which the applicant has with the Department or DOC for mental health services or DCFS for child welfare or youth services or with DOC for the provision of youth treatment, rehabilitative or transitional services.~~
- 10. ~~A staffing roster which demonstrates the applicant's capacity to provide services in accordance with this Part.~~

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

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Section 132.APPENDIX B Utilization Parameters (Repealed)**Section 132.TABLE A Mental Health Clinic Program Client Services (Repealed)**

SERVICE	MINIMUM UNIT BILLABLE*	AVERAGE UNITS PER SPECIFIED PERIOD
Mental health assessment	15 min	6 hours (per 6 months)
Psychological assessment (testing)		one assessment (per 12 months)
Treatment plan (development and modification)	15 min	one hour (per 90 days)
Psychotropic medication administration, review, and monitoring & training	15 min	2 hours (per 30 days)
Crisis intervention	15 min	10 hours (per 30 days)
Day treatment/intensive stabilization	1 hour	22 days (per 30 days)
Day treatment/extended treatment and rehabilitation	1 day (4 hrs)	22 days (per 30 days)
Adult psychiatric treatment		
individual therapy (60 min av)	15 min	4 hours
family therapy (120 min av)		8 hours
group therapy (90 min av)		7.5 hours (per 30 days)
Children/adolescents psychiatric treatment		
individual therapy (60 min av)	15 min	8 hours
family therapy (120 min av)		16 hours

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~~group therapy (90 min av)~~

~~12 hours
(per 30 days)~~

* ~~Billable to the nearest quarter hour, e.g., 55 minutes is billable to one hour or to the nearest hour for day treatment, that is at $\frac{1}{4}$ of the day rate, if the client does not attend the typical full 4 hour day which is billable at the all inclusive full day rate.~~

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

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Section 132.APPENDIX B Utilization Parameters (Repealed)**Section 132.TABLE B Rehabilitative Mental Health Services (Repealed)**

SERVICE	MINIMUM BILLABLE UNIT	MINIMUM BILLABLE TIME/DAY
Mental health assessment	15 min.	
Mental health social history	15 min.	
Psychological assessment	15 min.	
Psychological standardized testing	15 min.	
Treatment plan development and modification	15 min.	
Medication administration, monitoring, or training	15 min.	
Crisis intervention	15 min.	
Adult psychiatric treatment		
Individual therapy	15 min.	
Family therapy	15 min.	
Group therapy	15 min.	
Individual counseling	15 min.	
Family counseling	15 min.	
Group counseling	15 min.	
Children/adolescents psychiatric treatment		
Individual therapy	15 min.	
Family therapy	15 min.	
Group therapy	15 min.	
Individual counseling	15 min.	
Family counseling	15 min.	

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Group counseling	15 min.		
Rehabilitation day treatment			
Intensive stabilization	1 hour	8 hours	
Extended treatment, rehabilitation	1 hour	8 hours	
Psychosocial rehabilitation	1 hour	8 hours	
Individual/family social rehabilitation	15 min.		
Client-centered consultation	15 min.		
Intensive family-based services	15 min.		
Case management, mental health	15 min.		
Rehabilitative stabilization	15 min.		
Developmental rehabilitation services	15 min.		
Comprehensive mental health services	1 day	1 day	
Assertive community treatment	15 min.		

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

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Section 132.APPENDIX B Utilization Parameters (Repealed)**Section 132.TABLE C Family Intervention, Stabilization and Reunification Services (Repealed)**

SERVICE	MINIMUM BILLABLE UNIT	MINIMUM BILLABLE TIME/DAY
Rehabilitative assessment	15 min.	45 min.
Mental health social history	15 min.	
Psychological assessment	15 min.	45 min.
Psychological standardized testing	15 min.	
Rehabilitative service plan development, review and modification	15 min.	
Rehabilitative counseling		
Individual	15 min.	
Family	15 min.	
Group	15 min.	
Rehabilitative crisis		
Intervention, stabilization	15 min.	
Pre-hospitalization screening	15 min.	
Rehabilitative stabilization		
Individual or group	15 min.	
Developmental rehabilitation		
Individual or group	15 min.	
Rehabilitation consultation, review	15 min.	

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Rehabilitation services coordination	15 min.		
Rehabilitation transition linkage and aftercare	15 min.		
Comprehensive rehabilitative services	1 day	1 day	
Short term diagnostic and rehabilitative services	1 day	1 day	

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

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.2190 Proposed Action:
New Section
- 4) Statutory Authority: 35 ILCS 5/214
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides guidance for taxpayers entitled to the credit allowed in IITA Section 214 for affordable housing donations.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
100.5050	New Section	27 Ill. Reg. 15050, 09/26/03
100.5040	Amendment	27 Ill. Reg. 17970, 12/01/03
100.7040	Amendment	28 Ill. Reg. 1725, 01/30/04

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7055

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking provides guidance for all taxpayers who wish to qualify for the credit, and for municipalities and not-for-profit corporations who wish to make donations to affordable housing projects and receive the benefit of the credit by selling the credit to a person (including a small business) who may take the credit, as expressly allowed by IITA Section 214.

B) Reporting, bookkeeping or other procedures required for compliance: None. All bookkeeping and other procedures are mandated by statute or are as provided in rules issued by the Illinois Housing Development Authority in 47 Ill. Admin. Code Part 355.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section	
100.2000	Introduction
100.2050	Net Income (IITA Section 202)

SUBPART B: CREDITS

Section	
100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone (IITA 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA 201(k))
100.2163	Environmental Remediation Credit (IITA 201(l))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2195	Dependent Care Assistance Program Tax Credit (IITA 210)
100.2197	Foreign Tax Credit (IITA Section 601(b)(3))
100.2198	Economic Development for a Growing Economy Credit (IITA 211)
100.2199	Illinois Earned Income Tax Credit (IITA 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section	
100.2200	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope

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- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF
INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

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Section

- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF
BASE INCOME

Section

- 100.3000 Terms Used in Article 3 (IITA Section 301)
- 100.3010 Business and Nonbusiness Income (IITA Section 301)
- 100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section

- 100.3100 Compensation (IITA Section 302)
- 100.3110 State (IITA Section 302)
- 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

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SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3200 Taxability in Other State (IITA Section 303)
- 100.3210 Commercial Domicile (IITA Section 303)
- 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) – In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

- 100.5000 Time for Filing Returns: Individuals (IITA Section 505)
- 100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in

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Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years
(IITA Section 506)

100.5040 Innocent Spouses

SUBPART O: COMPOSITE RETURNS

Section

100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credits for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section

100.5200 Filing of Combined Returns
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205 Election to File a Combined Return
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns
100.5215 Filing of Separate Unitary Returns
100.5220 Designated Agent for the Members
100.5230 Combined Estimated Tax Payments
100.5240 Claims for Credit of Overpayments
100.5250 Liability for Combined Tax, Penalty and Interest
100.5260 Combined Amended Returns
100.5265 Common Taxable Year
100.5270 Computation of Combined Net Income and Tax
100.5280 Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

100.7000 Requirement of Withholding (IITA Section 701)
100.7010 Compensation Paid in this State (IITA Section 701)
100.7020 Transacting Business Within this State (IITA Section 701)
100.7030 Payments to Residents (IITA Section 701)

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100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section	
100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section	
100.7200	Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section	
100.7300	Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310	Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7320	Time for Filing Returns (IITA Section 704)
100.7330	Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340	Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section	
100.9000	General Income Tax Procedures (IITA Section 901)
100.9010	Collection Authority (IITA Section 901)
100.9020	Child Support Collection (IITA Section 901)
<u>100.9030</u>	<u>Department of Revenue Debt Collection Bureau to Assume Collection Duties</u>
<u>100.9040</u>	<u>Referral of Delinquent Debt</u>
<u>100.9050</u>	<u>Uncollectible Delinquent Debt</u>
<u>100.9060</u>	<u>Agencies to Maintain and Submit Records</u>

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SUBPART V: NOTICE AND DEMAND

Section
100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section
100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section
100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320 Limitations on Notices of Deficiency (IITA Section 905)
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section
100.9400 Credits and Refunds (IITA Section 909)
100.9410 Limitations on Claims for Refund (IITA Section 911)
100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section
100.9500 Access to Books and Records (IITA Section 913)
100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510 Taxpayer Representation and Practice Requirements
100.9520 Conduct of Investigations and Hearings (IITA Section 914)
100.9530 Books and Records

SUBPART AA: JUDICIAL REVIEW

Section
100.9600 Administrative Review Law (IITA Section 1201)

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SUBPART BB: DEFINITIONS

Section

100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9720	Nexus
100.9750	Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section

100.9800 Letter Ruling Procedures

100.APPENDIX A Business Income Of Persons Other Than Residents

100.TABLE A Example of Unitary Business Apportionment

100.TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13

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Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. _____, effective _____.

SUBPART U: COLLECTION AUTHORITY

Section 100.9030 Department of Revenue Debt Collection Bureau to Assume Collection Duties

Sections 100.9030 through 100.9060 implement Public Act 93-0570 and set forth when and how the Department of Revenue Debt Collection Bureau assumes jurisdiction over State agency

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delinquent debt. Effective July 1, 2004, the Department of Revenue has been given the statutory responsibility of collecting certain delinquent debt.

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

Section 100.9040 Referral of Delinquent Debt

Upon certification of delinquent debt from other State of Illinois agencies, the Department of Revenue Debt Collection Bureau (Bureau) shall serve as the primary debt collection entity for the State of Illinois and in that role shall collect delinquent debt on behalf of agencies of the State [30 ILCS 210/5].

- a) The Bureau will begin collection efforts only after the delinquent debts are certified to the Bureau by the referring agencies.
 - 1) Agencies referring delinquent debt to the Bureau shall certify for each delinquent debt referred that the provisions of this Section have been complied with. No delinquent debt shall be referred to the Bureau until the referring agency has afforded the debtor notice and an opportunity to contest the amount of the debt. The debtor shall have no right to a hearing before the Bureau to contest the validity of the debt. The debtor shall be afforded notice and an opportunity to contest the debt by the referring agency prior to referral of the delinquent debt to the Bureau. No debt shall be referred to the Bureau until the debtor has been notified of the amount and basis for the debt, the potential referral of the debt to the Bureau, and the procedure and time limitations for contesting the validity of the debt. Unless disputed in writing within 90 days after the date of notice by the referring agency, a debt shall be considered undisputed, delinquent, and suitable for referral to the Bureau.
 - 2) The Bureau lacks the statutory authority to begin collection activities on its own initiative with respect to any delinquent debt that has not been certified to the Bureau by the referring agency.
 - 3) The Bureau has no authority to accept referrals for collection of delinquent debt from the public, from the courts, or from any other agency of local or federal government other than the agencies duly authorized by the statutes.
 - 4) The Bureau shall have no obligation to collect debts secured by an interest in real property.

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- b) Once a delinquent debt has been certified to the Bureau, the Bureau may collect the delinquency using all legal authority available to the Department of Revenue to collect debt and all legal authority available to the referring agency [30 ILCS 210/5]. Specifically, the Bureau may use all collection methods authorized to collect tax debt as set forth in the various tax Acts.
- c) The Bureau shall notify the referring agency when a delinquent debt or any portion of it has been collected. Any amount of the delinquent debt collected by the Bureau, including any amount that results in overpayment of the delinquent debt, shall be deposited in, or transferred to, the appropriate funds as specified by statute. Thereafter, referring agencies shall bear the responsibility for adjusting overpayments.
- d) The Bureau shall promptly deposit delinquent debt receipts in the General Revenue Fund unless otherwise directed by the referring agency or required by law. Thereafter, the referring agency shall be responsible for the distribution of delinquent debt collected by the Bureau. Allocation of delinquent debt collections shall be the responsibility of the referring agency.
- e) Delinquent debt certified to the Bureau shall be transmitted to the Bureau in an electronic format approved by the Bureau. Delinquent debt certified to the Bureau shall include such information as the Bureau shall require, including but not limited to:
- 1) The identity of the debtor, including name, address and social security number.
 - 2) For business debtors, the name and type of business organization, business address, federal employer identification number, and owners and officers of the business.
 - 3) The nature and amount of the delinquent debt (including fees, penalties and interest).
 - 4) A brief description of the delinquent debt, including date the debt was incurred.
 - 5) All action taken to collect the debt to date.

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- 6) All legal restrictions relating to collection of the debt.
- f) Delinquent debt that has been discharged in bankruptcy or that is currently in bankruptcy shall not be referred to the Bureau.
- g) The Bureau shall make every reasonable effort to collect delinquent debt using all collection tools available. If reasonable collection efforts prove unavailing, the Bureau may declare the delinquent debt uncollectible and return it to the referring agency, which shall write off the delinquent debt as uncollectible, pursuant to rules established by the Comptroller, or return the delinquent debt to the Bureau.
- h) The Bureau may refuse to accept referral of delinquent debt the Bureau has previously deemed uncollectible absent factual assertions by the referring agency that, due to circumstances not known at the time the delinquent debt was deemed uncollectible, additional collection efforts are warranted.
- i) Agencies should not utilize outside collection agencies prior to referring delinquent debt to the Bureau.
- j) The Bureau's responsibilities under this Subpart shall be subject to appropriation by the General Assembly.
- k) The Bureau shall employ qualified collections specialists to perform the requirements of this Section, subject to funding by the General Assembly.

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

Section 100.9050 Uncollectible Delinquent Debt

The Bureau may deem debt uncollectible by the Bureau and return uncollectible delinquent debt to the referring agency. [30 ILCS 210/10(d)]

- a) The Bureau may deem delinquent debt uncollectible when it has exhausted all reasonable collection efforts. Specific collection procedures may vary by agency and with the size and nature of the debt. Prior to deeming any delinquent debt uncollectible, the Bureau shall document efforts to accomplish the following collection objectives:
 - 1) Confirm the current location of the debtor.

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- 2) Locate evidence of the debtor's assets.
- 3) Use all available collection tools to collect the delinquent debt.
- b) The Bureau shall maintain documentation of the efforts undertaken to collect the delinquent debt and the results of the efforts. Delinquent debt shall be returned to the referring agency only after the Bureau has exhausted all reasonable collection efforts.

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

Section 100.9060 Agencies to Maintain and Submit Records

For delinquent debt accruing after July 1, 2003, State agencies shall collect debtor identification information including FEIN or SSN. Prior to referring delinquent debt to the Bureau, the agency shall provide the Bureau a summary; detailed information regarding each piece of debt referred, including the nature and basis of the delinquent debt; the agency's procedures for validating the debt; the age of the delinquent debt; and a description of efforts made to collect the delinquent debt. When referring delinquent debt, agencies shall promptly deliver to the Bureau a copy of all records relating to the debt, with a status report describing collection actions taken to date.

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3)

<u>Section Number:</u> 130.341	<u>Proposed Action:</u> New Section
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- 4) Statutory Authority: P.A. 93-23
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements new provisions, effective March 1, 2004, governing the Commercial Distribution Fee (CDF) sales tax exemption created by P.A. 93-23. The proposed rulemaking describes the reporting requirements necessary for documenting the exemption and explains that parts are not subject to the exemption (but may be claimed under the separate rolling stock exemption). The proposed rulemaking clarifies that certain trailers are subject to the exemption and that motor vehicles must be used primarily for commercial purposes to qualify for the CDF sales tax exemption. Motor vehicles with curb weights in excess of 8,000 pounds will be conclusively presumed to be used primarily for commercial purposes. The proposed rulemaking also provides that motor vehicles whose Gross Vehicle Weight Rating (GVWR) is 8,000 or less will not qualify for the exemption.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect: No. An emergency rulemaking regarding this exemption has expired.
- 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 Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
130.552	New Section	27 Ill. Reg. 18521, 12/12/03
- 10) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Terry D. Charlton
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Small trucking companies and other small businesses will be able to take advantage of this exemption when purchasing certain trucks and trailers. Small businesses that sell qualifying trucks and trailers may sell such trucks and trailers tax-free.
- B) Reporting, bookkeeping or other procedures required for compliance: Purchasers must complete an exemption certification at the time of purchase.
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 130
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

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130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Drugs, Medicines and Medical Appliances
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines
130.335	Pollution Control Facilities
130.340	Rolling Stock
<u>130.341</u>	<u>Commercial Distribution Fee Sales Tax Exemption</u>

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- 130.345 Oil Field Exploration, Drilling and Production Equipment
- 130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
- 130.351 Aggregate Manufacturing

SUBPART D: GROSS RECEIPTS

Section

- 130.401 Meaning of Gross Receipts
- 130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
- 130.410 Cost of Doing Business Not Deductible
- 130.415 Transportation and Delivery Charges
- 130.420 Finance or Interest Charges – Penalties – Discounts
- 130.425 Traded-In Property
- 130.430 Deposit or Prepayment on Purchase Price
- 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
- 130.440 Penalties
- 130.445 Federal Taxes
- 130.450 Installation, Alteration and Special Service Charges
- 130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section

- 130.501 Monthly Tax Returns – When Due – Contents
- 130.502 Quarterly Tax Returns
- 130.505 Returns and How to Prepare
- 130.510 Annual Tax Returns
- 130.515 First Return
- 130.520 Final Returns When Business is Discontinued
- 130.525 Who May Sign Returns
- 130.530 Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
- 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
- 130.540 Returns on a Transaction by Transaction Basis
- 130.545 Registrants Must File a Return for Every Return Period
- 130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
- 130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
- 130.555 Vending Machine Information Returns
- 130.560 Verification of Returns

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SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments
130.605	Sales of Property Originating in Illinois
130.610	Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

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130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
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130.720	Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725	Display
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130.805	What Records Constitute Minimum Requirement
130.810	Records Required to Support Deductions
130.815	Preservation and Retention of Records
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SUBPART I: PENALTIES AND INTEREST

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- Section
130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

- Section
130.1101 Definition of Federal Area
130.1105 When Deliveries on Federal Areas Are Taxable
130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

- Section
130.1201 General Information
130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

- Section
130.1301 When Lessee of Premises Must File Return for Leased Department
130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

- Section
130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
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130.1410 Requirements for Certificates of Resale (Repealed)
130.1415 Resale Number – When Required and How Obtained
130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

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Section

- 130.1501 Claims for Credit – Limitations – Procedure
- 130.1505 Disposition of Credit Memoranda by Holders Thereof
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SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section

- 130.1601 When Returns are Required After a Business is Discontinued
- 130.1605 When Returns Are Not Required After Discontinuation of a Business
- 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

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- 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

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- 130.1801 When Powers of Attorney May be Given
- 130.1805 Filing of Power of Attorney With Department
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Section

- 130.1901 Addition Agents to Plating Baths
- 130.1905 Agricultural Producers
- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
- 130.1915 Auctioneers and Agents
- 130.1920 Barbers and Beauty Shop Operators
- 130.1925 Blacksmiths
- 130.1930 Chiropodists, Osteopaths and Chiropractors
- 130.1935 Computer Software
- 130.1940 Construction Contractors and Real Estate Developers

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130.1945	Co-operative Associations
130.1950	Dentists
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130.1960	Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
130.1965	Florists and Nurserymen
130.1970	Hatcheries
130.1971	Sellers of Pets and the Like
130.1975	Operators of Games of Chance and Their Suppliers
130.1980	Optometrists and Opticians
130.1985	Pawnbrokers
130.1990	Peddlers, Hawkers and Itinerant Vendors
130.1995	Personalizing Tangible Personal Property
130.2000	Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
130.2004	Sales to Nonprofit Arts or Cultural Organizations
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130.2006	Sales by Teacher-Sponsored Student Organizations
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130.2013	Persons in the Business of Both Renting and Selling Tangible Personal Property – Tax Liabilities, Credit
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130.2020	Physicians and Surgeons
130.2025	Picture-Framers
130.2030	Public Amusement Places
130.2035	Registered Pharmacists and Druggists
130.2040	Retailers of Clothing
130.2045	Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
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130.2060	Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065	Sales of Automobiles for Use In Demonstration (Repealed)
130.2070	Sales of Containers, Wrapping and Packing Materials and Related Products
130.2075	Sales To Construction Contractors, Real Estate Developers and Speculative Builders
130.2076	Sales to Purchasers Performing Contracts with Governmental Bodies
130.2080	Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
130.2101	Sellers of Floor Coverings
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
130.2110	Sellers of Seeds and Fertilizer
130.2115	Sellers of Machinery, Tools and Special Order Items
130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
130.2125	Trading Stamps and Discount Coupons
130.2130	Undertakers and Funeral Directors
130.2135	Vending Machines
130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments
130.2155	Tax Liability of Sign Vendors
130.2156	Vendors of Steam
130.2160	Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165	Veterinarians
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130.2500	Direct Payment Program
130.2505	Qualifying Transactions, Non-transferability of Permit
130.2510	Permit Holder's Payment of Tax
130.2515	Application for Permit
130.2520	Qualification Process and Requirements
130.2525	Application Review
130.2530	Recordkeeping Requirements

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130.2535 Revocation and Withdrawal

130.ILLUSTRATION A Examples of Tax Exemption Card

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568,

DEPARTMENT OF REVENUE

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effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. _____, effective _____.

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section 130.341 Commercial Distribution Fee Sales Tax Exemption

- a) Qualifications for exemption. Beginning on and after March 1, 2004, sales of certain motor vehicles are not subject to the tax imposed under this Part if they meet all of the following tests:
- 1) The motor vehicle is a second division motor vehicle. First division motor vehicles, such as those motor vehicles that are designed for the carrying of

DEPARTMENT OF REVENUE

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not more than 10 persons, do not qualify for the exemption. (See 625 ILCS 5/1-146.)

- 2) The motor vehicle must have a gross vehicle weight in excess of 8,000 pounds. Motor vehicles with Gross Vehicle Weight Ratings of 8,000 pounds or less do not qualify for the exemption provided in this Section. For purposes of this Section, Gross Vehicle Weight Rating means the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. (See 625 ILCS 5/1-124.5.)
- 3) The motor vehicle is used primarily for commercial purposes and will be registered and remain registered under Section 3-815(a) or 3-818(a) of the Illinois Vehicle Code or in such other manner whereby the registration of that motor vehicle will require the payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code [625 ILCS 5/3-815.1] and such fee is paid. For purposes of this Section, a motor vehicle used for commercial purposes means any motor vehicle used to transport persons or property in the furtherance of any commercial or industrial enterprise, whether for-hire or not-for-hire.

EXAMPLE: A motor vehicle that is used for transportation to work, school, or recreational activities would not be used for commercial purposes. For motor vehicles with a curb weight in excess of 8,000 pounds, the Department will conclusively presume that vehicle is used primarily for commercial purposes. For purposes of this subsection (a)(3), the term "curb weight" means the total weight of an empty vehicle, without cargo, driver, and passengers, but includes the maximum amount of fuel, oil, coolants, and standard equipment, including the spare tire and tools.

- b) Documentation of exemption. To properly document the exemption, the seller must obtain a written certificate from the purchaser stating the following:
 - 1) the name and address of purchaser;
 - 2) the description and Vehicle Identification Number of the motor vehicle or motor vehicles being purchased;
 - 3) the name and address of seller;

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- 4) the date of purchase;
 - 5) a statement that the motor vehicle will be used primarily for commercial purposes and will be registered under Section 3-815(a) or 3-818(a) of the Illinois Vehicle Code or in such other manner whereby the registration of that motor vehicle will require the payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code and that such vehicle will remain validly registered in such a manner for subsequent registration years;
 - 6) the commercial purpose for which the vehicle will be used, along with the purchaser's Illinois Business Tax (IBT) number or other business registration number; and
 - 7) the signature of purchaser.
- c) Liability for tax. If a purchaser claims the exemption provided in this Section and the vehicle is not considered subject to the Commercial Distribution Fee as described in subsection (a)(3) or otherwise does not qualify for this exemption, the purchaser will be liable for the tax based upon the purchase price of that vehicle and any applicable penalties and interest from the date of purchase.
- d) Repair and replacement parts. The exemption provided in this Section does not apply to any repair part, replacement part, or other item attached to or incorporated into the motor vehicle after the purchase of the motor vehicle. However, such items may qualify for the rolling stock exemption provided in Section 130.340(g).
- e) Trailers. For purposes of this Section, a trailer that is subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code will qualify as a second division motor vehicle under subsection (a)(1). The term "trailer" includes a trailer as defined in Section 1-209 of the Illinois Vehicle Code, a semi-trailer as defined in Section 1-187 of the Illinois Vehicle Code, and a pole trailer as defined in Section 1-161 of the Illinois Vehicle Code.

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Service Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 140
- 3) Section Number: 140.124 Proposed Action:
New Section
- 6) Statutory Authority: P.A. 93-23
- 7) A Complete Description of the Subjects and Issues Involved: This rulemaking implements new provisions, effective March 1, 2004, governing the Commercial Distribution Fee (CDF) sales tax exemption created by P.A. 93-23. The proposed rulemaking describes the reporting requirements necessary for documenting the exemption and explains that parts are not subject to the exemption (but may be claimed under the separate rolling stock exemption). The proposed rulemaking clarifies that certain trailers are subject to the exemption and that motor vehicles must be used primarily for commercial purposes to qualify for the CDF sales tax exemption. Motor vehicles with curb weights in excess of 8,000 pounds will be conclusively presumed to be used primarily for commercial purposes. The proposed rulemaking also provides that motor vehicles whose Gross Vehicle Weight Rating (GVWR) is 8,000 or less will not qualify for the exemption.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect: No. An emergency rulemaking regarding this exemption has expired.
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Terry D. Charlton
Illinois Department of Revenue

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Small trucking companies and other small businesses will be able to take advantage of this exemption when purchasing certain trucks and trailers incident to sales of service. Small businesses that sell qualifying trucks and trailers incident to sales of service may sell such trucks and trailers tax-free.
- B) Reporting, bookkeeping or other procedures required for compliance: Purchasers must complete an exemption certification at the time of purchase.
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 140
SERVICE OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	
140.101	Basis and Rate of the Service Occupation Tax
140.105	Calculation of Tax Incurred by Servicemen – Threshold Determination of Cost Ratio
140.106	When Cost Ratio is 35% or Greater, Service Occupation Tax Liability Is Incurred by Servicemen on Their Selling Price
140.108	"De Minimis" Servicemen Who Incur Use Tax on Their Cost Price
140.109	"De Minimis" Servicemen Who Incur Service Occupation Tax on Their Cost Price
140.110	Example of Methods Used by Servicemen to Determine Liability
140.115	Occasional Sales to Servicemen by Suppliers (Repealed)
140.120	Meaning of Serviceman
140.124	Commercial Distribution Fee Sales Tax Exemption
140.125	Examples of Nontaxability
140.126	Taxation of Food, Drugs and Medical Appliances
140.127	Service Provided to Persons Who Lease Tangible Personal Property to Exempt Hospitals
140.128	Persons Who Lease Tangible Personal Property to Governmental Bodies
140.130	Suppliers of Printers (Repealed)
140.135	Sales of Drugs and Related Items, to or by Pharmacists (Repealed)
140.140	Other Examples of Taxable Transactions
140.141	Warranty Repairs
140.145	Multi-Service Situations

SUBPART B: DEFINITIONS

Section	
140.201	General Definitions

SUBPART C: BASE OF THE TAX

Section

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- 140.301 Cost Price
- 140.305 Refunds by Supplier or Serviceman

SUBPART D: TAX RETURNS

- Section
- 140.401 Monthly Returns When Due – Contents of Returns
- 140.405 Annual Tax Returns
- 140.410 Final Return
- 140.415 Taxpayer's Duty to Obtain Form
- 140.420 Annual Information Returns by Servicemen
- 140.425 Filing of Returns for Serviceman Suppliers by their Suppliers Under Certain Circumstances
- 140.430 Incorporation by Reference

SUBPART E: INTERSTATE COMMERCE

- Section
- 140.501 Sales of Service Involving Property Originating in Illinois
- 140.505 Sales of Service Involving Property Originating Outside of Illinois (Repealed)

SUBPART F: REGISTRATION UNDER THE SERVICE OCCUPATION TAX ACT

- Section
- 140.601 General Information

SUBPART G: BOOKS AND RECORDS

- Section
- 140.701 Requirements

SUBPART H: PENALTIES, INTEREST AND PROCEDURES

- Section
- 140.801 General Information

SUBPART I: WHEN OPINIONS FROM THE DEPARTMENT ARE BINDING

- Section
- 140.901 Written Opinions

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SUBPART J: COLLECTION OF THE TAX

Section

- 140.1001 Payment of Tax
- 140.1005 Receipt to be Obtained for Tax Payments
- 140.1010 Payment of Tax Directly to the Department (Repealed)
- 140.1015 Itemization of the Tax by Suppliers (Repealed)
- 140.1020 Use of Bracket Chart
- 140.1025 Advertising in Regard to the Tax

SUBPART K: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING –
MEANING OF DUE DATE WHICH FALLS ON SATURDAY, SUNDAY OR
A HOLIDAY

Section

- 140.1101 Filing of Documents with the Department

SUBPART L: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section

- 140.1201 When Lessee of Premises May File Return for Leased Department
- 140.1205 When Lessor of Premises Should File Return for Leased Department
- 140.1210 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART M: USE OF EXEMPTION CERTIFICATES

Section

- 140.1301 When Purpose of Serviceman's Purchase is Known (Repealed)
- 140.1305 When Purpose of Serviceman's Purchase is Unknown
- 140.1310 Blanket Percentage Exemption Certificates (Repealed)

SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

- 140.1401 Claims for Credit – Limitations – Procedure
- 140.1405 Disposition of Credit Memoranda by Holders Thereof
- 140.1410 Refunds
- 140.1415 Interest

SUBPART O: DISCONTINUATION OF A BUSINESS

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Section
140.1501 Procedures

SUBPART P: NOTICE OF SALES OF GOODS IN BULK

Section
140.1601 Requirements and Procedures

SUBPART Q: POWER OF ATTORNEY

Section
140.1701 General Information

AUTHORITY: Implementing the Service Occupation Tax Act [35 ILCS 115] and authorized by Section 2505-100 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-100].

SOURCE: Adopted May 21, 1962; amended at 3 Ill. Reg. 23, p. 161, effective June 3, 1979; amended at 3 Ill. Reg. 44, p. 198, effective October 19, 1979; amended at 4 Ill. Reg. 24, pp. 526, 536 and 550, effective June 1, 1980; amended at 5 Ill. Reg. 822, effective January 2, 1981; amended at 6 Ill. Reg. 2879, 2883, 2886, 2892, 2895 and 2897, effective March 3, 1982; codified at 6 Ill. Reg. 9326; amended at 9 Ill. Reg. 7941, effective May 14, 1985; amended at 11 Ill. Reg. 14090, effective August 11, 1987; emergency amendment at 12 Ill. Reg. 14419, effective September 1, 1988, for a maximum of 150 days; emergency expired January 29, 1989; amended at 13 Ill. Reg. 9388, effective June 6, 1989; amended at 14 Ill. Reg. 262, effective January 1, 1990; amended at 14 Ill. Reg. 15480, effective September 10, 1990; amended at 15 Ill. Reg. 5834, effective April 5, 1991; amended at 18 Ill. Reg. 1550, effective January 13, 1994; amended at 20 Ill. Reg. 5379, effective March 26, 1996; amended at 20 Ill. Reg. 7008, effective May 7, 1996; amended at 20 Ill. Reg. 16211, effective December 16, 1996; amended at 24 Ill. Reg. 8125, effective May 26, 2000; emergency amendment at 25 Ill. Reg. 1811, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4971, effective March 23, 2001; amended at 25 Ill. Reg. 6531, effective May 3, 2001; amended at 26 Ill. Reg. 4905, effective March 15, 2002; amended at 27 Ill. Reg. 812, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11187, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. _____, effective _____.

SUBPART A: NATURE OF TAX

Section 140.124 Commercial Distribution Fee Sales Tax Exemption

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NOTICE OF PROPOSED AMENDMENT

- a) Qualifications for exemption. Beginning on and after March 1, 2004, sales of certain motor vehicles are not subject to the tax imposed under this Part if they meet all of the following tests:
- 1) The motor vehicle is a second division motor vehicle. First division motor vehicles, such as those motor vehicles that are designed for the carrying of not more than 10 persons, do not qualify for the exemption. (See 625 ILCS 5/1-146.)
 - 2) The motor vehicle must have a gross vehicle weight in excess of 8,000 pounds. Motor vehicles with Gross Vehicle Weight Ratings of 8,000 pounds or less do not qualify for the exemption provided in this Section. For purposes of this Section, Gross Vehicle Weight Rating means the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. (See 625 ILCS 5/1-124.5.)
 - 3) The motor vehicle is used primarily for commercial purposes and will be registered and remain registered under Section 3-815(a) or 3-818(a) of the Illinois Vehicle Code or in such other manner whereby the registration of that motor vehicle will require the payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code [625 ILCS 5/3-815.1] and such fee is paid. For purposes of this Section, a motor vehicle used for commercial purposes means any motor vehicle used to transport persons or property in the furtherance of any commercial or industrial enterprise, whether for-hire or not-for-hire.

EXAMPLE: A motor vehicle that is used for transportation to work, school, or recreational activities would not be used for commercial purposes. For motor vehicles with a curb weight in excess of 8,000 pounds, the Department will conclusively presume that vehicle is used primarily for commercial purposes. For purposes of this subsection (a)(3), the term "curb weight" means the total weight of an empty vehicle, without cargo, driver, and passengers, but includes the maximum amount of fuel, oil, coolants, and standard equipment, including the spare tire and tools.

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- b) Documentation of exemption. To properly document the exemption, the seller must obtain a written certificate from the purchaser stating the following:
- 1) the name and address of purchaser;
 - 2) the description and Vehicle Identification Number of the motor vehicle or motor vehicles being purchased;
 - 3) the name and address of seller;
 - 4) the date of purchase;
 - 5) a statement that the motor vehicle will be used primarily for commercial purposes and will be registered under Section 3-815(a) or 3-818(a) of the Illinois Vehicle Code or in such other manner whereby the registration of that motor vehicle will require the payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code and that such vehicle will remain validly registered in such a manner for subsequent registration years;
 - 6) the commercial purpose for which the vehicle will be used, along with the purchaser's Illinois Business Tax (IBT) number or other business registration number; and
 - 7) the signature of purchaser.
- c) Liability for tax. If a purchaser claims the exemption provided in this Section and the vehicle is not considered subject to the Commercial Distribution Fee as described in subsection (a)(3) or otherwise does not qualify for this exemption, the purchaser will be liable for the tax based upon the purchase price of that vehicle and any applicable penalties and interest from the date of purchase.

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- d) Repair and replacement parts. The exemption provided in this Section does not apply to any repair part, replacement part, or other item attached to or incorporated into the motor vehicle after the purchase of the motor vehicle. However, such items may qualify for the rolling stock exemption provided in 86 Ill. Adm. Code 130.340(g).
- e) Trailers. For purposes of this Section, a trailer that is subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code will qualify as a second division motor vehicle under subsection (a)(1). The term "trailer" includes a trailer as defined in Section 1-209 of the Illinois Vehicle Code, a semi-trailer as defined in Section 1-187 of the Illinois Vehicle Code, and a pole trailer as defined in Section 1-161 of the Illinois Vehicle Code.

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

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 150
- 3) Section Number: 150.311 Proposed Action:
New Section
- 8) Statutory Authority: P.A. 93-23
- 9) A Complete Description of the Subjects and Issues Involved: This rulemaking implements new provisions, effective March 1, 2004, governing the Commercial Distribution Fee (CDF) sales tax exemption created by P.A. 93-23. The proposed rulemaking describes the reporting requirements necessary for documenting the exemption and explains that parts are not subject to the exemption (but may be claimed under the separate rolling stock exemption). The proposed rulemaking clarifies that certain trailers are subject to the exemption and that motor vehicles must be used primarily for commercial purposes to qualify for the CDF sales tax exemption. Motor vehicles with curb weights in excess of 8,000 pounds will be conclusively presumed to be used primarily for commercial purposes. The proposed rulemaking also provides that motor vehicles whose Gross Vehicle Weight Rating (GVWR) is 8,000 or less will not qualify for the exemption.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect: No. An emergency rulemaking regarding this exemption has expired.
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part: No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Terry D. Charlton
Illinois Department of Revenue

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small trucking companies and other small businesses will be able to take advantage of this exemption when purchasing certain trucks and trailers. Small businesses that sell qualifying trucks and trailers may sell such trucks and trailers tax-free.
 - B) Reporting, bookkeeping or other procedures required for compliance: Purchasers must complete an exemption certification at the time of purchase.
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 150
USE TAX

SUBPART A: NATURE OF THE TAX

Section	
150.101	Description of the Tax
150.105	Rate and Base of Tax
150.110	How To Compute Depreciation
150.115	How To Determine Effective Date
150.120	Effective Date of New Taxes
150.125	Relation of Use Tax to Retailers' Occupation Tax
150.130	Accounting for the Tax
150.135	How to Avoid Paying Tax on Use Tax Collected From the Purchaser

SUBPART B: DEFINITIONS

Section	
150.201	General Definitions

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section	
150.301	Cross References
150.305	Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.306	Interim Use and Demonstration Exemptions
150.310	Exemptions to Avoid Multi-State Taxation
<u>150.311</u>	<u>Commercial Distribution Fee Sales Tax Exemption</u>
150.315	Non-resident Exemptions
150.320	Meaning of "Acquired Outside This State"
150.325	Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
150.330	Governmental Bodies as Buyers
150.331	Persons Who Lease Tangible Personal Property to Exempt Hospitals
150.332	Persons Who Lease Tangible Personal Property to Governmental Bodies
150.335	Game or Game Birds Purchased at Game Breeding and Hunting Areas or Exotic Game Hunting Areas

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- 150.336 Fuel Brought into Illinois in Locomotives
150.337 Food, Drugs, Medicines and Medical Appliances When Purchased for Use by a Person Receiving Medical Assistance under the Illinois Public Aid Code

SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

- Section
150.401 Collection of the Tax by Retailers From Users
150.405 Tax Collection Brackets
150.410 Tax Collection Brackets for a 2¼% Rate of Tax (Repealed)
150.415 Tax Collection Brackets for a 2½% Rate of Tax (Repealed)
150.420 Tax Collection Brackets for a 2¾% Rate of Tax (Repealed)
150.425 Tax Collection Brackets for a 3% Rate of Tax (Repealed)
150.430 Tax Collection Brackets for a 3⅛% Rate of Tax (Repealed)
150.435 Tax Collection Brackets for a 3¼% Rate of Tax (Repealed)
150.440 Tax Collection Brackets for a 3½% Rate of Tax (Repealed)
150.445 Tax Collection Brackets for a 3¾% Rate of Tax (Repealed)
150.450 Tax Collection Brackets for a 4% Rate of Tax (Repealed)
150.455 Tax Collection Brackets for a 4⅛% Rate of Tax (Repealed)
150.460 Tax Collection Brackets for a 4¼% Rate of Tax (Repealed)
150.465 Tax Collection Brackets for a 4½% Rate of Tax (Repealed)
150.470 Tax Collection Brackets for a 4¾% Rate of Tax (Repealed)
150.475 Tax Collection Brackets for a 5% Rate of Tax (Repealed)
150.480 Tax Collection Brackets for a 5⅛% Rate of Tax (Repealed)
150.485 Tax Collection Brackets for a 5¼% Rate of Tax (Repealed)
150.490 Tax Collection Brackets for a 5½% Rate of Tax (Repealed)
150.495 Tax Collection Brackets for a 5¾% Rate of Tax (Repealed)
150.500 Tax Collection Brackets for a 6% Rate of Tax (Repealed)
150.505 Optional 1% Schedule (Repealed)
150.510 Exact Collection of Tax Required When Practicable
150.515 Prohibition Against Retailer's Representing That He Will Absorb The Tax
150.520 Display of Tax Collection Schedule (Repealed)
150.525 Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates

SUBPART E: RECEIPT FOR THE TAX

- Section
150.601 Requirements

SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

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- Section
150.701 When and Where to File a Return
150.705 Use Tax on Items that are Titled or Registered in Illinois
150.710 Procedure in Claiming Exemption from Use Tax
150.715 Receipt for Tax or Proof of Exemption Must Accompany Application for Title or Registration
150.716 Display Certificates for House Trailers
150.720 Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax Collected by Retailer from User
150.725 Direct Payment of Tax by User to Department on Intrastate Purchase Under Certain Circumstances
150.730 Direct Reporting of Use Tax to Department by Registered Retailers

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

- Section
150.801 When Out-of-State Retailers Must Register and Collect Use Tax
150.805 Voluntary Registration by Certain Out-of-State Retailers
150.810 Incorporation by Reference

SUBPART H: RETAILERS' RETURNS

- Section
150.901 When and Where to File
150.905 Deduction for Collecting Tax
150.910 Incorporation by Reference
150.915 Itemization of Receipts from Sales and the Tax Among the Different States from Which Sales are Made into Illinois

SUBPART I: PENALTIES, INTEREST, STATUTE OF LIMITATIONS AND ADMINISTRATIVE PROCEDURES

- Section
150.1001 General Information

SUBPART J: TRADED-IN PROPERTY

- Section
150.1101 General Information

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SUBPART K: INCORPORATION OF ILLINOIS RETAILERS' OCCUPATION TAX
REGULATIONS BY REFERENCE

Section

150.1201 General Information

SUBPART L: BOOKS AND RECORDS

Section

150.1301 Users' Records

150.1305 Retailers' Records

150.1310 Use of Signs to Prove Collection of Tax as a Separate Item

150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax
Separately From the Selling Price

150.1320 Incorporation by Reference

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

150.1401 Claims for Credit – Limitations – Procedure

150.1405 Disposition of Credit Memoranda by Holders Thereof

150.1410 Refunds

150.1415 Interest

150.TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act [35 ILCS 105] and authorized by Section 2505-90 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-90].

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623, effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 14889, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 20 Ill. Reg. 16224, effective December 16, 1996; amended at 22 Ill. Reg. 21670, effective

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November 25, 1998; amended at 24 Ill. Reg. 10728, effective July 7, 2000; amended at 25 Ill. Reg. 953, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1821, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 5059, effective March 23, 2001; amended at 25 Ill. Reg. 6540, effective May 3, 2001; amended at 25 Ill. Reg. 10937, effective August 13, 2001; amended at 26 Ill. Reg. 971, effective January 15, 2002; amended at 26 Ill. Reg. 9902, effective June 24, 2002; amended at 27 Ill. Reg. 1607, effective January 15, 2003; emergency amendment at 27 Ill. Reg. 11209, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. _____, effective _____.

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section 150.311 Commercial Distribution Fee Sales Tax Exemption

- a) Qualifications for exemption. Beginning on and after March 1, 2004, sales of certain motor vehicles are not subject to the tax imposed under this Part if they meet all of the following tests:
- 1) The motor vehicle is a second division motor vehicle. First division motor vehicles, such as those motor vehicles that are designed for the carrying of not more than 10 persons, do not qualify for the exemption. (See 625 ILCS 5/1-146.)
 - 2) The motor vehicle must have a gross vehicle weight in excess of 8,000 pounds. Motor vehicles with Gross Vehicle Weight Ratings of 8,000 pounds or less do not qualify for the exemption provided in this Section. For purposes of this Section, Gross Vehicle Weight Rating means the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. (See 625 ILCS 5/1-124.5.)
 - 3) The motor vehicle is used primarily for commercial purposes and will be registered and remain registered under Section 3-815(a) or 3-818(a) of the Illinois Vehicle Code or in such other manner whereby the registration of that motor vehicle will require the payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code [625 ILCS 5/3-815.1] and such fee is paid. For purposes of this Section, a motor vehicle used for commercial purposes means any motor vehicle used to transport persons or property in the furtherance of any commercial or industrial enterprise, whether for-hire or not-for-hire.

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EXAMPLE: A motor vehicle that is used for transportation to work, school, or recreational activities would not be used for commercial purposes. For motor vehicles with a curb weight in excess of 8,000 pounds, the Department will conclusively presume that vehicle is used primarily for commercial purposes. For purposes of this subsection (a)(3), the term "curb weight" means the total weight of an empty vehicle, without cargo, driver, and passengers, but includes the maximum amount of fuel, oil, coolants, and standard equipment, including the spare tire and tools.

- b) Documentation of exemption. To properly document the exemption, the seller must obtain a written certificate from the purchaser stating the following:
- 1) the name and address of purchaser;
 - 2) the description and Vehicle Identification Number of the motor vehicle or motor vehicles being purchased;
 - 3) the name and address of seller;
 - 4) the date of purchase;
 - 5) a statement that the motor vehicle will be used primarily for commercial purposes and will be registered under Section 3-815(a) or 3-818(a) of the Illinois Vehicle Code or in such other manner whereby the registration of that motor vehicle will require the payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code and that such vehicle will remain validly registered in such a manner for subsequent registration years;

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- 6) the commercial purpose for which the vehicle will be used, along with the purchaser's Illinois Business Tax (IBT) number or other business registration number; and
- 7) the signature of purchaser.
- c) Liability for tax. If a purchaser claims the exemption provided in this Section and the vehicle is not considered subject to the Commercial Distribution Fee as described in subsection (a)(3) or otherwise does not qualify for this exemption, the purchaser will be liable for the tax based upon the purchase price of that vehicle and any applicable penalties and interest from the date of purchase.
- d) Repair and replacement parts. The exemption provided in this Section does not apply to any repair part, replacement part, or other item attached to or incorporated into the motor vehicle after the purchase of the motor vehicle. However, such items may qualify for the rolling stock exemption provided in 86 Ill. Adm. Code 130.340(g).
- e) Trailers. For purposes of this Section, a trailer that is subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code will qualify as a second division motor vehicle under subsection (a)(1). The term "trailer" includes a trailer as defined in Section 1-209 of the Illinois Vehicle Code, a semi-trailer as defined in Section 1-187 of the Illinois Vehicle Code, and a pole trailer as defined in Section 1-161 of the Illinois Vehicle Code.

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

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Service Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 160
- 3) Section Number: 160.111 Proposed Action:
New Section
- 10) Statutory Authority: P.A. 93-23
- 11) A Complete Description of the Subjects and Issues Involved: This rulemaking implements new provisions, effective March 1, 2004, governing the Commercial Distribution Fee (CDF) sales tax exemption created by P.A. 93-23. The proposed rulemaking describes the reporting requirements necessary for documenting the exemption and explains that parts are not subject to the exemption (but may be claimed under the separate rolling stock exemption). The proposed rulemaking clarifies that certain trailers are subject to the exemption and that motor vehicles must be used primarily for commercial purposes to qualify for the CDF sales tax exemption. Motor vehicles with curb weights in excess of 8,000 pounds will be conclusively presumed to be used primarily for commercial purposes. The proposed rulemaking also provides that motor vehicles whose Gross Vehicle Weight Rating (GVWR) is 8,000 or less will not qualify for the exemption.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect: No. An emergency rulemaking regarding this exemption has expired.
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Terry D. Charlton
Illinois Department of Revenue

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small trucking companies and other small businesses will be able to take advantage of this exemption when purchasing certain trucks and trailers. Small businesses that sell qualifying trucks and trailers incident to sales of service may sell such trucks and trailers tax-free.
 - B) Reporting, bookkeeping or other procedures required for compliance: Purchasers must complete an exemption certification at the time of purchase.
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 160

SERVICE USE TAX

Section	
160.101	Nature of the Tax
160.105	Definitions
160.110	Kinds of Uses And Users Not Taxed
<u>160.111</u>	<u>Commercial Distribution Fee Sales Tax Exemption</u>
160.115	Collection Of The Service Use Tax By Servicemen
160.116	Persons Who Lease Tangible Personal Property to Exempt Hospitals
160.117	Persons Who Lease Tangible Personal Property to Governmental Bodies
160.120	Receipt For The Tax (Repealed)
160.125	Special Information For Users
160.130	Registration Of Servicemen
160.135	Serviceman's Return
160.140	Penalties, Interest, Statute of Limitations and Administrative Procedures
160.145	Incorporation Of Illinois Service Occupation Tax Regulations By Reference
160.150	Claims To Recover Erroneously Paid Tax – Limitations – Procedures
160.155	Disposition Of Credit Memoranda By Holders Thereof
160.160	Refunds
160.165	Interest

AUTHORITY: Implementing the Service Use Tax Act [35 ILCS 110] and authorized by Section 2505-100 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-100].

SOURCE: Adopted May 21, 1962; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 8619, effective June 5, 1984; amended at 11 Ill. Reg. 5322, effective March 17, 1987; amended at 11 Ill. Reg. 9963, effective May 8, 1987; amended at 13 Ill. Reg. 9399, effective June 6, 1989; amended at 15 Ill. Reg. 5845, effective April 5, 1991; amended at 18 Ill. Reg. 1557, effective January 13, 1994; amended at 20 Ill. Reg. 7015, effective May 7, 1996; amended at 20 Ill. Reg. 16219, effective December 16, 1996; amended at 24 Ill. Reg. 8135, effective May 26, 2000; amended at 25 Ill. Reg. 5015, effective March 23, 2001; amended at 26 Ill. Reg. 4929, effective March 15, 2002; amended at 27 Ill. Reg. 822, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11216, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. _____, effective _____.

Section 160.111 Commercial Distribution Fee Sales Tax Exemption

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NOTICE OF PROPOSED AMENDMENT

- a) Qualifications for exemption. Beginning on and after March 1, 2004, sales of certain motor vehicles are not subject to the tax imposed under this Part if they meet all of the following tests:
- 1) The motor vehicle is a second division motor vehicle. First division motor vehicles, such as those motor vehicles that are designed for the carrying of not more than 10 persons, do not qualify for the exemption. (See 625 ILCS 5/1-146.)
 - 2) The motor vehicle must have a gross vehicle weight in excess of 8,000 pounds. Motor vehicles with Gross Vehicle Weight Ratings of 8,000 pounds or less do not qualify for the exemption provided in this Section. For purposes of this Section, Gross Vehicle Weight Rating means the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. (See 625 ILCS 5/1-124.5.)
 - 3) The motor vehicle is used primarily for commercial purposes and will be registered and remain registered under Section 3-815(a) or 3-818(a) of the Illinois Vehicle Code or in such other manner whereby the registration of that motor vehicle will require the payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code [625 ILCS 5/3-815.1] and such fee is paid. For purposes of this Section, a motor vehicle used for commercial purposes means any motor vehicle used to transport persons or property in the furtherance of any commercial or industrial enterprise, whether for-hire or not-for-hire.

EXAMPLE: A motor vehicle that is used for transportation to work, school, or recreational activities would not be used for commercial purposes. For motor vehicles with a "curb weight" in excess of 8,000 pounds, the Department will conclusively presume that vehicle is used primarily for commercial purposes. For purposes of this subsection (a)(3), the term "curb weight" means the total weight of an empty vehicle, without cargo, driver, and passengers, but includes the maximum amount of fuel, oil, coolants, and standard equipment, including the spare tire and tools.

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- b) Documentation of exemption. To properly document the exemption, the seller must obtain a written certificate from the purchaser stating the following:
- 1) the name and address of purchaser;
 - 2) the description and Vehicle Identification Number of the motor vehicle or motor vehicles being purchased;
 - 3) the name and address of seller;
 - 4) the date of purchase;
 - 5) a statement that the motor vehicle will be used primarily for commercial purposes and will be registered under Section 3-815(a) or 3-818(a) of the Illinois Vehicle Code or in such other manner whereby the registration of that motor vehicle will require the payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code and that such vehicle will remain validly registered in such a manner for subsequent registration years;
 - 6) the commercial purpose for which the vehicle will be used, along with the purchaser's Illinois Business Tax (IBT) number or other business registration number; and
 - 7) the signature of purchaser.
- c) Liability for tax. If a purchaser claims the exemption provided in this Section and the vehicle is not considered subject to the Commercial Distribution Fee as described in subsection (a)(3) or otherwise does not qualify for this exemption, the purchaser will be liable for the tax based upon the purchase price of that vehicle and any applicable penalties and interest from the date of purchase.

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- d) Repair and replacement parts. The exemption provided in this Section does not apply to any repair part, replacement part, or other item attached to or incorporated into the motor vehicle after the purchase of the motor vehicle. However, such items may qualify for the rolling stock exemption provided in 86 Ill. Adm. Code 130.340(g).
- e) Trailers. For purposes of this Section, a trailer that is subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code will qualify as a second division motor vehicle under subsection (a)(1). The term "trailer" includes a trailer as defined in Section 1-209 of the Illinois Vehicle Code, a semi-trailer as defined in Section 1-187 of the Illinois Vehicle Code, and a pole trailer as defined in Section 1-161 of the Illinois Vehicle Code.

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

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Gas Revenue Tax
- 2) Code Citation: 86 Ill. Adm. Code 470
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
470.171	Amendment
470.172	New Section
- 12) Statutory Authority: P.A. 93-31 [35 ILCS 173]
- 13) A Complete Description of the Subjects and Issues Involved: This rulemaking implements the provision of Public Act 93-31 that repeals, effective October 1, 2003, the exemption for persons who had purchased gas out-of-State prior to March 1, 1995. This rulemaking provides that transactions with persons or entities that incur a Gas Use Tax liability on those transactions are not subject to Gas Revenue Tax liability. The rulemaking also clarifies that transactions with persons or entities that make purchases of out-of-State gas and are exempt from Gas Use Tax remain subject to Gas Revenue Tax on the delivery charges to such purchasers.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect: No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part: No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Terry D. Charlton
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Phone: (217) 782-2844

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Small utilities and other suppliers of natural gas.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 470

GAS REVENUE TAX ACT

Section	
470.101	Definitions
470.105	Disposition of Tax Monies
470.110	Imposition of Tax
470.115	Effective Period of Act
470.120	Returns
470.125	Gross Amount of Transactions or Billings Basis of Tax
470.130	Certificate of Registration
470.131	Enterprise Zone Exemption
470.135	Books and Records
470.140	Claims to Recover Erroneously Paid Tax
470.145	Furnishing of Gas
470.150	Gas Sold to and by Building Operators
470.155	Transactions in Interstate Commerce
470.160	Sales of Gas to the United States Government
470.165	Services Furnished The State of Illinois, its Departments, Agencies, Counties, Municipalities or Other Political Subdivisions
470.170	Services Furnished to Religious, Scientific, Educational and Charitable Institutions
470.171	Exclusion for Charges Made to Customers Who Acquired Contractual Rights to Purchase Out-of-State Gas or Gas Services Prior to March 1, 1995
<u>470.172</u>	<u>Exclusion from Tax for Transactions Involving Customers Who Incur Gas Use Tax</u>
470.175	Meter Readings
470.180	Services Furnished to Officers or Employees
470.185	Interdepartmental Transfers
470.190	Discounts, Penalties and Finance or Interest Charges
470.195	Sales of Appliances, Equipment or Services Subject to Other Tax Acts

AUTHORITY: Implementing the Gas Revenue Tax Act [35 ILCS 615] and authorized by Section 39b19 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b19].

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SOURCE: Gas Revenue Tax Regulations, adopted July 24, 1945; codified at 8 Ill. Reg. 8608; amended at 11 Ill. Reg. 18751, effective October 30, 1987; amended at 21 Ill. Reg. 12243, effective August 26, 1997; amended at 28 Ill. Reg. _____, effective _____.

Section 470.171 Exclusion for Charges Made to Customers Who Acquired Contractual Rights to Purchase Out-of-State Gas or Gas Services Prior to March 1, 1995

- a) ~~Charges Beginning with charges~~ billed on ~~and after~~ January 1, 1996 through September 30, 2003, any charge for gas or gas services to a customer who acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-State supplier or source on or before March 1, 1995, except for those charges solely related to the local distribution of gas by a public utility, ~~are~~ is not subject to the tax imposed by the Gas Revenue Tax Act [35 ILCS 615]. The exemption provided in this Section shall no longer be available beginning on and after October 1, 2003.

- b) For the purposes of this exclusion, the following terms have the following meanings:

"Charges solely related to the local distribution of gas by a public utility" means all charges subject to the Gas Revenue Tax Act, other than charges for gas and those charges that are reflected in the purchased gas adjustment clauses described in Section 9-220 of the Public Utilities Act [220 ILCS 5/9-220].

"Customer" means a person or legal entity identified on a taxpayer's books and records as being responsible for the payment of charges for gas or gas services provided by that taxpayer.

"Direct purchase of gas or gas services originating from an out-of-State source" means the direct purchase by a customer located in Illinois of gas or gas services from a source, such as a well head, located outside of this State.

"Direct purchase of gas or gas services originating from an out-of-State supplier" means the direct purchase by a customer located in Illinois of gas or gas services from a supplier with an out-of-State physical presence.

"Public utility" means every corporation, company, limited liability company, association, joint stock company or association, firm,

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partnership or individual, their lessees, trustees, or receivers appointed by any court whatsoever that owns, controls, operates or manages, within this State, directly or indirectly, for public use, any plant, equipment or property used or to be used for or in connection with, or owns or controls any franchise, license, permit or right to engage in the conveyance of gas by pipeline.

"Supplier" means a person or entity that sells gas and has taken title to, or will take title to, the gas that is sold.

"Transportation account" means an account maintained by a public utility for the transportation of gas for a customer who has purchased the gas from a source other than the public utility.

- c) It is incumbent upon a taxpayer to establish that the exclusion described in this Section is available. Except as provided in subsection (d), if a taxpayer maintains in its books and records the certification described in subsection (e), that certification will be prima facie proof that the exclusion is available to the taxpayer in reference to the customer listed on the certification. The obtaining of such a certification does not preclude the Department from going behind it and disregarding it if, in examining such customer's records, the Department finds that the certification was not true as to some fact or facts which show that the exclusion was not available or the customer refuses or is unable to provide proper documentation evidencing that the exclusion was available.
- d) If an Illinois public utility (as defined in Section 3-105 of the Public Utilities Act) establishes through its books and records that a customer maintained a transportation account with that public utility on or before March 1, 1995, that documentation will be sufficient evidence that the exclusion described in this Section is available to that public utility in reference to that customer.
- e) The certification described in subsection (c) must be a written certification signed by the customer stating:
 - 1) the customer's name and address;
 - 2) that the customer is purchasing the gas or gas services for its own use and that the gas or gas services will not be transferred to another entity;
 - 3) that the customer had acquired contractual rights for the direct purchase of

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gas or gas services originating from an out-of-State supplier or source on or before March 1, 1995;

- 4) the name and address of the out-of-State supplier or source; and
 - 5) the name and address of the public utility in Illinois with whom the customer had a transportation account for the transportation of such gas or gas services.
- f) The exclusion is available only with respect to the customer that acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-State supplier or source on or before March 1, 1995. A qualifying customer must be the same legal entity which acquired the qualifying contractual rights. Related entities, such as subsidiaries, affiliates, or holding companies, may not claim the exclusion based upon the qualifying contract of a separate legal entity. However, legal entities that have merely changed form, such as a partnership electing to become a corporation, that retain the exact same ownership are still considered the same legal entity for purposes of this exclusion. A legal entity that had acquired a qualifying contract and has merged with another legal entity or entities will still be considered the same legal entity if the surviving entity is the entity that had acquired the qualifying contractual rights.
- g) If a customer that acquired qualifying contractual rights on or before March 1, 1995 has multiple gas or gas service accounts, then the exclusion is available to all of that customer's gas and gas service accounts.
- h) If the exclusion is claimed by a taxpayer, then that taxpayer will be liable for tax, penalty, and interest if it is later determined that the exclusion was not available. For example, if a taxpayer claims the exclusion based on an invalid certification from a customer, then the Department will recover the tax and any applicable penalty and interest from the taxpayer. The Department is unable to assess a customer who has given an invalid certification because customers do not incur Gas Revenue Tax liability ~~and there is no Gas Revenue Use Tax~~. Consequently, when the exclusion has been improperly claimed and is disallowed, the Department will assess the taxpayer and the taxpayer is authorized to make an additional charge to the customer under Section 9-222 of the Public Utilities Act [220 ILCS 5/9-222].

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

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Section 470.172 Exclusion from Tax for Transactions Involving Customers Who Incur Gas Use Tax

- a) Transactions subject to Gas Use Tax. Beginning with charges billed on and after October 1, 2003, no tax is imposed under this Part on transactions with customers who incur a tax liability under the Gas Use Tax Law [35 ILCS 173] on those transactions.

EXAMPLE: A transaction with a customer for the transportation of out-of-State gas is not subject to tax under this Act, including but not limited to any transportation charges and any related service charges.

- b) Transactions exempt from Gas Use Tax. Transactions with customers that are exempt from tax under the Gas Use Tax Law or otherwise incur no tax liability under that Law remain subject to tax under this Part.

EXAMPLE: A customer is exempt from Gas Use Tax under one of the exemptions provided under Section 5-50 of the Gas Use Tax Law and makes an out-of-State purchase of gas. The customer provides its delivering supplier in Illinois a copy of an exemption certificate as required under 86 Ill. Adm. Code 471.125. The sale of the gas is not subject to Gas Revenue Tax liability; however, the transaction for the transportation of the gas and any related service charges remain subject to tax under this Part at the rate of 2.4 cents per therm or 5% of the gross receipts (whichever is less) for the customer's billing period.

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

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- 1) Heading of the Part: Gas Use Tax Law
- 2) Code Citation: 86 Ill. Adm. Code 471
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
471.101	New Section
471.105	New Section
471.110	New Section
471.115	New Section
471.120	New Section
471.125	New Section
- 14) Statutory Authority: P.A. 93-31 [35 ILCS 173]
- 15) A Complete Description of the Subjects and Issues Involved: This rulemaking creates administrative rules to implement the Gas Use Tax Law created by Public Act 93-31. These rules set out definitions of terms, the imposition of the tax, the tax rates for both self-assessing purchasers and those taxpayers choosing the alternate tax rate, the procedure for registering as a self-assessing purchaser, the collection obligations of delivering suppliers, the uses of gas that are exempt from tax, and the method for claiming such exemptions.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect: No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part: No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Terry D. Charlton
Associate Counsel
Illinois Department of Revenue

DEPARTMENT OF REVENUE

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Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses, small municipalities and not-for-profit corporations that are involved in the supply or delivery of natural gas and those entities that purchase out-of-State natural gas.
 - B) Reporting, bookkeeping or other procedures required for compliance: Procedures required for compliance include the preparation and filing of tax returns and the documentation of sales that are exempt from Gas Use Tax.
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

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NOTICE OF PROPOSED RULES

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 471

GAS USE TAX LAW

Section

471.101	Definitions
471.105	Imposition of Tax
471.110	Tax Rates
471.115	Self-Assessing Purchaser Registration
471.120	Delivering Suppliers, Collection of Tax, Returns
471.125	Exemptions

AUTHORITY: Implementing the Gas Use Tax Law [35 ILCS 173].

SOURCE: Adopted at 28 Ill. Reg. _____, effective _____.

Section 471.101 Definitions

"Delivering supplier maintaining a place of business in this State", or any like term, means any delivering supplier having or maintaining within this State, directly or by a subsidiary, an office, distribution facility, sales office or other place of business, or any employee, agent or other representative operating within this State under the authority of such delivering supplier or such delivering supplier's subsidiary, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such delivering supplier or such delivering supplier's subsidiary is licensed to do business in this State.

"Delivering supplier" means any person engaged in the business of delivering gas to persons for use or consumption and not for resale, and who, in any case where more than one person participates in the delivery of gas to a specific purchaser, is the last of the suppliers engaged in delivering the gas prior to its receipt by the purchaser. A person, such as a gas utility, that provides for the delivery of customer owned gas through gas lines that are connected to the customer's residence or place of business is considered a delivering supplier. A person who transports gas through an interstate pipeline directly to a customer in this State who uses that gas for its own use or consumption and not for resale is considered

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a delivering supplier. A person who sells gas to an end user, but does not provide for delivery of the gas to such end user, is not considered a delivering supplier.

EXAMPLE: A customer purchases gas for use in its business from a gas marketer and has the customer's local utility company deliver the gas to that customer's place of business. In that instance, the customer's local utility company is the delivering supplier.

"Department" means the Department of Revenue of the State of Illinois.

"Gas" means any gaseous fuel distributed through a pipeline system.

"Law" means the Gas Used Tax Law [35 ILCS 173].

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, or a receiver, trustee, guardian, or other representative appointed by order of any court, or any city, town, county, or other political subdivision of this State.

"Purchase of out-of-State gas" means a transaction for the purchase of gas from any supplier in a manner that does not subject the seller of that gas to liability under the Gas Revenue Tax Act [35 ILCS 615].

"Purchase price" means the consideration paid for the distribution, supply, furnishing, sale, transportation, or delivery of gas to a person for use or consumption and not for resale, and for all services directly related to the production, transportation, or distribution of gas distributed, supplied, furnished, sold, transmitted, or delivered for use or consumption, including cash, services, and property of every kind and nature. However, "purchase price" shall not include consideration paid for:

Any charge for a dishonored check.

Any finance or credit charge, penalty, charge for delayed payment, or discount for prompt payment.

Any charge for reconnection of service or for replacement or relocation of facilities.

Any advance or contribution in aid of construction.

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Repair, inspection, or servicing of equipment located on customer premises.

Leasing or rental of equipment, the leasing or rental of which is not necessary to furnishing, supplying, or selling gas.

Any purchase by a purchaser if the supplier is prohibited by federal or State constitution, treaty, convention, statute, or court decision from recovering the related tax liability from such purchaser.

Any amounts added to purchasers' bills because of changes made pursuant to the tax imposed by the Law.

In case credit is extended, the amount thereof shall be included only as and when payments are received.

"Self-assessing purchaser" means a purchaser of gas for use or consumption that is required to be registered with the Department and is responsible for filing returns and paying the tax imposed under the Law directly to the Department. [35 ILCS 173/5-1]

Section 471.105 Imposition of Tax

Beginning October 1, 2003, a tax is imposed upon the privilege of using in this State gas obtained in a purchase of out-of-State gas at the rate or rates set forth in Section 471.110 of this Part. [35 ILCS 173/5-1]

EXAMPLE: A purchase of out-of-State gas occurs when a purchaser enters into a contract outside of this State with a supplier to purchase gas at a wellhead located in Oklahoma. The purchaser then contracts with an Illinois utility for the delivery of that gas to the purchaser's place of business in Illinois. The sale of that gas occurs outside of this State and the seller is not liable for gas revenue tax on the sale of that gas. Unless otherwise exempt under this Part, the purchaser incurs Gas Use Tax liability at the rate or rates set forth in Section 471.110 of this Part on the purchase of the out-of-State gas.

Section 471.110 Tax Rates

- a) Self-assessing purchaser rate. *The tax imposed under Section 471.105 of this Part is at the rate of 2.4 cents per therm or 5% of the purchase price for the billing*

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period, whichever is the lower rate. [35 ILCS 173/5-10] This rate is referred to as the "self-assessing purchaser tax rate" and such purchasers are referred to as "self-assessing purchasers". Such self-assessing purchasers are required to file returns and pay the tax directly to the Department. Purchasers of out-of-State gas who provide exemption certificates when they do not qualify for such exemptions will be deemed to be self-assessing purchasers and incur the tax imposed by this Part at the self-assessing purchaser rate. (See Section 471.125(c).)

- b) *Alternate tax rate. Purchasers of out-of-State gas may elect an alternative tax rate of 2.4 cents per therm. This rate is referred to as the "alternate tax rate". Those purchasers of out-of-State gas who elect the alternative tax rate do not file returns or pay the tax directly to the Department.* [35 ILCS 173/5-10] Such purchasers pay tax to their delivering suppliers who are registered to collect the tax under Section 471.120.
- c) Purchasers choosing not to register. Purchasers of out-of-State gas who choose not to register with the Department as self-assessing purchasers will be deemed to have elected the alternate tax rate and must pay the tax to their delivering suppliers who are registered to collect the tax under Section 471.120.

Section 471.115 Self-Assessing Purchaser Registration

- a) Registration as a self-assessing purchaser. Any purchaser that does not pay tax to his or her delivering supplier, when that delivering supplier is registered to collect that tax under the provisions of Section 471.120, must register with the Department as a self-assessing purchaser and pay tax directly to the Department at the self-assessing purchaser rate. A purchaser registering as a self-assessing purchaser cannot revoke that registration for at least one year.
- b) Application for registration. A signed application for a certificate of registration as a self-assessing purchaser shall be made to the Department upon forms furnished by the Department and shall list:
 - 1) the applicant's name, including corporate name if applicable, address, and telephone number;
 - 2) the applicant's Social Security number if the applicant is an individual or Illinois Business Tax number and Federal Employer Identification number if the applicant is a business; and

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- 3) the name or names of the delivering supplier or suppliers who are delivering the gas upon which the self-assessing purchaser will be paying tax.
- c) Issuance of certificate of registration. Upon receipt of the application for a certificate of registration in proper form, the Department shall issue to the applicant a certificate of registration as a self-assessing purchaser. The applicant shall provide a copy of such certificate of registration as a self-assessing purchaser to the applicant's delivering supplier or suppliers. Upon receipt of such a certificate of registration, the delivering supplier or suppliers will no longer collect the tax imposed under this Part from the self-assessing purchaser beginning with bills issued to the self-assessing purchaser 30 or more days after receipt of the copy of the certificate of registration. The self-assessing purchaser shall begin self-assessing tax with the first bill issued by that person's delivering supplier on or after October 1, 2003 that does not contain a charge for the collection of Gas Use Tax.
- d) Purchaser's revocation of self-assessing purchaser registrations. Purchasers who have been filing returns and paying tax directly to the Department as self-assessing purchasers for at least one year may revoke their self-assessing purchaser registrations and pay tax to their delivering suppliers. Self-assessing purchasers who wish to revoke their registrations with the Department must provide the Department with at least 30 days written notice prior to the date upon which such purchasers wish to revoke their registrations. The notice provided to the Department must be on a form provided by the Department and include the name and address of the purchaser's delivering supplier or suppliers. Upon receipt of such form, the Department shall provide written notification to the purchaser's delivering supplier or suppliers that they are to begin collecting tax from such purchaser beginning with bills issued to the purchaser after that purchaser's self-assessing purchaser registration has been revoked.

Section 471.120 Delivering Suppliers, Collection of Tax, Returns

- a) Collection of tax. *Beginning with bills issued on and after October 1, 2003, a delivering supplier maintaining a place of business in this State shall collect, from the purchasers who have elected the alternate tax rate, the tax that is imposed by this Part at the alternate 2.4 cents per therm rate. The tax imposed at the alternate tax rate by this Part shall, when collected, be stated as a distinct and separate item apart from the selling price of the gas or related services. Upon receipt by a delivering supplier of a copy of a certificate of registration issued to*

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a self-assessing purchaser under Section 20 of the Law, that delivering supplier is relieved of the duty to collect the alternate tax from that self-assessing purchaser beginning with bills issued to that self-assessing purchaser 30 or more days after receipt of the copy of that certificate of registration. Upon receipt by a delivering supplier of a signed exemption certificate provided by a customer as required under Section 471.125(b), that delivering supplier is relieved of the duty of collecting the tax from that customer. [35 ILCS 173/5-15] However, the providing of such an exemption certificate by a customer for the tax imposed under this Part does not relieve the delivering supplier from any Gas Revenue Tax liability that may be incurred on transactions with that customer for the transportation or delivery of the gas. (See 86 Ill. Adm. Code 470.) The delivering supplier's duty to collect the alternate tax from a self-assessing purchaser will be reinstated upon the delivering supplier's receipt of a notice of revocation of that purchaser's self-assessing purchaser registration. (See Section 471.115.)

- b) *Registration as a delivering supplier. A delivering supplier maintaining a place of business in this State who engages in the delivery of gas in this State shall register with the Department. [35 ILCS 173/5-15] A delivering supplier, if required to register under the Gas Revenue Tax Act [35 ILCS 615], need not obtain an additional certificate of registration under the Law, but shall be deemed to be sufficiently registered by virtue of his being registered under the Gas Revenue Tax Act [35 ILCS 615]. Application for a certificate of registration shall be made to the Department on a form prescribed by the Department.*
- c) *Delivering supplier returns. Except as otherwise provided in this subsection (c), each delivering supplier who is required to collect the tax imposed under this Part shall, on or before the 15th day of each month for the preceding calendar month, file a return with the Department upon a form prescribed by the Department. In completing such return, the delivering supplier may use any reasonable method to derive reportable "therms" from his or her billing and payment records. If the average monthly liability to the Department of the delivering supplier does not exceed \$100, the Department may authorize the delivering supplier's returns to be filed on a quarter-annual basis, with the return for January, February, and March of a given year being due by April 30 of such year; with the return for April, May, and June of a given year being due by July 31 of such year; with the return for July, August, and September of a given year being due by October 31 of such year; and with the return for October, November, and December of a given year being due by January 31 of the following year. If the average monthly liability to the Department of the delivering supplier does not exceed \$20, the Department may authorize the*

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delivering supplier's returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year. [35 ILCS 173/5-25]

- d) Reporting tax. Delivering suppliers who have not previously registered and remitted tax to the Department under the Gas Revenue Tax Act may choose to report tax under this Part by using either the gross billings or transactions method or gross receipts method. Delivering suppliers who have previously filed returns and paid Gas Revenue Tax to the Department upon the basis of the gross amount of their billings or transactions with their customers shall file returns and pay the tax collected under this Part in the same manner. Delivering suppliers who have previously filed returns and paid Gas Revenue Tax to the Department upon the basis of their gross receipts from their customers shall file returns and pay the tax collected under this Part in the same manner. (See Section 470.125.)

Section 471.125 Exemptions

- a) The tax imposed under this Part does not apply to the following:
- 1) *Gas used by business enterprises located in an enterprise zone certified by the Department of Commerce and Economic Opportunity pursuant to the Illinois Enterprise Zone Act [20 ILCS 655]. The use of gas by business enterprises under this exemption does not include gas that is used for any residential purpose;*
 - 2) *Gas used by governmental bodies, or a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes. Such use shall not be exempt unless the government body, or corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes has first been issued a tax exemption identification number by the Department of Revenue pursuant to Section 1g of the Retailers' Occupation Tax Act. A limited liability company may qualify for this exemption only if the limited liability company is organized and operated exclusively for educational purposes. The term "educational purposes" shall have the same meaning as that set forth in Section 2h of the Retailers' Occupation Tax Act [35 ILCS 120];*
 - 3) *Gas used in the production of electric energy. This exemption does not include gas used in the general maintenance or heating of an electric energy production facility or other structure;*

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- 4) *Gas used in a petroleum refinery operation;*
 - 5) *Gas purchased by persons for use in liquefaction and fractionation processes that produce value added natural gas byproducts for resale; and*
 - 6) *Gas used in the production of anhydrous ammonia and downstream nitrogen fertilizer products for resale. [35 ILCS 173/5-50]*
- b) Purchasers of gas that is to be used for an exempt purpose or purposes as provided in subsection (a) must provide their delivering supplier or suppliers with a signed certificate of exemption to claim an exemption from the tax imposed under this Part. Only one type of exemption described in subsection (a) may be claimed on each exemption certificate. The certificate of exemption must contain the following:
- 1) Name and address of the purchaser;
 - 2) Account number or numbers for which the exemption is being claimed;
 - 3) Type of exemption claimed (organizations described in subsection (a)(2) must provide their tax exemption identification number and persons or organizations claiming the exemption described in subsection (a)(1) must provide the name of the enterprise zone in which they are located);
 - 4) A statement that all of the gas being purchased by the purchaser under the account number or numbers listed on the certificate is exempt from tax;
 - 5) The date the certificate was given to the delivering supplier; and
 - 6) The signature of the purchaser.
- c) Purchasers providing invalid exemption certificates. Purchasers of out-of-State gas who provide exemption certificates when they do not qualify for such exemptions will be deemed to be self-assessing purchasers and incur the tax imposed by this Part at the self-assessing purchaser rate. Such purchasers must file returns and pay the tax directly to the Department.
- d) Separate accounts for exempt uses. Purchasers who have both exempt uses and non-exempt uses of gas must have separate accounts with their delivering supplier

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or suppliers for their exempt gas usage. An exemption certificate provided under this Section may only be provided for an account where all the gas being delivered to that customer under that account is exempt from tax under this Part.

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill.Adm.Code 1600
- 3) Section Number: 1600.121 Proposed Action: New Section
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) A Complete Description of the Subjects and Issues Involved: A new rule to clarify what type of employee is eligible to have their Final Rate of Earnings calculation based on the high four year calculation and the final 48-month calculation. This rule is necessary to comply with the Statutes that govern this System.
- 6) Will this proposed amendment replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Dan M. Slack
General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217-378-8855

12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

STATE UNIVERSITIES RETIREMENT SYSTEM
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NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600
UNIVERSITIES RETIREMENT

SUBPART A: MISCELLANEOUS PROCEDURES

Section	
1600.10	Definitions
1600.20	Dependency of Beneficiaries
1600.30	Crediting Interest on Employee Contributions and Other Reserves
1600.40	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50	Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.60	Sick Leave Accrual Schedule
1600.70	Procedures to be followed in Medical Evaluation of Disability Claims
1600.80	Rules of Practice-Nature and Requirements of Formal Hearings
1600.90	Excess Benefit Arrangement
1600.100	Freedom of Information Act
1600.110	Open Meetings Act
1600.120	Twenty Percent Limitation on Final Rate of Earnings Increases
<u>1600.121</u>	<u>Determination of Final Rate of Earnings Period</u>
1600.130	Procurement
1600.137	Overpayment Recovery
1600.140	Making Preliminary Estimated Payments

SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section	
1600.150	Definitions
1600.151	Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.152	Curing Minor Deficiencies
1600.153	Filing a QILDRO with the System
1600.154	Modified QILDROs
1600.155	Benefits Affected by a QILDRO
1600.156	Effect of a Valid QILDRO

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1600.157	QILDROs Against Persons Who Became Members Prior to July 1, 1999
1600.158	Alternate Payee's Address
1600.159	Electing Form of Payment
1600.160	Automatic Annual Increases
1600.161	Expiration of a QILDRO
1600.162	Reciprocal Systems QILDRO Policy Statement
1600.163	Providing Benefit Information for Divorce Purposes

1600.APPENDIX A Chart Outlining Hearing Procedures (Repealed)

AUTHORITY: Implementing and authorized by 40 ILCS 5/15-177.

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; amended at 28 Ill. Reg. _____, effective _____.

Section 1600.121 Determination of Final Rate of Earnings Period

- a) Under Section 15-112 of the Illinois Pension Code [40 ILCS 5/15-112] SURS determines an employee's final rate of earnings by reference to average annual earnings over a period of employment. This rule defines the period of employment that is used to determine an employee's final rate of earnings.
- b) For all employees, the system will calculate the average annual earnings during the 4 consecutive academic years of service in which his or her earnings were the highest. For all employees except those identified in subsection (c) of this Section, the final rate of earnings will be that amount calculated under this subsection (b).
- c) For an employee who is paid on an hourly basis or who receives an annual salary in installments during 12 months of each academic year, the system will also calculate average annual earnings during the 48 consecutive calendar month period ending with the last day of final termination of employment. The final rate

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of earnings for an employee eligible for a calculation under this subsection (c) will be the larger of the calculation under this subsection (c) or the calculation under subsection (b).

- d) An employee paid on an "hourly basis" is an employee who is paid per hour worked.
- e) An "annual salary" is a salary paid over 12 months for work to be performed during all 12 months of the academic year. The System will determine if an employee receives an annual salary by looking at the period for which services were performed, not the period over which salary payments were received and will not consider payment for summer teaching or any additional contracts for summer school, overloads, or any other extra services. For example, an academic employee who receives a contract to teach 9 or 10 months of the academic year, but who chooses to be paid over 12 months, is not receiving an annual salary. For further example, an academic employee who receives a contract to teach less than 12 months of the academic year plus a contract to teach summer school is not receiving an annual salary even though he or she may perform work for 12 months and be paid over 12 months as a result of teaching summer school.
- f) Intermittent periods of service will be considered as consecutive in determining the final rate of earnings.

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

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- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1200
- 3) Section Number: 1200.10 Proposed Action:
Amendment
- 4) Statutory Authority: 5 ILCS 315
- 5) Effective Date of Amendment: February 19, 2004
- 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 any material incorporated, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Published in the Illinois Register: October 3, 2003; 27 Ill. Reg. 15208
- 10) Has JCAR issued a Statement of Objection to the amendment? No
- 11) Differences between proposal and final version:

We changed "both" to "either" and also changed "and" to "or" in the definition of "Representation petition". We made no substantive changes to this section.
- 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 amendment replace any emergency amendment currently in effect? No. The emergency rulemaking expired on February 18, 2004.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The purpose of the amendment is to implement Public Act 93-444.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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NOTICE OF ADOPTED AMENDMENT

Michele Cotrupe
Illinois Labor Relations Board
160 N. LaSalle St., Ste. S-400
Chicago, IL 60601
(312) 793-6418

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

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER IV: ILLINOIS LABOR RELATIONS BOARDPART 1200
GENERAL PROCEDURES

Section

1200.5	Board Information and Business Hours
1200.10	Definitions
1200.20	Filing and Service of Documents
1200.30	Computation and Extensions of Time
1200.40	Authority of Administrative Law Judges
1200.45	Motions
1200.50	Recording of Hearings
1200.60	Closing Arguments and Briefs Before an Administrative Law Judge
1200.70	Representation of Parties
1200.80	Ex Parte Communications
1200.90	Subpoenas
1200.100	Transfer of Jurisdiction
1200.105	Consolidation of Proceedings
1200.110	Amicus Curiae Briefs (Repealed)
1200.120	Voluntary Settlement or Adjustment of Disputes
1200.130	Rules of Evidence
1200.135	Appeals Procedures, Board Review and Court Review
1200.140	Amicus Curiae Briefs
1200.143	Declaratory Rulings
1200.145	Filing of Contracts
1200.150	Conflicts of Interest
1200.160	Variances and Suspensions of Rules

AUTHORITY: Implementing and authorized by the Illinois Public Labor Relations Act [5 ILCS 315].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 17314, effective September 11, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1846, effective January 25, 1985; amended at 11 Ill. Reg. 6428, effective March 27, 1987; amended at 12 Ill. Reg. 20096, effective November 18, 1988; amended at 14 Ill. Reg. 19896, effective November 30, 1990; amended at 17 Ill. Reg. 15588, effective September 13, 1993; amended at 20 Ill. Reg. 7391, effective May 10, 1996; amended at 27 Ill. Reg. 7365, effective May 1, 2003; emergency amendment at 27 Ill. Reg.

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15557, effective September 22, 2003, for a maximum of 150 days; emergency amendment expired February 18, 2004; amended at 28 Ill. Reg. 4166, effective February 19, 2004.

Section 1200.10 Definitions

This Part incorporates the definitions contained in Section 3 of the Act as well as other definitions.

"Act" means the Illinois Public Labor Relations Act [5 ILCS 315].

"Administrative Law Judge" means either the agency head or an attorney licensed to practice in Illinois.

"Administrative Law Judge's recommended decision and order" means findings of fact and conclusions of law and reasons for those findings and conclusions. It is not a final decision of the Board. Such a recommended decision and order will be reviewed by the Board upon the filing of exceptions or on the Board's own motion.

"Board" means the Illinois Labor Relations Board or State or Local Panel, individually as applicable, or an agent designated by the Board

"Board agent" means any Board employee who is designated by the Board to perform the acts and/or responsibilities outlined in the relevant sections of the rules.

"Charging party" means the person or labor organization filing an unfair labor practice charge.

"Complaint" means a Board document issued to the parties in an unfair labor practice proceeding, notifying them of a hearing and setting forth the issues of fact or law to be resolved at the hearing.

"Employer" means the party named in a representation petition, unit clarification petition, decertification petition or voluntary recognition petition as the employer of the unit described in the petition.

"Executive Director's Order" includes reports concerning challenges and objections to an election; deferrals to arbitration; orders holding cases in abeyance; dismissals; directions of election; and other similar orders. These

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orders are not final decisions of the Board but are the results of investigations. The Board, upon the filing of an appeal, shall review such orders except that orders and parts of orders finding sufficient issues of law and fact sufficient to warrant a hearing are not appealable.

"Fact-finding" means a process whereby an employer and an exclusive representative submit their disputes concerning the terms of a new collective bargaining agreement to a neutral third party for non-binding findings of fact and recommendations.

"General public employee unit" means any bargaining unit of employees who, because they are not subject to Section 14 of the Act, have the right to strike in accordance with Section 17 of the Act.

"Grievance arbitration" means a process whereby an employer and an exclusive representative submit a dispute concerning the interpretation or application of an existing collective bargaining agreement to a neutral third party for resolution.

"Grievance mediation" means a process whereby an employer and an exclusive representative employ a neutral third party to communicate with the parties and endeavor to bring about an amicable, voluntary resolution of a dispute over the interpretation or application of an existing collective bargaining agreement.

"Initial contract" means negotiations for a collective bargaining agreement covering a bargaining unit that is not currently covered by a collective bargaining agreement between the exclusive representative and the employer.

"Interest arbitration" means a process whereby an employer and an exclusive representative submit their disputes concerning the terms of a new collective bargaining agreement for resolution by a neutral third party. "Compulsory interest arbitration" shall refer to interest arbitration engaged in pursuant to Section 14 of the Act. "Voluntary interest arbitration" shall refer to all other interest arbitration engaged in under the Act.

"Mediation" means a process whereby an employer and an exclusive representative employ a neutral third party to communicate with the parties and endeavor to bring about an amicable, voluntary resolution of negotiations over the terms of a new collective bargaining agreement.

"Petitioner" means the party named in a representation petition, unit clarification

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petition, decertification petition or voluntary recognition petition as having filed the petition.

"Protective services unit" means any bargaining unit subject to Section 14 of the Act in which the employees accordingly do not have the right to strike. Such units *are units of security employees of a public employer, peace officer units, or units of firefighters or paramedics.* (Section 14(a) of the Act)

"Representation petition" means either a traditional representation petition to determine a union's majority support through an election (election petition) as set forth in Section 9(a)(1) and (2) of the Act or a petition filed pursuant to the Board's card check procedures (majority interest petition) as set forth in Section 9(a)(5) of the Act.

"Respondent" means the party named in an unfair labor practice charge or complaint as having allegedly committed the unfair labor practice.

"Successor contract" means negotiations for a collective bargaining agreement covering a bargaining unit that is currently covered by a collective bargaining agreement between the exclusive representative and the employer.

(Source: Amended at 28 Ill. Reg. 4166, effective February 19, 2004)

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1210.20	Amendment
1210.35	Amendment
1210.37	Amendment
1210.40	Amendment
1210.60	Amendment
1210.80	Amendment
1210.100	Amendment
- 4) Statutory Authority: 5 ILCS 315
- 5) Effective Date of Amendments: February 19, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 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 Proposed Published in the Illinois Register: October 3, 2003; 27 Ill. Reg. 15210
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: We made several non-substantive changes, as well as the following substantive changes:
 - In Section 1210.20, we added the following language: "Majority interest petitions may not be utilized where another labor organization is recognized in accordance with the Act.".
 - In Section 1210.35, we added the following language: "This bar shall also apply to the filing of majority interest petitions.".

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- In Section 1210.40(g)(1), we added the following language after “election” and before “in a bargaining unit”: "or for a determination of majority status through the Board's card check procedures".
- In Sections 1210.40(h) and 1210.40(i), after "a combined craft/non-craft unit.", we added the following sentence: "The election will be conducted pursuant to the election provisions in this Part, except that the date for determining an employee's eligibility to vote shall be the date the majority interest petition was filed."
- In Section 1210.80(c), we added the following sentence: "Petitions to intervene shall not be permitted in majority interest cases."
- In Section 1210.80(d)(2)(D), we added the following sentence: "The Board also will not count signatures from employees who were not employed by the employer on the date the majority interest petition was filed."
- In Section 1210.80(d)(2)(C), we changed the text to read: "The showing of interest shall be valid only if signed within 6 months prior to the filing of the petition."
- In Section 1210.80(d)(2), we added the following provisions:
 - "E) The showing of interest shall include the name of the petitioner, and shall state that by signing the card the employee acknowledges that if a majority of his/her co-workers in an appropriate unit sign evidence of majority support, the card can be used by the petitioner to obtain certification as the employees' exclusive representative without an election. This provision shall not apply to evidence of majority support signed prior to February 19, 2004.
 - F) Evidence of majority support signed prior to August 5, 2003 is invalid for determining majority support."
- In Section 1210.80(e)(3), we changed " , except upon a finding of clear and convincing evidence of fraud or coercion" to " , except upon a finding of a material issue of fact or law of fraud or coercion."
- In Section 1210.80(e)(4), we added the following language after “48 hours”: "in election cases, or five days in majority interest cases."
- In Section 1210.80(e)(6), we changed the language to read:

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"Employees may not withdraw authorization cards or other documents evidencing majority support after the filing of a majority interest petition, unless the basis for the withdrawal constitutes evidence of fraud or coercion on the part of the petitioner."

- In Section 1210.100(b)(2), we added the following sentence: "The Board's agent shall grant reasonable requests for extensions of time to prepare the signature exemplars based upon the size or scope of the petitioned-for unit."
- In Section 1210.100(b)(3), we added the following sentence: "The Board's agent shall grant reasonable requests for extensions of time to prepare a position statement based upon the size or scope of the petitioned-for unit."
- In Section 1210.100(b)(5)(A), we changed "If a party has not provided clear and convincing evidence of fraud or coercion," to "If a party has not provided evidence demonstrating a material issue of fact or law relating to fraud or coercion,".
- In Section 1210.100(b)(5)(B), we changed the language to read:

"If the Board finds a party has provided evidence demonstrating a material issue of fact or law relating to fraud or coercion, it will conduct a hearing to determine whether there is clear and convincing evidence of fraud or coercion. All parties shall be given a minimum of 14 days notice of the hearing. If the Board finds clear and convincing evidence of fraud or coercion, the Board will conduct an election in the petitioned-for unit to determine majority support for the petitioner. If the Board finds clear and convincing evidence of fraud or coercion to be lacking, it will determine majority support for the petitioner based upon the evidence filed with the petition. As an alternative to submitting the issue of clear and convincing evidence to hearing, the parties may agree to a Board-conducted election in the unit."

- In Section 1210.100(b)(8), we changed the language to read:

"No intervention petitions will be permitted in majority interest cases. If a labor organization seeks to file a representation petition for the same or a

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similar unit to the one described in a majority interest petition, it may file an election petition pursuant to the procedures of this Part. Where more than one petition exists for the same or a similar unit of employees, the Board will direct an election in the appropriate unit to determine the employees' choice of representative."

- 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. The emergency rulemaking expired February 18, 2004.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The purpose of the amendments is to implement Public Act 93-444 and Public Act 93-427, which became effective on August 5, 2003.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Michele Cotrupe

Illinois Labor Relations Board
160 N. LaSalle St., Ste. S-400
Chicago, IL 60601
(312) 793-6418

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER IV: ILLINOIS LABOR RELATIONS BOARDPART 1210
REPRESENTATION PROCEEDINGS

Section	
1210.10	General Statement of Purpose
1210.20	Labor Organization Options in Seeking Recognition
1210.30	Employer Options in Responding to Recognition Requests
1210.35	Timeliness of Petitions and Bars to Elections
1210.37	Bargaining Unit Determinations
1210.40	Representation Petitions
1210.50	Intervention Petitions
1210.60	Decertification Petitions
1210.65	Declaration of Disinterest Petition
1210.70	Timeliness of Petitions (Repealed)
1210.80	Showing of Interest
1210.90	Posting of Notice (Repealed)
1210.100	Processing of Petitions
1210.105	Consent Elections
1210.107	Hearings
1210.110	Consent Elections (Renumbered)
1210.120	Bargaining Unit Determinations (Repealed)
1210.130	Eligibility of Voters
1210.140	Conduct of the Election
1210.150	Objections to the Election
1210.160	Voluntary Recognition Procedures
1210.170	Unit Clarification Procedures
1210.175	Stipulated Unit Clarification Procedures
1210.180	Procedures for Amending Certifications
1210.190	Expedited Elections Pursuant to Section 10(b)(7)(C) of the Act

AUTHORITY: Implementing Section 9 and authorized by Section 5(i) and (j) of the Illinois Public Labor Relations Act [5 ILCS 315/9, 5(i) and (j)].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 16014, effective August 22, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1870, effective January 25, 1985; amended at 11 Ill. Reg. 6461, effective March 27, 1987; amended at 12 Ill. Reg. 20110, effective November 18,

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1988; amended at 14 Ill. Reg. 19930, effective November 30, 1990; amended at 17 Ill. Reg. 15612, effective September 13, 1993; amended at 20 Ill. Reg. 7406, effective May 10, 1996; amended at 27 Ill. Reg. 7393, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 15563, effective September 22, 2003, for a maximum of 150 days; emergency amendment expired February 18, 2004; amended at 28 Ill. Reg. 4172, effective February 19, 2004.

Section 1210.20 Labor Organization Options in Seeking Recognition

- a) A labor organization seeking recognition in a proposed appropriate bargaining unit in which no other labor organization has attained recognition rights in accordance with the Act may request that the employer voluntarily recognize it or may file a representation petition with the Board.
- b) A labor organization seeking recognition in a proposed appropriate bargaining unit in which another labor organization is recognized in accordance with the Act may pursue its request only by filing a representation petition seeking an election with the Board. Majority interest petitions may not be utilized where another labor organization is recognized in accordance with the Act.

(Source: Amended at 28 Ill. Reg. 4172, effective February 19, 2004)

Section 1210.35 Timeliness of Petitions and Bars to Election

- a) Contract Bar
 - 1) When there is in effect a collective bargaining agreement of 3 three-years or shorter duration covering all or some of the employees in the bargaining unit, representation and decertification petitions may be filed during the window period (between 90 and 60 days prior to the scheduled expiration date of the collective bargaining agreement) or anytime after the expiration of the collective bargaining agreement. However, the collective bargaining agreement shall serve as a bar (contract bar) to filing representation or decertification petitions outside of the window period.
 - 2) Where more than 4 years have elapsed since the effective date of the agreement, the agreement shall continue to bar an election, except that the Board may process an election petition filed between 90 and 60 days prior to the end of the fifth year of such an agreement, and between 90 and 60 days prior to the end of each successive year of such agreement. (Section 9(h) of the Act) This bar shall also apply to the filing of majority interest

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~~petitions. When there is in effect a collective bargaining agreement longer than three years duration, it shall serve as a bar (contract bar) to filing representation or decertification petitions for the first three years of the collective bargaining agreement's existence. Representation and decertification petitions may be filed between 90 and 60 days prior to the end of the third year of such an agreement or anytime after the end of the third year of such an agreement.~~

- 3) When an employer recognizes an employee organization without using the voluntary recognition or representation ~~election~~ procedures as specified by the Act, any collective bargaining agreement reached by the parties shall not serve as a bar to the filing of a representation or decertification petition.

b) Certification Bar

The Board will dismiss a representation or decertification petition filed within 12 months following the date of Board certification of an exclusive representative for all or some of the employees in the bargaining unit, as a result of certification following a representation petition winning a representation election or voluntary recognition petition.

c) Election Bar

With respect to any bargaining unit, no election may be conducted in a bargaining unit, or subdivision thereof, when a valid Board conducted election has been held within the preceding 12 month period in which the union or petitioner has lost the election. However, representation and decertification petitions filed within the last three months of the 12 month period will be processed, and any resulting election or certification pursuant to the Board's card check procedures will be held after the 12 month period has elapsed. Representation and decertification petitions filed in the first 9 months of the 12 month period will be dismissed.

(Source: Amended at 28 Ill. Reg. 4172, effective February 19, 2004)

Section 1210.37 Bargaining Unit Determinations

- a) In determining the appropriateness of a unit for purposes of collective bargaining, the Administrative Law Judge and/or the Board shall consider all relevant factors, including, but not limited to, such factors as historical pattern of recognition;

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community of interest, including employee skills and functions; degree of functional integration; interchangeability and contact among employees; fragmentation of employee groups; common supervision, wages, hours and other working conditions of the employees involved; and the desires of the employees. If the employer alleges that the petitioned for unit is not appropriate, it shall submit a detailed statement explaining why the unit is not appropriate. The Administrative Law Judge may determine a unit other than the one petitioned for is an appropriate unit. The employer or union must inform the Administrative Law Judge whether it is willing to proceed to an election or a determination of majority status through the Board's card check procedures in a unit other than one petitioned for.

- b) In describing the unit found appropriate for purposes of collective bargaining, the Board may, at the parties' request, describe the unit in job function terms rather than by job titles. Such unit descriptions may also include those currently existing job titles that perform the job functions.
- c) A bargaining unit described as consisting of particular job titles shall also include any job titles later created that are successor job titles to the currently existing job titles or perform the same or substantially similar job functions as the currently existing job titles.

(Source: Amended at 28 Ill. Reg. 4172, effective February 19, 2004)

Section 1210.40 Representation Petitions

- a) A representation petition may be filed by:
 - 1) an employee, a group of employees, or a labor organization; or
 - 2) an employer, *alleging that one or more labor organizations have presented a claim to be recognized as an exclusive bargaining representative of a majority of the employees in an appropriate unit.*
(Section 9(a)(2) of the Act)
- b) Representation petitions shall be signed by a representative of the petitioning party and shall contain:
 - 1) the name, address and telephone number of the employer;

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- 2) the name, address, telephone number and affiliation, if any, of the labor organization;
- 3) the name, address and telephone number of petitioner's representative;
- 4) a specific and detailed description of the proposed bargaining unit that petitioner claims to be appropriate, including employee classifications or job titles to the extent known;
- 5) a statement of whether the proposed unit combines professional and nonprofessional employees;
- 6) a statement of whether the proposed unit combines craft and noncraft employees;
- 7) the approximate number of employees in the proposed bargaining unit;
- 8) a statement of whether the proposed unit is to be included within an existing bargaining unit;
- 9) the name of any existing exclusive representative of any employees in the proposed bargaining unit;
- 10) a brief description of any collective bargaining agreements covering any employees in the proposed bargaining unit, and the expiration dates of the agreements;
- 11) the date that the employer recognized any existing exclusive representative of any employees in the proposed bargaining unit, and the method of recognition;
- 12) election and/or recognition history prior to July 1, 1984, to the extent known; ~~and~~
- 13) in the case of a petition filed by an employer, a statement that one or more labor organizations has demanded recognition; ~~and-~~
- 14) ~~a statement indicating whether the petitioner requests a representation election or a determination of majority support through the Board's card check procedures.~~

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- c) The Board shall serve the representation petition on the appropriate parties as follows:
- 1) Employer petitions shall be served on the labor organizations that have demanded recognition, and on the existing exclusive representative, if any.
 - 2) Employee and labor organization petitions shall be served on the employer and on the existing exclusive representative, if any.
- d) Employee and labor organization petitions shall be accompanied by a showing of interest, as defined in Section 1210.80, that at least 30% percent of the employees in the petitioned for bargaining unit wish to be represented by the labor organization.
- e) If a labor organization has indicated on the representation petition that it is seeking to utilize the Board's card check procedures for determination of majority status, the petition must be accompanied by a showing of interest, as defined in Section 1210.80, evidencing that a majority of the employees in the petitioned-for bargaining unit wish to be represented by the labor organization.
- fe) A petition may seek joint representation by two or more labor organizations if an instrument, such as a joint council, has been established to effectuate the joint representation. In such instances, the petition shall describe the instrument, and the showing of interest shall expressly designate joint representation.
- gf) A labor organization may withdraw its representation petition as follows:
- 1) If there are no intervenors, at any time. However, any such withdrawal that occurs after the direction of an election or the approval of a consent election agreement shall bar the labor organization from petitioning for an election or for a determination of majority status through the Board's card check procedures in a bargaining unit covering all or part of the petitioned for unit for six months following the withdrawal.
 - 2) If there are intervenors, the labor organization may not withdraw its petition without the consent of all parties. However, the labor organization may file a statement signed by its authorized representative that it no longer wishes to appear on the ballot. The statement shall be filed no later than 5 days prior to the election. Upon receipt of such a

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statement, the Board shall strike the labor organization's name from the ballot.

- hg)** Whenever a representation petition proposes a bargaining unit that includes craft and non-craft employees, the petition shall so state. In cases where a petition seeks determination of majority support based upon the Board's card check procedures, the Board will first conduct an election to determine whether the employees wish to be included in a combined craft/non-craft unit. The election will be conducted pursuant to the election provisions in this Part, except that the date for determining an employee's eligibility to vote shall be the date the majority interest petition was filed. Following the election, the Board will then calculate the union's majority status, based upon the evidence filed with the petition, for either a combined unit or separate units, depending upon the results of the election.
- ih)** Whenever a representation petition proposes a bargaining unit that includes or that may include professional and non-professional employees, the petition shall so state. In cases where a petition seeks determination of majority support based upon the Board's card check procedures, the Board will first conduct an election to determine whether the employees wish to be included in a combined professional/non-professional unit. The election will be conducted pursuant to the election provisions in this Part, except that the date for determining an employee's eligibility to vote shall be the date the majority interest petition was filed. Following the election, the Board will then calculate the union's majority status, based upon the evidence filed with the petition, for either a combined unit or separate units, depending upon the results of the election.
- ji)** Whenever a representation petition proposes a bargaining unit that includes or that may include peace officers and civilian employees, the petition shall so state.

(Source: Amended at 28 Ill. Reg. 4172, effective February 19, 2004)

Section 1210.60 Decertification Petitions

- a) The purpose of a decertification proceeding is to determine whether a majority of the employees in an appropriate bargaining unit maintain their desire to be represented by the existing exclusive bargaining representative.
- b) A petition to decertify an existing exclusive representative may be filed with the Board. The petition shall be served by the Board on the exclusive representative

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and on the employer. The petition shall be on a form developed by the Board. It shall be signed and shall contain the following:

- 1) the name, address and telephone number of the petitioner and of the petitioner's representative;
 - 2) the name, address, telephone number and affiliation, if any, of the exclusive representative;
 - 3) the name, address and telephone number of the employer;
 - 4) a specific and detailed description of the bargaining unit, including employee classifications or job titles;
 - 5) the approximate number of employees in the bargaining unit;
 - 6) the date that the exclusive representative was recognized and the method of recognition, if known;
 - 7) a brief description of any collective bargaining agreements covering any employees in the bargaining unit, and the expiration dates of the agreements.
- c) A petition to decertify an existing exclusive representative must be supported by a ~~30% percent~~ showing of interest as defined by Section 1210.80. Determination of majority support based upon the Board's card check procedures will not apply to decertification petitions.
- d) An employer may not instigate a decertification petition filed by an employee or group of employees.
- e) The Executive Director, when convinced that the petition is filed in accordance with Section 1210.35, may issue an Order Directing an Election. The Order is appealable pursuant to Section 1200.135.

(Source: Amended at 28 Ill. Reg. 4172, effective February 19, 2004)

Section 1210.80 Showing of Interest

- a) Representation Petitions/Decertification Petitions

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Representation petitions filed by employees, groups of employees and labor organizations, and all decertification petitions, must be accompanied by a 30% ~~percent~~ showing of interest.

b) Majority Interest Petitions

If a labor organization has indicated on the representation petition that it is seeking to utilize the Board's card check procedures for determination of majority support, the petition must be accompanied by a showing of interest evidencing that a majority of the employees in the petitioned-for bargaining unit wish to be represented by the labor organization.

cb) Intervention Petitions

A petition to intervene in an election must be supported by a 10% ~~percent~~ showing of interest when the petition seeks a bargaining unit substantially similar to the unit originally petitioned for. When the intervenor seeks a bargaining unit substantially different from the unit originally petitioned for, the petition must be supported by a 30% ~~percent~~ showing of interest. However, an incumbent exclusive representative shall automatically be allowed to intervene without submitting any showing of interest. Petitions to intervene shall not be permitted in majority interest cases.

de) Showing of Interest Requirements

1) Representation Petitions Seeking Elections

- A) The showing of interest in support of a representation petition may consist of authorization cards, petitions, or any other evidence that demonstrates that at least 30% of the employees wish to be represented by the labor organization.
- B) The showing of interest in support of a decertification petition may consist only of cards or petitions clearly stating that the employee does not want the incumbent labor organization to continue serving as exclusive representative.
- C) Any evidence submitted as a showing of interest must contain legible signatures and each signature must be dated by the employee.
- D) The showing of interest shall be valid only if signed within 12

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months prior to the filing of the petition.

- E) Where signatures are used to determine showing of interest, the Board will not accept copies of the documents bearing such signatures.
- F) The evidence submitted as a showing of interest must indicate the employee's desire for the named labor organization to act as his/her exclusive bargaining representative.

2) Representation Cases Involving Majority Interest Petitions

- A) The showing of interest in support of a majority interest petition may consist of authorization cards, petitions, or any other evidence that demonstrates that a majority of the employees wish to be represented by the union for the purposes of collective bargaining.
- B) Any evidence submitted as a showing of interest must contain legible signatures and each signature must be dated by the employee.
- C) The showing of interest shall be valid only if signed within 6 months prior to the filing of the petition.
- D) Where signatures are used to determine showing of interest, the Board will not accept copies of the documents bearing such signatures. The Board also will not count signatures from employees who were not employed by the employer on the date the majority interest petition was filed.
- E) The showing of interest shall include the name of the petitioner, and shall state that by signing the card the employee acknowledges that if a majority of his/her co-workers in an appropriate unit sign evidence of majority support, the card can be used by the petitioner to obtain certification as the employees' exclusive representative without an election. This provision shall not apply to evidence of majority support signed prior to February 19, 2004.
- F) Evidence of majority support signed prior to August 5, 2003 is invalid for determining majority support.4) —The showing of

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~~interest in support of a representation petition may consist of authorization cards, petitions, or any other evidence that demonstrates that at least 30 percent of the employees wish to be represented by the labor organization. 2) — The showing of interest in support of a decertification petition may consist only of cards or petitions clearly stating that the employee does not want the incumbent labor organization to continue serving as exclusive representative. 3) — Any evidence submitted as a showing of interest must contain legible signatures and each signature must be dated by the employee. 4) — Each signature appearing on the evidence of showing of interest shall be effective for 12 months from the date it was given. 5) Where signatures are used to determine showing of interest, the Board will not accept copies of the documents bearing such signatures. 6) — The evidence submitted as a showing of interest must indicate the employee's desire for the named labor organization to act as his/her exclusive bargaining representative.~~

ed) Determination of Showing of Interest

- 1) The Board shall maintain the confidentiality of the showing of interest. The evidence submitted in support of the showing of interest shall not be furnished to any of the parties.
- 2) Whenever an employee has signed authorization cards or petitions for two or more labor organizations, each card or petition shall be counted in computing the required showing of interest. Duplicates for the same labor organization shall be counted as one. Where a majority interest petition has been filed and employees signing authorization cards have also signed cards authorizing other labor organizations to represent them, the most recently signed card will count for the purpose of determining majority status.
- 3) The adequacy of the showing of interest shall be determined administratively by the Board or its agent. The showing of interest determination is not subject to litigation, except upon a finding of a material issue of fact or law relating to fraud or coercion in majority interest petition cases. However, any person who has evidence that the showing of interest was obtained improperly, such as through the use of fraud or coercion, may bring the evidence to the attention of the Board

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agent investigating the petition.

- 4) If the Board agent determines that the evidence submitted does not demonstrate the appropriate level of showing of interest, the petitioner or intervenor shall have 48 hours in election cases, or five days in majority interest cases, to provide the necessary showing of interest to the Board agent. If the petitioner or intervenor is unable to present any necessary additional evidence of showing of interest within that time, then the petition shall be dismissed.
- 5) When the Board orders an election, or certification upon determination of majority support through the Board's majority interest petition procedures, in a unit different from the one petitioned for, the petitioner and intervenors, if any, shall have 5 days from the date of service of the Board's Order ~~Directing an Election~~ to submit a showing of interest in the new unit.
- 6) Employees may not withdraw authorization cards or other documents evidencing majority support after the filing of a majority interest petition, unless the basis for the withdrawal constitutes evidence of fraud or coercion on the part of the petitioner.

(Source: Amended at 28 Ill. Reg. 4172, effective February 19, 2004)

Section 1210.100 Processing of Petitions

- a) Representation Petitions Seeking an Election
 - 1) The Board shall provide the employer with a Notice to Employees of the filing of a representation or decertification petition. The Notice to Employees shall be posted on bulletin boards and other places where notices to employees in the proposed bargaining unit are customarily posted. The Notice to Employees shall inform employees that a petition has been filed with the Board and shall outline intervention procedures. The Notice shall remain posted until replaced by the Board-issued Notice of Election, unless the petition has been dismissed or withdrawn. It shall be incumbent upon the parties to contact the Board to correct any errors that may appear on the Notice to Employees.
 - 2) Within 7 days after service of a petition, the employer shall file with the Board a list containing the full names and titles of the employees in the

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proposed bargaining unit. In the event the employer does not supply the list within 7 days, the Board shall administratively determine the adequacy of the showing of interest, based on the information provided by the union.

- 3) All employers served with a representation petition and all unions served with a decertification petition shall file a written response to the petition. The response filed shall set forth the party's position with respect to the matters asserted in the petition, including, but not limited to, the appropriateness of the bargaining unit and, to the extent known, whether any employees sought by petitioner to be included in the unit are supervisory, managerial or confidential. If a party agrees to the appropriateness of the unit proposed in the petition, it shall so indicate. If a party disagrees with the unit proposed in the petition, it shall describe with particularity what it considers to be an appropriate unit, and shall include a description of the job titles and classifications of the employees to be included and of those to be excluded.
- 4) The setting forth of a party's position with respect to the appropriate unit shall not be deemed to waive or otherwise preclude the right of that party to subsequently assert a different position with respect to what unit it considers appropriate.
- 5) Petitions to intervene in the election may be filed with the Board no later than 15 days prior to the date of the election. However, any intervenor who files after the date set for hearing or, if no hearing is held, after the approval of a consent election agreement or the direction of an election shall have waived objections to the bargaining unit.
- 6) Upon receipt of the petition, the Board or its agent shall investigate the petition. If, for any reason during the investigation, the Board or its agent discovers that the petition may be inappropriate, the Board or its agent may issue an order to show cause requesting that the petitioner provide sufficient evidence to overcome the inappropriateness. Failure to provide sufficient evidence of the petition's appropriateness can result in the dismissal of the petition. Moreover, in conjunction with subsection (a)(3), if, for any reason during the investigation, the Board or its agent discovers that the employer's objections to the representation petition or the union's objections to the decertification petition are insufficient in either law or fact, the Board or its agent may issue an order to show cause requesting that the employer or union provide sufficient evidence to support its

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defenses. Failure to provide sufficient evidence can result in the waiver of defenses.

7) Results of the Investigation

A) After the investigation, the Executive Director shall dismiss a petition, or the Administrative Law Judge shall recommend to the Board that a petition be dismissed, when a petition has been filed untimely; when the bargaining unit is clearly inappropriate; when the showing of interest is not adequate; when the employer is not covered by the Act; when the employees are not covered by the Act; or for any other reason there is no reasonable cause to believe that a question of representation exists. Parties may appeal the Executive Director's order or the Administrative Law Judge's recommended decision and order in accordance with 80 Ill. Adm. Code 1200.135.

B) If, at the conclusion of the investigation, the parties agree to an election in the petitioned-for bargaining unit, the parties may file a stipulation for consent election in accordance with Section 1210.105.

C) If, at the conclusion of the investigation, the only issues remaining between the parties are logistical, e.g., the date of the election, or the positions in dispute comprise 10% or less of the petitioned for bargaining unit, the Executive Director or Administrative Law Judge may issue an Order Directing an Election. Parties may appeal the Order in accordance with 80 Ill. Adm. Code 1200.135.

D) If the investigation discloses that there is reasonable cause to believe that there are unresolved issues relating to the question concerning representation, the Board shall set the matter for hearing before an Administrative Law Judge. All parties shall be given a minimum of 14 days notice of the hearing.

8) The Executive Director may, in his or her discretion or at the request of the charging party, suspend the processing of a petition if an unfair labor practice charge is filed containing allegations regarding conduct that may either affect the existence of a question concerning representation or have a tendency to interfere with a fair and free election.

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- b) Representation Cases Involving Majority Interest Petitions
- 1) The Board shall provide the employer with a Notice to Employees of the filing of a majority interest petition. The Notice to Employees shall be posted on bulletin boards and other places where notices to employees in the proposed bargaining unit are customarily posted. The Notice to Employees shall inform employees that a petition has been filed with the Board in accordance with Section 9(a)(5) of the Act. The Notice shall remain posted for 14 days. It shall be incumbent upon the parties to contact the Board to correct any errors that may appear on the Notice to Employees.
 - 2) Within 7 days after service of a petition, the employer shall file with the Board a list containing the full names and titles of the employees in the proposed bargaining unit, along with signature exemplars of the employees in the proposed unit. The Board's agent shall grant reasonable requests for extensions of time to prepare the signature exemplars based upon the size or scope of the petitioned for unit. In the event the employer does not supply the aforementioned information within 7 days, and it has not been granted an extension of the 7 day period, the Board or its agent shall administratively determine the adequacy of the showing of interest, based on the information provided by the union.
 - 3) All employers served with a majority interest petition shall file a written response to the petition within 14 days after service of the petition. The response filed shall set forth the party's position with respect to the matters asserted in the petition, including, but not limited to, the appropriateness of the bargaining unit and, to the extent known, whether any employees sought by petitioner to be included should be excluded from the unit. The employer must also provide at this time clear and convincing evidence of any alleged fraud or coercion in obtaining majority support. If a party agrees to the appropriateness of the unit proposed in the petition, it shall so indicate. If a party disagrees with the unit proposed in the petition, it shall describe with particularity what it considers to be an appropriate unit, and shall include a description of the job titles and classifications of the employees to be included and of those to be excluded. The Board's agent shall grant reasonable requests for extensions of time to prepare a position statement based upon the size or scope of the petitioned for unit.
 - 4) The setting forth of a party's position with respect to the appropriate unit

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shall not be deemed to waive or otherwise preclude the right of that party to subsequently assert a different position with respect to what unit it considers appropriate.

5) Fraud or Coercion

A) A party or individual alleging that the petitioner's evidence of majority support was obtained fraudulently or through coercion must provide evidence of that fraud or coercion to the Board or its agent. If a party has not provided evidence demonstrating a material issue of fact or law relating to fraud or coercion, the Board will certify the union as the unit's exclusive representative if it is determined to have majority support.

B) If the Board finds a party has provided evidence demonstrating a material issue of fact or law relating to fraud or coercion, it will conduct a hearing to determine whether there is clear and convincing evidence of fraud or coercion. All parties shall be given a minimum of 14 days notice of the hearing. If the Board finds clear and convincing evidence of fraud or coercion, the Board will conduct an election in the petitioned for unit to determine majority support for the petitioner. If the Board finds clear and convincing evidence of fraud or coercion to be lacking, it will determine majority support for the petitioner based upon the evidence filed with the petition. As an alternative to submitting the issue of clear and convincing evidence to hearing, the parties may agree to a Board-conducted election in the unit.

6) Upon receipt of the petition, the Board or its agent shall investigate the petition. If, for any reason during the investigation, the Board or its agent discovers that the petition may be inappropriate, the Board or its agent may issue an order to show cause requesting that the petitioner provide sufficient evidence to overcome the inappropriateness. Failure to provide sufficient evidence of the petition's appropriateness can result in the dismissal of the petition. Moreover, in conjunction with subsection (b)(3), if, for any reason during the investigation, the Board or its agent discovers that the employer's objections to the majority interest petition are insufficient in either law or fact, the Board or its agent may issue an order to show cause requesting that the employer or union provide sufficient evidence to support its defenses. Failure to provide sufficient evidence can

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result in the waiver of defenses.

7) Results of the Investigation

A) After the investigation, the Executive Director shall dismiss a petition, or the Administrative Law Judge shall recommend to the Board that a petition be dismissed, when a petition has been filed untimely; when the bargaining unit is clearly inappropriate; when the showing of interest is not adequate; when the employer is not covered by the Act; when the employees are not covered by the Act; or for any other reason there is no reasonable cause to believe that a question of representation exists. Parties may appeal the Executive Director's order or the Administrative Law Judge's recommended decision and order in accordance with 80 Ill. Adm. Code 1200.135.

B) Where there are no unit appropriateness or exclusion issues, or any other issues necessitating a hearing, the Executive Director will prepare a tally of the finding of majority support and certify the petitioner as the unit's exclusive representative within 20 days after the service of the petition. Where there are unit or exclusion issues, but the number of the contested positions is not sufficient to affect the determination of majority support, then the Executive Director will, within 20 days after service of the petition, prepare a tally of the finding of majority support and issue a certification and the tally concerning the employees not in dispute. The disputed employees' inclusion in the unit will be subject to the Board's unit clarification procedures. Where the number of contested employees is determinative of the outcome, the Board will impound the showing of interest and will resolve the unit appropriateness and exclusion issues through its hearing procedures.

C) If the investigation discloses that there is reasonable cause to believe that there are unresolved issues relating to the question concerning representation, the Board shall set the matter for hearing before an Administrative Law Judge. All parties shall be given a minimum of 14 days notice of the hearing.

8) No intervention petitions will be permitted in majority interest cases. If a labor organization seeks to file a representation petition for the same or a

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~~similar unit to the one described in a majority interest petition, it may file an election petition pursuant to the procedures of this Part. Where more than one petition exists for the same or a similar unit of employees, the Board will direct an election in the appropriate unit to determine the employees' choice of representative.~~a) — The Board shall provide the employer with a Notice to Employees of the filing of a representation or decertification petition. The Notice to Employees shall be posted on bulletin boards and other places where notices to employees in the proposed bargaining unit are customarily posted. The Notice to Employees shall inform employees that a petition has been filed with the Board and shall outline intervention procedures. The Notice shall remain posted until replaced by the Board issued Notice of Election, unless the petition has been dismissed or withdrawn. It shall be incumbent upon the parties to contact the Board to correct any errors that may appear on the Notice to Employees. b) — Within seven days after service of a petition, the employer shall file with the Board a list containing the full names and titles of the employees in the proposed bargaining unit. In the event the employer does not supply the list within seven days, the Board shall administratively determine the adequacy of the showing of interest, based on the information provided by the union. c) All employers served with a representation petition and all unions served with a decertification petition shall file a written response to the petition. The response filed shall set forth the party's position with respect to the matters asserted in the petition, including, but not limited to, the appropriateness of the bargaining unit and, to the extent known, whether any employees sought by petitioner to be included in the unit are supervisory, managerial or confidential. If a party agrees to the appropriateness of the unit proposed in the petition, it shall so indicate. If a party disagrees with the unit proposed in the petition, it shall describe with particularity what it considers to be an appropriate unit, and shall include a description of the job titles and classifications of the employees to be included and of those to be excluded. d) — The setting forth of a party's position with respect to the appropriate unit shall not be deemed to waive or otherwise preclude the right of that party to subsequently assert a different position with respect to what unit it considers appropriate. e) — Petitions to intervene in the election may be filed with the Board no later than 15 days prior to the date of the election. However, any intervenor who files after the date set for hearing or, if no hearing is held, after the approval of a consent election agreement or the direction of an election, shall have waived objections to the bargaining unit. f) — Upon receipt of the petition, the

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~~Board or its agent shall investigate the petition. If, for any reason during the investigation, the Board or its agent discovers that the petition may be inappropriate, the Board or its agent may issue an order to show cause requesting that the petitioner provide sufficient evidence to overcome the inappropriateness. Failure to provide sufficient evidence of the petition's appropriateness can result in the dismissal of the petition. Moreover, in conjunction with subsection (c), if, for any reason during the investigation, the Board or its agent discovers that the employer's objections to the representation petition or the union's objections to the decertification petition are insufficient in either law or fact, the Board or its agent may issue an order to show cause requesting that the employer or union provide sufficient evidence to support its defenses. Failure to provide sufficient evidence can result in the waiver of defenses. g) — The Executive Director may, in his or her discretion or at the request of the charging party, suspend the processing of a petition if an unfair labor practice charge is filed containing allegations regarding conduct that may either affect the existence of a question concerning representation or have a tendency to interfere with a fair and free election. h) After the investigation, the Executive Director shall dismiss a petition, or the Administrative Law Judge shall recommend to the Board that a petition be dismissed, when a petition has been filed untimely; when the bargaining unit is clearly inappropriate; when the showing of interest is not adequate; when the employer is not covered by the Act; when the employees are not covered by the Act; or for any other reason there is no reasonable cause to believe that a question of representation exists. Parties may appeal the Executive Director's order or the Administrative Law Judge's recommended decision and order in accordance with 80 Ill. Adm. Code 1200.135. If, at the conclusion of the investigation, the parties agree to an election in the petitioned for bargaining unit, the parties may file a stipulation for consent election in accordance with Section 1210.105. If, at the conclusion of the investigation, the only issues remaining between the parties are logistical, e.g., the date of the election, or the positions in dispute comprise 10% or less of the petitioned for bargaining unit, the Executive Director or Administrative Law Judge may issue an Order Directing an Election. Parties may appeal the Order in accordance with 80 Ill. Adm. Code 1200.135. If the investigation discloses that there is reasonable cause to believe that there are unresolved issues relating to the question concerning representation, the Board shall set the matter for hearing before an Administrative Law Judge. All parties shall be given a minimum of 14 days notice of the hearing.~~

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(Source: Amended at 28 Ill. Reg. 4172, effective February 19, 2004)

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- 1) Heading of the Part: Presubscription
- 2) Code Citation: 83 Ill. Adm. Code 773
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
773.5	Amendment
773.10	Amendment
773.100	Amendment
773.110	Repealed
773.120	Amendment
773.130	Repealed
773.140	Amendment
773.145	New Section
773.160	Repealed
773.170	Repealed
- 4) Statutory Authority: Implementing Sections 13-403, 13-404, 13-405, and 13-902 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-403, 13-404, 13-405, 13-902, and 10-101].
- 5) Effective Date of Amendments: March 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 4/11/2003; 27 Ill. Reg. 6028
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None required
- 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: Presubscription refers generally to the procedures that enable subscribers of telecommunications carriers to designate (from among all available carriers) their chosen carrier for local toll (intraLATA) and long distance (interLATA) services. Part 773 was adopted in 1995 and had not been amended since adoption. The amendments repeal unnecessary definitions and Sections, modify those definitions that have changed since the original adoption of the Part, change the notification requirements, and add a Section concerning the filing of tariffs to cover the charges for changing presubscription selections.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 773
PRESUBSCRIPTION

Section

773.5	Applicability
773.10	Definitions
773.100	Obligation to Provide Presubscription
773.110	Implementation (Repealed)
773.120	IntraMSA Calls Not Subject to Presubscription
773.130	Waivers and Extensions (Repealed)
773.140	Customer Notification and Presubscription Changes
<u>773.145</u>	<u>Presubscription Changes and Charges</u>
773.150	Interexchange Carrier Participation
773.160	Presubscription Charges and Cost Recovery (Repealed)
773.170	Information Requirements (Repealed)

AUTHORITY: Implementing Sections 13-403, 13-404, 13-405, and 13-902 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-403, 13-404, 13-405, 13-902, and 10-101].

SOURCE: Adopted at 19 Ill. Reg. 14789, effective November 1, 1995; amended at 28 Ill. Reg. 4196, effective March 1, 2004.

Section 773.5 Applicability

- a) This Part shall apply to any telecommunications carrier, as defined in Section 13-202 of the Public Utilities Act ("Act") [220 ILCS 5/13-202] providing local exchange telecommunications service as defined in Section 13-204 of the Act [220 ILCS 5/13-204] or interexchange telecommunications service as defined in Section 13-205 of the Act [220 ILCS 5/13-205]. In addition, this Part shall apply to any entity certificated by the Illinois Commerce Commission ("Commission") under Section 13-403, Section 13-404, or Section 13-405 of the Act [220 ILCS 5/13-403, 13-404, 13-405].
- b) This Part shall not apply to any telecommunications carrier that is subject to 83 Ill. Adm. Code 760, "Cellular Radio Exclusion."

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(Source: Amended at 28 Ill. Reg. 4196, effective March 1, 2004)

Section 773.10 Definitions

"1-PIC" is a presubscription method in which a customer's presubscribed calls are carried by the interexchange carrier (IXC) of the customer's choice, without the use of access codes.

"2-PIC" is a presubscription method in which a customer's inter-market service area (MSA) calls are carried by an IXC of the customer's choice and its intraMSA presubscribed calls are carried, at the customer's choice, by the local exchange carrier (LEC) ~~(or a primary toll carrier (PTC))~~, by the IXC chosen to carry interMSA calls, or by another IXC, without the use of access codes. ~~"Bona fide request" is a written request submitted to a LEC by an IXC, in which the IXC requests that the LEC provide presubscription consistent with this Part to customers within an exchange(s) and states that it intends to offer intraMSA usage services utilizing presubscription to customers in the exchange(s) within six months after the bona fide request, or by November 1, 1996, whichever is later. "Customer" means a subscriber to a LEC switched network access service, either a bundled network access line or trunk or an unbundled port. "Customer list" means an identification of the name, billing address and listed or published telephone number of each customer. It does not include an unpublished or unlisted telephone number. "Equal access" has the meaning given it in Appendix B of the Modification of Final Judgment entered by the United States District Court on August 24, 1982 in United States v. Western Electric, Civil Action No. 82-0192 (D.D.C. 1982), as amended by the court in its orders issued prior to November 1, 1995. "Equal access exchange" means an exchange in which the LEC has complied with and implemented federal equal access requirements.~~

~~"Incumbent local exchange carrier" or "incumbent LEC" means, with respect to an area, the telecommunications carrier that provided noncompetitive local exchange telecommunications service in that area on February 8, 1996 and on that date was deemed a member of the exchange carrier association pursuant to 47 CFR 69.601(b), and includes its successors, assigns, and affiliates [220 ILCS 5/13-202] a LEC that provided facilities-based switched local exchange telecommunications services within an exchange as of December 31, 1993.~~

"Interexchange carrier" or "IXC" means a telecommunications carrier under the Act that provides interexchange telecommunications services as defined in

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Section 13-205 of the Act. A telecommunications carrier is both an IXC and a LEC if it provides both interexchange and ~~facilities-based~~ local exchange telecommunications services.

"Local exchange carrier" or "LEC" means a telecommunications carrier under the Act that provides ~~facilities-based~~ local exchange telecommunications services. A telecommunications carrier is both an IXC and a LEC if it provides both interexchange and ~~facilities-based~~ local exchange telecommunications services. ~~"Modified 1-PIC" is a presubscription method in which a customer's interMSA calls are carried by an IXC of the customer's choice and its intraMSA resubscription calls are carried, at the customer's choice, by either the LEC (or a PTC) or by the IXC chosen to carry interMSA calls, without the use of access codes. "New local exchange carrier" or "new LEC" means a LEC that did not provide facilities-based switched local exchange telecommunications services within a specified geographic area as of December 31, 1993.~~

"Presubscription" is a procedure by which a customer can predesignate one or more IXCs to access for its presubscribed switched intraMSA and interMSA calls, without dialing an access code. ~~"Primary interexchange carrier" or "PIC" means a presubscribed IXC that carries presubscribed calls, without the use of access codes, for a customer following equal access or presubscription implementation. "Primary toll carrier" or "PTC" means the carrier that was made responsible for intraMSA toll rates, intraMSA compensation, and coordination of the intraMSA toll network by the Sixteenth Interim Order, July 2, 1985, and the Twenty-Fifth Interim Order, July 23, 1986, in Commission Docket 83-0142.~~

"Subscriber" means the party identified in the account records of a telecommunications carrier as responsible for payment of the telephone bill; any adult person authorized by such party to change telecommunications services or to charge services to the account; or any person contractually or otherwise lawfully authorized to represent such party. "Subscriber" does not mean, however, retail business subscribers served by more than 20 lines.

(Source: Amended at 28 Ill. Reg. 4196, effective March 1, 2004)

Section 773.100 Obligation to Provide Presubscription

- a) Each LEC shall provide 2-PIC presubscription consistent with this Part and with Section 13-902 of the Act [220 ILCS 5/13-902]. Telecommunications carriers should also be aware of federal requirements on this matter found at 47 CFR

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~~Sections 64.1100 - 64.1195. Each LEC shall provide presubscription consistent with this Part upon the LEC's own initiative or upon a bona fide request, using the 2-PIC method.~~

- b) Each LEC providing presubscription within an exchange(s) using the 1-PIC method as of December 31, 1993 is exempted from the requirements of this Part as long as it continues to provide 1-PIC presubscription. ~~e) Presubscription shall be provided consistent with this Part and in accordance with 47 CFR Section 64.1100 (October 1994 Edition) and the following Federal Communications Commission ("FCC") Orders: Investigation of Access and Divestiture Related Tariffs, CC Docket 83-1145, Phase I, Memorandum Opinion and Orders, 101 FCC 2d 911 (1985); 101 FCC 2d 935 (1985); and Mimeo No. 6714, released August 30, 1985; and Policies and Rules Concerning Changing Long Distance Carriers, CC Docket No. 91-64, Report and Order, 7 FCC Red 1038 (1992); Erratum, DA 92-101, released February 4, 1992. No other amendment or edition of the foregoing rules or Orders are incorporated in this Part.~~

(Source: Amended at 28 Ill. Reg. 4196, effective March 1, 2004)

Section 773.110 Implementation (Repealed)

- a) ~~Each incumbent LEC shall, within 120 days after receiving a bona fide request, file intrastate tariffs to provide presubscription consistent with this Part in its equal access exchanges within six months after receiving the bona fide request or by November 1, 1996, whichever is later. b) For each incumbent LEC exchange that was not an equal access exchange as of November 1, 1995, the incumbent LEC shall file intrastate tariffs to provide presubscription consistent with this Part effective at the time that equal access is implemented within the exchange. c) Each new LEC shall, within 120 days after receiving a bona fide request, file intrastate tariffs to provide presubscription consistent with this Part effective within six months after receiving the bona fide request or by November 1, 1996, whichever is later. d) Each LEC may negotiate implementation schedules that differ from the requirements in this Section, with the agreement of all IXCs that make bona fide requests within 60 days of the first bona fide request.~~

(Source: Repealed at 28 Ill. Reg. 4196, effective March 1, 2004)

Section 773.120 IntraMSA Calls Not Subject to Presubscription

- a) In its intrastate presubscription tariff, each LEC shall specify which intraMSA

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switched calls are not subject to presubscription for each of its exchanges.

- b) For each incumbent LEC exchange, intraMSA calls shall not be subject to presubscription if they originate and terminate within the geographic area within which the LEC provides calling through one or more of the following: flat rate service, residence untime calling and usage measured service bands that do not exceed 15 miles from the exchange wire center, and/or flat rate or measured Extended Area Service, as defined in the LEC's tariffs.
- c) The following ~~intraMSA~~ calls shall not be subject to presubscription: road conditions (e.g., 2-1-1), non-emergency calls (e.g., 3-1-1), local directory assistance (e.g., 4-1-1-411), human services (e.g., 5-1-1), local repair (e.g., 6-1-1-611), telecommunications relay service (e.g., 7-1-1), emergency (e.g., 9-1-1-911), 0-operator services, and local pay-per-call (e.g., 976) calls. Calls using the 500, 700, 800, 866, 877, 888, or 900 service access codes shall not be subject to this Part.
- d) For incumbent LECs, 0+ calls shall not be subject to presubscription if they originate and terminate within the geographic area described in subsection Section 773.120(b). ~~e) All intraMSA switched calls not subject to presubscription and dialed without the use of access codes shall be carried by the LEC. Those calls dialed using a 500, 700, 800, or 900 service access code shall not be subject to this Part.~~

(Source: Amended at 28 Ill. Reg. 4196, effective March 1, 2004)

Section 773.130 Waivers and Extensions (Repealed)

- a) ~~A LEC may petition for a waiver of the requirement to provide presubscription consistent with Section 773.100 on the basis that the 2-PIC method is not technically feasible or that, under current conditions, the costs are expected to substantially exceed reasonably anticipated benefits. The Commission, after hearing, shall grant a waiver and shall allow the modified 1-PIC method to be used upon a showing that the 2-PIC method is not technically feasible or that its costs are expected to substantially exceed reasonably anticipated benefits. b) A LEC may petition for an extension of the timing requirements in Section 773.110 on the basis that presubscription cannot reasonably be provided within the given exchange(s) within the required time frame. The Commission, after hearing, shall grant an extension to a specified date upon a showing that presubscription cannot reasonably be provided within the given exchange(s) within the time frame~~

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~~required by Section 773.110 and that the date specified in the extension can reasonably be met. c)Any LEC or IXC may petition for a waiver of the requirements in Section 773.120 on the basis that the requirements regarding calls not subject to presubscription do not meet customers' calling needs and/or do not preserve or promote effective competition. The Commission, after hearing, shall grant a waiver upon a showing that the requirements regarding calls not subject to presubscription do not meet customers' calling needs and/or do not preserve or promote effective competition. In determining whether to grant the waiver, the Commission shall consider the financial impact and the technical feasibility of alternatives.~~

(Source: Repealed at 28 Ill. Reg. 4196, effective March 1, 2004)

Section 773.140 Customer Notification ~~and Presubscription Changes~~

- a) ~~Each LEC shall provide oral, written, or prerecorded information to its customers of the availability of presubscription. The information shall be provided in clear and neutral language, and shall describe presubscription, the option of presubscription, how to unfreeze or change a PIC, and any related charges in a manner that does not attempt to influence customers regarding their selections.~~
- b) ~~On an incoming call from a new customer requesting network access service, the company representative shall inform the customer that he has a choice of long distance providers and that different providers can be chosen for local toll (intraLATA) and long distance (interLATA) services. a) For each incumbent LEC exchange that was an equal access exchange as of November 1, 1995, and for each new LEC, the LEC shall provide written notice to its customers of the availability of presubscription, as follows: 1)The notice shall be provided to existing customers at least 30 days prior to the implementation of presubscription consistent with this Part; 2)The notice shall be provided to new customers who request network access service between the time the notice is distributed and the date presubscription is implemented consistent with this Part, at the time they request service; 3)The notice shall describe presubscription, the customers' choices, how to select among the presubscription choices, and any related charges in a manner that does not attempt to influence customers regarding their selections. b)For each incumbent LEC exchange that was not an equal access exchange as of November 1, 1995, balloting shall be required for both interMSA and intraMSA usage, as follows: 1)Balloting shall be in accordance with the FCC's Memorandum Opinion and Orders in CC Docket No. 83-1145, Phase I, and balloting shall include both interMSA and intraMSA choices; 2)Customers'~~

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~~intraMSA usage subject to presubscription shall not be allocated, and shall continue to be provided by the incumbent LEC (or PTC) until the customer selects a different intraMSA presubscription choice. c)For new customers requesting network access service after presubscription consistent with this Part is implemented in an exchange, the LEC or other carrier receiving the request shall inform the customer, when service is requested, of its presubscription choices and shall provide the following information before either asking for the customer's presubscription selections and/or marketing its own interexchange services: 1)The customer service representative shall inform the new customer that the customer can select from a number of IXC's for presubscribed interexchange service, and shall describe the available presubscription choices in a manner that does not attempt to influence customers regarding their selections; 2)The representative shall offer to provide the names of IXC's serving that office in random order as well as the telephone numbers of the IXC's. If the customer indicates its selections, the representative shall not solicit the customer further for the carrier's interexchange services. d)Customers shall retain their existing intraMSA dialing arrangements as of November 1, 1995 until they make presubscription selections, and may change their selections at any time, subject to charges specified in Section 773.160. Procedures for intraMSA and interMSA selection changes shall be in accordance with 47 CFR Section 64.1100 (October 1994 Edition) and the following Federal Communications Commission ("FCC") Orders: Investigation of Access and Divestiture Related Tariffs, CC Docket 83-1145, Phase I, Memorandum Opinion and Orders, 101 FCC 2d 911 (1985); 101 FCC 2d 935 (1985); and Mimeo No. 6714, released August 30, 1985; and Policies and Rules Concerning Changing Long Distance Carriers, CC Docket No. 91-64, Report and Order, 7 FCC Red 1038 (1992), Erratum, DA 92-101, released February 4, 1992. No other amendment or edition of the foregoing rules or Orders are incorporated in this Part.~~

(Source: Amended at 28 Ill. Reg. 4196, effective March 1, 2004)

Section 773.145 Presubscription Changes and Charges

- a) Subscribers may change their presubscription selections at any time.
- b) Each LEC may impose a tariffed charge for changes in a subscriber's presubscription selections.

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- c) Any LEC that imposes a charge for changes in a subscriber's presubscription selections shall file a tariff pursuant to Section 9-201 or Section 13-504(a) of the Act [220 ILCS 9-201 or 13-504(a)] for this charge.

(Source: Added at 28 Ill. Reg. 4196, effective March 1, 2004)

Section 773.160 Presubscription Charges and Cost Recovery (Repealed)

- a) ~~Each LEC shall allow customers to change presubscription selections once at no charge within six months following implementation within an exchange of presubscription consistent with this Part, and shall allow each new customer to select presubscription arrangements at no charge at the time network access service is initiated. At other times, each LEC may impose a reasonable, tariffed charge for changes in a customer's presubscription selections. b) Each LEC may seek to recover reasonable separated intrastate costs limited to initial incremental expenditures related directly to the provision of presubscription that would not be required absent the provision of presubscription consistent with this Part. c) In determining presubscription cost recovery, each LEC shall amortize all separated intrastate presubscription costs over at least a three year period. d) Each LEC that provides noncompetitive services and is not an average schedule company shall use the following procedures for recovery of intrastate presubscription costs: 1) A tariffed presubscription cost recovery charge shall be applied to all switched originating intraMSA intrastate minutes of use subject to presubscription and originated by the LEC's customers, whether carried by the LEC or another IXC. If the LEC is a PTC, such charges shall not apply to customers of other LECs with which the LEC has a PTC arrangement; 2) The LEC shall submit the proposed presubscription cost recovery charge and full cost documentation as part of its tariff filing made to implement presubscription consistent with this Part; 3) In non-equal access exchanges where both inter- and intraMSA equal access are implemented concurrently, LECs should develop separate inter- and intraMSA cost recovery charges, consistent with FCC requirements and this Part. e) Each LEC that is an average schedule company shall, through its concurrence in the Illinois Small Company Exchange Carrier Association (ISCECA) intrastate switching tariffs, use the following procedures for recovery of intrastate presubscription costs: 1) An addition to the local switching rates shall be applied to all switched intrastate minutes of use subject to presubscription and originated by the LEC's customers; 2) ISCECA shall submit the proposed addition to its local switching rates and full cost documentation through a tariff filing made to recover intrastate presubscription costs consistent with this Part; 3) The addition to the local switching rates shall apply for the amortization period only. At the end of~~

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~~the amortization period, ISCECA shall file the appropriate local switching tariff reflecting the removal of such addition to its local switching rates.~~

(Source: Repealed at 28 Ill. Reg. 4196, effective March 1, 2004)

Section 773.170 Information Requirements (Repealed)

- a) ~~Within 15 days after receiving a bona fide request, a LEC shall notify all IXCs currently purchasing Feature Group D access service ("FGD service") from the LEC in the affected exchange(s) of the bona fide request. b) Each LEC shall provide the following information to all IXCs purchasing FGD service or which place orders for FGD service from the LEC in each exchange where presubscription consistent with this Part is to be implemented: 1) Presubscription conversion schedules, to be provided at least three months prior to the cutover date; 2) Ordering procedures, terms, and conditions for the IXC to be eligible for customer presubscription to the IXC, to be provided at least three months prior to the cutover date; 3) Customer lists, within 15 business days after receipt of a written request from an IXC that has made a bona fide request or has otherwise established eligibility for customer presubscription, to be used by the IXC only in connection with presubscription solicitation. Customer lists shall be provided upon request for a period of six months prior to and six months after the implementation of presubscription in an exchange. c) Each LEC shall serve all presubscription tariff filings, waiver petitions, and extension of time petitions on all IXCs currently purchasing FGD service from the LEC in the affected exchange(s) and on all other entities that have requested such service.~~

(Source: Repealed at 28 Ill. Reg. 4196, effective March 1, 2004)

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- 1) Heading of the Part: Automobile Anti-Theft Mechanism
- 2) Code Citation: 50 Ill. Adm. Code 932
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
932.10	Amendment
932.20	Amendment
932.30	Amendment
932.40	Amendment
932.50	Amendment
932.60	Repeal
- 4) Statutory Authority: Implementing Section 143.28 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143.28 and 401].
- 5) Effective Date of Amendments: February 23, 2004
- 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: February 28, 2003; 27 Ill. Reg. 3219
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:
 - a) Section 932.10 – On the second and third lines, struck the open and close quotation marks and ellipsis. Also changed italic to regular font. Also, on the second to the last line, changed “which” to “that”.
 - b) Section 932.20 – The definition for “Passive” has been added back to this Section, but has been stricken as was intended.
 - c) Section 932.30 – On the second line, added “and” following the comma.

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- d) Section 932.40 – On the third line struck “4” and added “3” in lieu thereof. Also, struck “which” and added “that”. On the third line, struck the comma following “hereon”. On the fifth line, added a period following “insurer”, deleted “but” and added “The discount” in lieu thereof. Also on the last line, deleted “a” and “discount”.
- e) Section 932.50(e) – “~~Part~~” has been changed to “part”.
- f) Section 932.60 – All text within this Section has been stricken consistent with 1 Ill. Adm. Code 100.420(c).
- 12) Have all 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: The tiered discount rates that were established within this rule 20 years ago, which required the insurance industry to offer discounts to insureds who may have had any one, or combination of, anti-theft devices installed on their automobile either aftermarket, or by the manufacturer, have become obsolete in their current form. This regulation is updated to reflect simplified standards and procedures.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Dale Emerson, Assistant Deputy Director
Consumer Services Section
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-5044

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

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TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIESPART 932
AUTOMOBILE ANTI-THEFT MECHANISMS

Section	
932.10	Authority
932.20	Definitions
932.30	Scope
932.40	Discounts to Qualified Motor Vehicles
932.50	General Rules Applicable To All Anti-Theft <u>Mechanisms Devices</u>
932.60	Types of Anti-Theft Devices Qualifying for Discounts <u>(Repealed)</u>
932.70	Severability Provision

AUTHORITY: Implementing Section 143.28 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143.28 and 401].

SOURCE: Adopted at 5 Ill. Reg. 5640, effective May 18, 1981; codified at 7 Ill. Reg. 3463; amended at 17 Ill. Reg. 6768, effective April 27, 1993; amended at 28 Ill. Reg. 4207, effective February 23, 2004.

Section 932.10 Authority

This Part is issued by the Director of Insurance pursuant to Section 401 of the Illinois Insurance Code, which empowers the Director "*...to make reasonable Rules and Regulations as may be necessary for making effective...*" the insurance laws of this State. This Part implements Section 143.28 of the Illinois Insurance Code by establishing guidelines and procedures for the approval ~~and certification~~ of anti-theft mechanisms devices for purposes of obtaining automobile insurance premium reductions requiring all insurance companies to allow appropriate reductions for rates and premium charges for insured automobiles that are equipped with anti-theft mechanisms or devices approved by the Director.

(Source: Amended at 28 Ill. Reg. 4207, effective February 23, 2004)

Section 932.20 Definitions

Anti-Theft Mechanism means any passive or active anti-theft system and passive or active anti-theft devices permanently installed, either as original equipment from the manufacturer or as

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after market equipment on the vehicle, that is designed to inhibit the theft of the vehicle or its components.

~~"Alarm" means a horn, bell, siren or other sounding device which is audible at 300 feet.~~

~~"Lock" means a device primarily designed to prevent the illegal operation of a switch, latch or other mechanism.~~

~~"Passive" describes an anti theft device or system which is activated automatically when the driver turns the ignition key to the off position and the key is removed.~~

~~"Redundant Starting Means" means a switch in addition to the primary ignition switch which makes the ignition or starter system inoperable and which is not visible from the driver's position or which is disguised or protected by a separately installed lock.~~

(Source: Amended at 28 Ill. Reg. 4207, effective February 23, 2004)

Section 932.30 Scope

This Part applies to all private passenger motor vehicles and to pick-up trucks rated as private passenger automobiles, and policies of automobile insurance as described in Section 143.13(a) of the Illinois Insurance Code [215 ILCS 5/143.13(a)].

(Source: Amended at 28 Ill. Reg. 4207, effective February 23, 2004)

Section 932.40 Discounts to Qualified Motor Vehicles

All insurance companies issuing policies of automobile insurance, as defined in Section 143.13(a) of the Illinois Insurance Code (~~Ill. Rev. Stat. 1991, ch. 73, par. 755.13(a)~~) [215 ILCS 5/143.13(a)], ~~that~~which insure automobiles that are equipped with ~~contain~~ anti-theft mechanisms ~~devices as described herein~~, shall allow a discount ~~the following discounts~~ on comprehensive coverage to qualifying automobiles in an amount deemed appropriate by the insurer. ~~The discount shall not be less than 5% on comprehensive coverage.~~

a) ~~Category 1 devices shall receive a 5% discount.~~

b) ~~Category 2 devices shall receive a 10% discount.~~

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- e) ~~Category 3 devices shall receive a 15% discount.~~

(Source: Amended at 28 Ill. Reg. 4207, effective February 23, 2004)

Section 932.50 General Rules Applicable To All Anti-Theft Mechanisms Devices

- a) Unless otherwise specified, if two or more anti-theft mechanisms qualifying devices are installed attached to the same vehicle, the total discounts shall be that applicable to the anti-theft mechanism device qualifying for the highest discount.
- b) ~~Stickers identifying the specific type of anti-theft system may not be attached to the vehicle unless specifically permitted by this part.~~
- b)e) Insurers may require reasonable evidence of installation of any anti-theft mechanism device but the insurer may not make requests so onerous as to effectually discourage the owner from seeking the applicable discount. ~~In no case may the evidence be less than an affidavit from~~
- 1) ~~the insured or agent and~~
 - 2) ~~the installer (who may be the owner).~~
- d) ~~An additional 5% discount will be allowed if the automobile is equipped with a hood lock and latching mechanism, if the automobile is also equipped with a redundant starting means or an alarm system.~~
- e) ~~An electronic keyless device having at least 10,000 combinations may be substituted for a separately installed keyed lock wherever required by that part.~~

(Source: Amended at 28 Ill. Reg. 4207, effective February 23, 2004)

Section 932.60 Types of Anti-Theft Devices Qualifying for Discounts (Repealed)

- a) ~~Category 1:~~
- 1) ~~Ignition or starter cut-off switch. A non-passive internally activated device which disables the vehicle by making the ignition or starter system inoperable. The switch must be installed so that it is not visible from the driver's position where the driver is seated unless protected by a separately~~

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~~installed lock.~~

- 2) ~~A non-passive operated alarm meeting the following standards:~~
 - A) ~~The alarm must be triggered by entry of doors, hood and trunk.~~
 - B) ~~The hood must be equipped with either a hood lock and latch mechanism or an inside hood latch control.~~
 - C) ~~If the system is equipped with a motion detector, the alarm must sound for no more than 10 minutes and upon ceasing, the alarm must reset itself.~~
 - D) ~~The alarm must be installed in the engine compartment so as to be inaccessible without opening the hood.~~
 - E) ~~The switch must be installed so that it is not visible from the driver's seat unless protected by a separately installed lock.~~
 - F) ~~If the system is internally inactivated, the maximum time delay permitted to disarm the system after re-entry is 20 seconds.~~
 - 3) ~~Window identification system in which the complete manufacturer's ID number (vehicle identification number) is etched by a tool which will not destroy the integrity of the glass into all the windows of the vehicle other than small vent windows and on or near the front or rear bumpers.—A sticker may identify the presence of this system. This discount may be applied to a vehicle with an external hood release. The discount (a window identification system) is in addition to any other discount permitted by subsection (a), (b) or (c) herein.~~
- b) ~~Category 2:~~
- 1) ~~A passive alarm system meeting the standards described in subsection (c)(1) of this Section but which also includes a motion detection device which cannot be disarmed independently from the remainder of the system.~~
 - 2) ~~A non-passive internally operated alarm meeting the criteria of subsection (a)(2) of this Section and equipped with a forced action prompter which~~

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- ~~activates the horn or flashes the headlights for a minimum of five minutes upon removing the key without first setting the alarm.~~
- 3) ~~High Security Ignition Replacement Lock which cannot be removed using a conventional slide hammer or lock puller equipment installed in a vehicle with a metal lock and steering wheel housing.~~
- 4) ~~A sticker may identify the presence of this system.~~
- e) ~~Category 3:~~
- 1) ~~A passive alarm system which meets the following criteria:~~
- A) ~~The alarm must be triggered by entry of doors, hood and trunk.~~
- B) ~~The hood must be equipped with either a hood lock and latch mechanism or an inside hood latch control.~~
- C) ~~If equipped with a motion detector, the alarm must sound for no more than ten minutes and upon ceasing, must reset itself.~~
- D) ~~The alarm must be installed in the engine compartment so as to be inaccessible without opening the hood.~~
- E) ~~The maximum time delay permitted to disarm the system after re-entry is 20 seconds.~~
- F) ~~If equipped with a motion detection device which sounds the alarm upon lifting or shaking the automobile, provision must be made for separately disarming the shaker switch independently of the remainder of the system.~~
- G) ~~The system is equipped with either a redundant starting means or an internal hood lock meeting the standards of Section 932.50(d).~~
- 2) ~~Passive fuel cut-off switch which requires the driver to trip a switch to open the fuel line each time the car is started and which meets the following criteria:~~
- A) ~~The fuel line must be blocked when the power is off.~~

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- ~~B) The switch to open the fuel line must be well hidden from view but accessible to the driver from the driver's seat.~~
- ~~C) In normal operation, the automobile must not be able to be started unless the fuel cut-off switch is tripped and the fuel line is opened.~~
- ~~D) A parking/service attendant override switch may be provided. It must be disguised or hidden from view.~~
- 3) ~~Passive ignition cut-off system. This system disables one or more components such that the engine cannot be started or hot-wired. Such device must meet these criteria:~~
 - ~~A) If designed to disable the ignition circuit at a present engine speed, the ignition must cut off automatically as soon as the engine reaches a speed in the range of 1000 to 1700 RPM.~~
 - ~~B) The disconnect/grounding wiring must blend with factory installed wiring.~~
 - ~~C) A push button or other type of disarm switch must be disguised or hidden from view unless operated by a separately installed lock.~~
 - ~~D) A parking service attendant override switch may be provided but must be disguised or hidden from view.~~

(Source: Repealed at 28 Ill. Reg. 4207, effective February 23, 2004)

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- 1) Heading of the Part: Illinois Plumbing Code
- 2) Code Citation: 77 Ill. Adm. Code 890
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
890.120	Amendment
890.140	Amendment
890.170	Amendment
890.180	Amendment
890.190	Amendment
890.210	Amendment
890.220	Repealer
890.230	Amendment
890.320	Amendment
890.340	Amendment
890.350	Amendment
890.410	Amendment
890.420	Amendment
890.520	Amendment
890.530	Amendment
890.540	Repealer
890.550	Repealer
890.630	Amendment
890.640	Amendment
890.650	Amendment
890.680	Amendment
890.690	Amendment
890.700	Amendment
890.710	Amendment
890.720	Amendment
890.730	Amendment
890.740	Amendment
890.745	New Section
890.750	Amendment
890.790	Amendment
890.800	Amendment
890.810	Amendment
890.820	New Section
890.930	Amendment
890.1010	Amendment

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890.1030	Amendment
890.1050	Amendment
890.1130	Amendment
890.1140	Amendment
890.1150	Amendment
890.1190	Amendment
890.1200	Amendment
890.1210	Amendment
890.1220	Amendment
890.1230	Amendment
890.1320	Amendment
890.1360	Amendment
890.1370	Amendment
890.1500	Amendment
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Appendix A	Amendment
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Illustration N	Repealed
Illustration R	Repealed
Illustration T	Repealed
Appendix E	
Illustration D	Repealed
Appendix F	
Illustration C	Repealed
Appendix G	
Illustration C	Repealed
Illustration D	Repealed

4) Statutory Authority: Implementing and authorized by Section 35 of the Illinois Plumbing License Law [225 ILCS 320/35]

5) Effective date of amendments: February 18, 2004

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- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of proposed rulemaking published in the Illinois Register: March 28, 2003; 27 Ill. Reg. 5167
- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

Section 890. 120 Definitions

The definition of "Backflow" has been revised by deleting "back siphonage and backpressure are the 2 hydraulic conditions which cause" and replacing with "-Hydraulic conditions that cause backflow include back siphonage, back pressure, and aspiration.".

The definition of "Cross Connection" is revised by replacing "backpressure or backsiphonage" with "a means such as back pressure, back siphonage, or aspiration".

In the definition of "Cross-connection control devices", "Cross-connection control devices include, but are not limited to: atmospheric vacuum breaker, double check valve backflow preventer, double detector check valve backflow preventer, dual check valve backflow preventer, and reduced pressure principle backflow preventer." has been deleted. ~~Cross-connection control devices include, but are not limited to: atmospheric vacuum breaker, double check valve backflow preventer, double detector check valve backflow preventer, dual check valve backflow preventer, and reduced pressure principle backflow preventer.~~

~~Cross-connection control devices include, but are not limited to: atmospheric vacuum breaker, double check valve backflow preventer, double detector check valve backflow preventer, dual check valve backflow preventer, and reduced pressure principle backflow preventer.~~
Cross-connection control devices include, but are not limited to: atmospheric vacuum breaker, double check valve backflow preventer, double detector check valve backflow preventer, dual check valve backflow preventer, and reduced pressure principle backflow preventer.

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In the definition of "Flush Valve", "(See Appendix B: Illustration N)" has been deleted.

In the definition of "Flushometer Valve", "flushometer valve is a" has been deleted.

In the definitions of "High Hazard Substance" and "Low Hazard Substance, "which when consumed along with drinking water" has been replaced by "that, when present in the potable water system" and "if consumed" has been added.

~~flushometer valve is a~~

In the definition of "New Plumbing", "thereof" is replaced with "of a plumbing system".

The definition of "Open Water System" has been deleted.

In the definition of "Plumbing Fixture", "Generally" has been deleted.

In the definition of "Private", " handwashing stations (lavatories) within residents' rooms, within shared or common resident restrooms, or designated for staff use only in hospitals/long-term care units/mental health facilities, and hand washing stations where food is being prepared." is correctly shown as existing text instead of proposed language.

In the definition of "Safe Pan", changed "A device" to "An appurtenance" and struck "especially important".

In Section 890.350(b), replaced "be made with" with "either be made with a brass converter fitting or be".

In Section 890.420(a), deleted "Continuous Waste" and replaced with "Fixture Traps/Continuous Waste"

Existing Section 890.420 was added to the rulemaking and new subsection (a)(5) was added as follows: "All cleanouts in vertical stacks shall be located no higher than 48 inches above the floor.

In Section 890.520(e)(5), changed "above" to "requirements of subsection (e)(1)-(4)" and changed "Section 890.520" to "subsections (a)-(e)".

In Section 890.630(f), replaced "closet" with "fixture".

In Section 890.740(c), replaced "deionized (D.I.)" with "D.I." and replace reverse osmosis (R.O.)" with "R.O."

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In Section 890.745, new subsection (c) was added as follows: "c) If a dental unit has a water outlet below the flood rim level of a cuspidor, then an approved reduced pressure principle backflow preventer assembly, a fixed air gap, an air vent hole on the outlet, or an approved vacuum breaker shall protect the water supply from each dental unit.".

In Section 890.810(b)(1)(A)(v) ~~located in the aisle of a mall or another building~~, the restroom requirement for kiosks that have five (5) or ~~fewer less~~ employees at any time, who have access to public restrooms and a drinking fountain was changed from 200 feet to ~~located inside the same building~~ within 300 ~~200~~ feet of the kiosks. These kiosks shall not be required to have employee restroom facilities or a drinking fountain.

In Section 890.810(b)(2)(A)(iii), deleted "that restroom" and replaced with "unisex restrooms".

In Section 890.1130(f)(5), "high hazard" was deleted and "lethal" was restored.

Section 890.1130(g) is revised to read: "Installation of Devices or Assemblies".

In Section 890.1130(g)(1) the following has been added: ~~Backflow preventers and back siphonage preventing devices shall be installed so as to allow accessibility;~~ "Backflow preventer assemblies and devices shall be installed to be accessible for".

In Section 890.1130(g)(1), "except as allowed in Section 890.1140(d)" has been added in reference to installing backflow preventers in locations where they will be subject to freezing.

In Section 890.1130(g)(5), "Double Check with Intermediate Atmospheric Vacuum Vent" was stricken..

In Section 890.1140(e)(2)(A), the following new subsection (ii) has been added: "A yard hydrant that automatically drains back to a sealed container when flow is shut off, such as a canister type hydrant".

In Section 890.1140(j)(2), "1996" was added after "1022".

In Section 890.1140(j)(3), "1980" was added after "1032".

In Section 890.1210(g)(2), "pressure gauge" was added.

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In Appendix A, Approved Certification Agencies, (4), the address was corrected to "[International Code Council; 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041](#)".

In Appendix A, Table A "Approved Materials and Standards for Plumbing Fixtures and Fixture Fittings", in (5) "Plumbing Fixture Fittings (metering valves, faucets, etc.)", the reference to standard ASME/ANSI A112.18.1M was changed from the 1996 to the [2000](#) edition.

In Appendix A, Table A "Approved Materials and Standards for Plumbing Fixtures and Fixture Fittings", in (8) "Grease Interceptors", a reference was added to "[ASME/ANSI A112.14.3-2000](#)".

In Appendix A, Table A, "Approved Standards for Plumbing Appliances/Appurtenances/ Devices", in (21) "Dual Check Valve (Carbonated Beverage)", the edition of ASSE Standard 1022 referenced is updated from the 1980 to the 1996 edition.

In 890.Table B "Minimum Number of Plumbing Fixtures" under "Assembly Places: Sports Arenas, Stadiums, Convention Halls, Etc ", the requirement for drinking fountains in this type of building has been changed to [1 drinking fountain per each set of male and female public restrooms](#).

In 890.Table B "Minimum Number of Plumbing Fixtures" under "Office Buildings/ Public Buildings", the requirement for drinking fountains in this type of building has been changed to [1 drinking fountain per 75 persons](#).

In addition, various typographical, grammatical and technical changes were made in response to comments from the Joint Committee on Administrative Rules.

- 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? All changes agreed upon by the Department and the Joint Committee have been made as indicated in the agreements issued by the Joint Committee.
- 13) Will these amendments replace any emergency amendments currently in effect?
No
- 14) Are there any other amendments pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

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- 15) Summary and purpose of amendments: This rulemaking implements changes and updates in plumbing industry standards and practices, and clarifies existing requirements. These revisions were approved by the Plumbing Code Advisory Council and include recommendations received through testimony at public hearings held in December 2000 and January 2001. Revisions to the plumbing code add historic buildings to provisions for repairs and alterations in existing buildings; specify an exception to separate water connection requirements for individually owned residences that are part of a condominium association; specify provisions for approval of plumbing materials; specify requirements for copper press fittings under NSF Standard 61; modify existing requirements for gas and oil interceptors for consistency with U.S. Environmental Protection Agency regulations and the Illinois Private Sewage Disposal Act; and consolidate existing requirements for special waste interceptors. The amendments allow tempered and cold water to be supplied to plumbing fixtures; specify backflow protection requirements for dialysis machines; revise the minimum number of plumbing fixtures for museums, libraries, and exhibition areas and certain types of mercantile units; clarify that all plumbing fixtures for a restroom shall be located within the restroom area and not in the hallways or vestibules; exempt buildings, other than food service establishments and businesses selling motor fuel, with occupancies of less than 100 persons from providing public restrooms or drinking fountains; sets plumbing requirements for outside kiosks serving food; specify requirements concerning swimming pool waste water; update provisions for devices and assemblies for the prevention of backflow; specify provisions for when it is necessary for potable water piping to pass above or below a sanitary sewer; clarify requirements for fixtures and piping installed under a concrete floor; and specify standard setting agencies and approved certification agencies for standards incorporated in this Part. In addition, the rulemaking reorganizes certain provisions to make the Code easier to use; updates illustrations for the Part by repealing several illustrations; and updates various standards to their most recent version. All standards are available for inspection and copying in the Plumbing Program office.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGE

PART 890
ILLINOIS PLUMBING CODE

SUBPART A: DEFINITIONS AND GENERAL REGULATIONS

- Section
- 890.110 General Regulations
- 890.120 Definitions
- 890.130 Incorporation by Reference
- 890.140 Repairs and Alterations
- 890.150 Workmanship
- 890.160 Used Plumbing Material, Equipment, Fixtures
- 890.170 Sewer and/or Water Required
- 890.180 Sewer and Water Pipe Installation
- 890.190 Piping Measurements
- 890.200 Operation of Plumbing Equipment

SUBPART B: PLUMBING MATERIALS

- Section
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- 890.220 Identification (Repealed)
- 890.230 Safe Pan Material and Construction

SUBPART C: JOINTS AND CONNECTIONS

- Section
- 890.310 Tightness
- 890.320 Types of Joints
- 890.330 Special Joints
- 890.340 Use of Joints
- 890.350 Unions
- 890.360 Water Closet and Pedestal Urinal
- 890.370 Prohibited Joints and Connections in Drainage Systems
- 890.380 Increases and Reducers

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890.520	Gasoline, Oil and Flammable Liquids
890.530	<u>Special Waste Interceptors</u> Sand, Bottle and Slaughter Houses
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890.550	Backwater Valves – Sanitary System and Storm System <u>(Repealed)</u>

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AUTHORITY: Implementing and authorized by Section 35 of the Illinois Plumbing License Law [225 ILCS 320/35].

SOURCE: Filed August 20, 1969; amended at 7 Ill. Reg. 4245, effective March 24, 1983; emergency amendment at 7 Ill. Reg. 7328, effective May 31, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 13930, effective October 12, 1983; codified at 8 Ill. Reg. 19993; amended at 8 Ill. Reg. 24621, effective December 12, 1984; amended at 9 Ill. Reg. 13340, effective August 21, 1985; amended at 10 Ill. Reg. 7862, effective May 16, 1986; amended at 11 Ill. Reg. 9278, effective April 30, 1987; amended at 14 Ill. Reg. 1385, effective January 10, 1990; Part repealed, effective December 1, 1993, new Part adopted at 17 Ill. Reg. 21516, effective December 1, 1993; emergency amendment at 18 Ill. Reg. 14444, effective September 1, 1994, for a maximum of 150 days; emergency expired January 28, 1995; amended at 22 Ill. Reg. 21540, effective December 1, 1998; amended at 28 Ill. Reg. 4215, effective February 18, 2004.

~~NOTE: In this Part, unless context indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.~~

SUBPART A: DEFINITIONS AND GENERAL REGULATIONS

Section 890.120 Definitions

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For the purpose of administering and enforcing this Part, the following terms which consist of words or expressions that have a precise meaning in plumbing shall have the meaning indicated. Refer to Appendix A for standards applicable to plumbing appurtenances and fixtures defined in this Section.:

"Abutting": Abutting means to border, to touch, to terminate at point of contact, adjacent.

"Accessible": Accessible means easily approached or entered with minor modifications such as the removal of an access panel, door or similar obstruction, (e.g., sheetrock or paneling). Concrete, asphalt and ceramic tile are not considered accessible.

"Air Break": See Air Gap.

"Air Gap": ~~The The air gap in a water supply system is the~~ unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank or plumbing fixture and the flood-level rim of the receptacle. An air gap in a drainage system is a piping arrangement in which a drain from a fixture, appliance or device discharges indirectly into another fixture, receptacle, or interceptor at a point above the flood level rim. (See Appendix B: Illustrations A and B.)

"Anchor": An approved support for securing pipe, fixtures, and equipment to walls, ceilings, floors, or any other structural members.

"Antimicrobial": An additive or surface coating that prohibits the growth of bacteria or staphylococci.

"Anti-siphon Ball Cock": An anti-siphon ball cock is a device consisting of a float valve with a flow-splitter to provide for tank and trap refill, which has an integral vacuum breaker, and which is used in conjunction with water closet flush tanks.

"Approved": Approved means accepted or acceptable under an applicable specification stated or cited in this Part or accepted as suitable for the proposed use.

"Area Drain": A drain placed in the floor of a basement areaway, a depressed or

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basement entry way, a loading platform, or a paved driveway which cannot otherwise be drained.

"Aspirator": ~~A device supplied with fluid under positive pressure which passes through an integral orifice or constriction causing a partial vacuum. Any apparatus for producing a movement of fluid by the suction of that partial vacuum.~~ A device supplied with water under positive pressure, which passes through an integral orifice causing a partial vacuum and resulting in movement of fluid by siphonage.

"Atmospheric Vacuum Breaker": ~~A device consisting of a soft disc, reaction cup, fully guided stem guide, air vent port, and air port shield or hood to prevent fouling of the vent port, used for protection against back siphonage. stem guide with machined brass or other metal seat and large hooded atmospheric vent port used to prevent back siphonage.~~ A device consisting of a soft disc, reaction cup, fully guided stem guide, air vent port, and air port shield or hood to prevent fouling of the vent port, used for protection against back siphonage.

"Back Pressure": ~~A condition caused when a force is exerted and reverses the flow of gas, water or air in a direction opposite the intended normal direction of flow. Back pressure is a condition where reverse pressure exceeds the pressure in the intended (normal) direction, or exceeds the usual pressure of flow or thrust. Such back pressure can cause liquid or air to flow in the direction opposite to the normal direction of flow.~~ A condition caused when a force is exerted and reverses the flow of gas, water or air in a direction opposite the intended normal direction of flow.

"Back Siphonage": ~~A condition caused when a negative force or vacuum is exerted and reverses the flow of gas, water or air to a direction opposite the intended normal direction of flow. The flowing back (or backflow) of fluid from a plumbing fixture, vessel or other source caused by a negative pressure.~~ A condition caused when a negative force or vacuum is exerted and reverses the flow of gas, water or air to a direction opposite the intended normal direction of flow.

"Back Siphonage Preventer": A device designed to prevent reverse flow in a water system, specifically back siphonage. The device should be used only where no back pressure ~~backpressure~~ may occur.

"Back Water Valve": A device or valve that is installed in a sanitary sewer, storm drain or storm sewer to prevent sewage or drainage from backing up.

"Backflow": ~~The Backflow is the~~ reversal of flow from that normally intended. Back siphonage Hydraulic conditions that cause backflow include back siphonage, back pressure, and aspiration. is one type of backflow.

~~"Backflow Connection": Backflow connection or condition is any arrangement whereby backflow can occur.~~

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"Backflow Preventer": ~~A device or an assembly used to prevent contamination of the potable water supply through an actual or potential cross-connection. A backflow preventer is a device to prevent backflow into the potable water supply system. A device which prevents contaminated water or liquids from being siphoned or pushed from back pressure into the potable water supply system.~~

"Backflow Preventer, Double Check Valve Backflow Preventer Assembly (DCV)": ~~A plumbing appurtenance consisting of 2 internally force-loaded, independently acting check valves which operate normally in the closed position; 2 tight closing resilient seated shut off valves; and 4 test cocks. A double check valve backflow preventer assembly is a device covered by ASSE Standard #1015-1988, for intermittent or continuous use, low hazard conditions and consists of valves located at each end of the device. It is also supplied with test cocks.~~

"Backflow Preventer, Dual Check Valve Type with Atmospheric Vent": A plumbing appurtenance consisting of 2 internally force-loaded, independently acting check valves, designed to operate normally in the closed position, separated by an intermediate chamber able to automatically vent to atmosphere. ~~Double Check Backflow Preventer with Intermediate Atmospheric Vent Assembly": A double check backflow preventer with an intermediate atmospheric vent assembly is covered by ASSE Standard #1012-1978 and is capable of preventing back siphonage and backflow in water lines under continuous or intermittent pressure conditions. This device has two (2) independent internal force loaded check valves separated by an intermediate chamber with a means for automatically venting to the atmosphere. It is approved for low hazard use.~~

"Backflow Preventer, Double Check Detector Backflow Prevention Assembly (DCDA)": A plumbing appurtenance consisting of 2 internally force-loaded, independently acting check valves, designed to operate normally in the closed position; 2 tight closing resilient seated shut off valves; and 4 test cocks. The assembly must include a bypass line with a water meter and double check assembly. ~~"Backflow Preventer, Double Detector Check Valve Backflow Preventer Assembly (DDC)": A double detector check valve assembly is a device covered by ASSE Standard #1048-1990, constructed of two (2) independent check valves internally force loaded with two (2) tightly closing valves located at each end of the device and four (4) test cocks for testing the check valves. In addition, the device has a by pass line with a water meter and two (2) independent check valves located within that line. The device is for low hazard conditions.~~

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~~"Backflow Preventer, Dual Check Valve Type": A plumbing appurtenance consisting of 2 internally force-loaded, independently acting check valves, designed to operate normally in the closed position. "Backflow Preventer, Dual Check Valve Backflow Preventer Assembly (DuC)": A dual check valve backflow preventer assembly is a device covered by ASSE Standard #1024-1990, constructed to operate under intermittent or continuous pressure conditions, consisting of two (2) independent internal force loaded check valves and is for low hazard conditions. The device must be located between two (2) tightly closing valves. The check valves are removable for testing.~~

~~"Backflow Preventer, Dual Check Valves, Post-Mix Carbonated Beverage Dispenser Type": A plumbing appurtenance used to prevent carbonated water or carbon dioxide from backflowing into a potable water system. The assembly consists of 2 internally force-loaded, independently acting check valves, designed to operate normally in the closed position, residing in a common body.~~

~~"Backflow Preventer, Reduced Pressure Detector Backflow Prevention Assembly (RPDA)": A plumbing appurtenance consisting of 2 internally force-loaded, independently acting check valves, designed to operate normally in the closed position, separated by an intermediate zone that includes an internally force-loaded hydraulic operated relief for venting to atmosphere, designed to operate normally in the open position, 2 tight closing resilient seated shut off valves, 4 test cocks, and a metered reduced pressure backflow prevention assembly bypass.~~

~~"Backflow Preventer, Reduced Pressure Principle Backflow Prevention Assembly (RPZ)": A plumbing appurtenance consisting of 2 internally force-loaded, independently acting check valves, designed to operate normally in the closed position, separated by an intermediate zone that includes an internally force-loaded, hydraulically operated relief for venting to atmosphere, designed to operate normally in the open position, 2 tight closing resilient shut off valves, and 4 test cocks. "Backflow Preventer, Reduced Pressure Principle Backflow Preventer Assembly (RPZ)": A reduced pressure principle backflow preventer assembly is a device covered by ASSE Standard #1013-1988 consisting of two (2) internal force loaded check valves separated by an intermediate chamber for automatic venting/discharging to the atmosphere. The first check valve reduces the supply pressure a predetermined amount so that during normal flow, and at cessation of normal flow, the pressure between the two (2) check valves will be lower than the supply pressure. If either check valve leaks, the relief valve will discharge to atmosphere and maintain the pressure in the zone between the two~~

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~~(2) check valves lower than the supply pressure. This device has two (2) shut-off valves located at each end of the device and four (4) test cocks for testing the check valves. This device is for high hazard conditions and is approved for continuous use.~~

"Ball Cock": A device consisting of a float valve equipped with a flow-splitter to provide a tank and trap refill; used in conjunction with a flush tank on a water closet.

"Battery of Fixtures": A battery of fixtures is any group of 2 ~~two (2)~~ or more identical ~~similar~~ adjacent fixtures which discharge into a common horizontal waste or soil branch. (See Appendix B: Illustration C.)

"Boiler Blow-Down": ~~A Boiler blow-down is a~~ controlled outlet on a boiler to permit emptying or discharging of sediment.

"Branch": ~~Any A branch is any~~ part of the piping system other than a main, riser, or stack. (See Appendix B: Illustration D.)

"Branch Interval": ~~A A branch interval is a~~ length of soil or waste stack corresponding in general to a story height, but in no case less than 8 ~~eight (8)~~ feet, within which the horizontal branches from one floor or story of a building are connected to the stack.

"Branch Vent": ~~A A branch vent is a~~ horizontal vent connecting one or more individual vents with a vent stack or stack vent. (See Appendix B: Illustration E.)

"Building Classification": ~~Refers Building classification refers~~ to the Department's designation of buildings into differing types based upon use or occupancy, e.g., residential buildings, dormitories, office buildings, food service establishments, restaurants, etc.

"Building Drain": ~~That The building (house) drain is that~~ part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building (house) sewer. The building drain's developed length terminates 5 ~~drain terminates five (5)~~ feet outside the building foundation wall. (See Appendix B: Illustration F.)

"Building Sewer": ~~That The building (house) sewer is that~~ part of the horizontal

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pipng of a drainage system which extends from the end of the building drain, receives the discharge of the building drain and conveys it to a public sanitary sewer or private sewage disposal system. The building sewer commences 5 five ~~(5)~~ feet outside the building foundation wall. (See Appendix B: Illustration F.)

"Building Storm Drain": ~~The A building storm drain is the~~ lowest horizontal portion of the storm drainage system used for conveying rain water, surface water, ground water, subsurface water, site drainage, condensate or cooling water inside the walls of a building to a point 5 five ~~(5)~~ feet beyond the outside of the building foundation wall.

"Building Sub-drain": ~~That A building sub drain is that~~ portion of a sanitary drainage system (see definition of "Drainage System") which cannot drain by gravity into the building drain. (See Appendix B: Illustration G.)

"Building Trap": ~~A A building (house) trap is a~~ device, fitting or assembly of fittings installed in a building drain to prevent circulation of air between the drainage system of the building and the building sewer.

"Chemical Waste System": Piping which conveys corrosive or toxic chemical waste to the drainage system.

"Circuit Vent": ~~A A circuit vent is a~~ branch vent that serves 2 two ~~(2)~~ or more traps and extends from the front of the last fixture connection of a horizontal waste branch to the vent stack. This type of venting applies only to floor drains and floor outlet fixtures which depend on siphonage for proper operation. (See Appendix B: Illustration H.)

"Clear Water" or "Clear Water Waste": Cooling water and condensate waste from refrigeration or air conditioning equipment, cooled condensate from steam heating systems and seepage water.

"Closed Water System": A system that has a backflow device or assembly installed in the water supply system to contain backflow within the premises. Other plumbing appurtenances, such as a single check valve or a water pressure regulator installed in the water supply system, may also create a closed water system. If a backflow preventer device is installed in a water distribution system, that portion of the system on the outlet side of the device is considered a closed water system. A check valve or backflow preventer (e.g., a reduced pressure principle backflow preventer assembly) may be used to create a closed water

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~~system.~~

"Code": The term "code" is commonly used to mean State or local statutes, ordinances, rules or regulations, e.g., requirements for plumbing methods, materials, etc. This Part 890, the Illinois Plumbing Code, will be referenced in this rule as "Part". In order for a State plumbing code to be enforceable, it must be authorized by Illinois statute and be promulgated pursuant to such statute. At the local level, a county, city, township, village, sanitary/water district must adopt a plumbing ordinance or resolution and a plumbing code, and such ordinance or resolution and code must be filed with the clerk's office. A standard for plumbing contained in any local code that has not been officially adopted can only be construed as a recommended standard.

"Cold Water": Cold water is water below 85°F.

"Combination Fixture": ~~A A-combination fixture is a~~ fixture combining 2 two or more compartments or receptors.

"Combination Waste and Vent System": ~~A A-combination waste and vent system is a~~ system of waste piping with the horizontal wet venting of one or more floor drains by means of a common waste and vent pipe adequately sized to provide free movement of air above the flow line of the drain.

"Combined Building Sewer": A combined building sewer is one which receives storm water and sewage.

"Common Vent": ~~A A-common vent is a~~ vent connecting at the junction of 2 two fixture drains and serving as a vent for both fixtures. (See Appendix B: Illustration I.)

"Connection": ~~The A-connection is the~~ joining of 2 two pieces of pipe, or pipes and fittings, valves or other appurtenances.

"Contaminant": ~~Any "Contaminant" means any~~ solid, liquid, or gaseous matter ~~that which~~, when present in a potable water supply distribution system, may cause the water to degrade so that water quality standards are not met or physical illness, injury, or death ~~physical illness or injury~~ to persons consuming the water could result.

"Contaminated Water": Contaminated water means water not suitable for human

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~~use or that does not meet the water quality standards of rules of the Illinois Pollution Control Board entitled Primary Drinking Water Standards (35 Ill. Adm. Code 611). Contaminated water is water not suitable for human use in accordance with the inorganic, turbidity, organic and microbiological requirements of Sections 900.50, 900.65 and 900.70 of the Drinking Water Systems Code (77 Ill. Adm. Code 900).~~

"Continuous Vent": ~~A~~ ~~A continuous vent is a~~ vertical vent that is a continuation of the drain to which it connects. The drain may be either vertical or horizontal. A continuous vent is also known as a back vent or an individual vent. (See Appendix B: Illustration J.)

"Continuous Waste": ~~A~~ ~~A continuous waste is a~~ drain or waste line from 2 ~~two~~ (~~2~~) or more fixtures or sink compartments (of a single fixture), such as a combined 3 ~~three~~-compartment sink, connected to a single common trap.

"Critical Level": The mark on an atmospheric vacuum breaker established by the manufacturer and stamped "-CL-". This determines the minimum elevation above the flood-level rim or top of the fixture, whichever shall apply, at which the device shall be installed. When an atmospheric vacuum breaker does not bear a critical level marking, the bottom of the vacuum breaker shall constitute the critical level.

"Cross Connection": ~~Any actual or potential connection or arrangement between 2 otherwise separate piping systems, one containing potable water and the other containing fluids or gases of any kind that do not meet potable water quality standards, in which the non-potable substances in one system may flow into the potable water system or enter it through a means such as back pressure, back siphonage, or aspiration. A cross-connection is any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other fluids of any kind, whereby water or other fluids may flow from one system to the other, the direction of flow depending on the pressure differential between the two piping systems.~~

"Cross-Connection Control Assembly": ~~A tested and approved plumbing appurtenance, complete with shut off valves, installed in a potable water line to prevent potable water from being mixed with any substance from a piping system containing non-potable substances, connected in any manner to the potable water supply.~~

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"Cross-Connection Control by Containment": The installation of a backflow prevention device or assembly on the service line to a premises to protect water quality. ~~The installation of a backflow preventer at the service connection to a premises to protect the water main.~~

"Cross-Connection Control by Isolation": The installation of a backflow prevention device or assembly at each actual or potential cross connection within a premises to protect water quality. ~~The installation of a backflow preventer at each cross-connection in a premises to protect both the premises and water main.~~

"Cross-Connection Control (CCC)": The identification and elimination of all unprotected connections between a potable water system and any other substance. ~~An activity designed to prevent, discover, and eliminate all cross-connections.~~

"Cross-Connection Control Device": A plumbing appurtenance ~~A cross-connection control device is a safety device~~ installed in a potable water line to prevent any substance ~~potable water and fluids~~ of any kind from being mixed. ~~Cross-connection control devices include, but are not limited to: atmospheric vacuum breaker, double check valve backflow preventer, double detector check valve backflow preventer, dual check valve backflow preventer, and reduced pressure principle backflow preventer.~~

"Cross-Connection Control Device Inspector": An individual ~~A plumber~~ who holds an Illinois Plumbing License and who has been certified by the Illinois Environmental Protection Agency in accordance with 35 Ill. Adm. Code 653.802 to inspect, test, maintain and repair cross-connection control devices and assemblies. Such certification attests to an inspector's understanding of the principles of backflow and back siphonage, and the public health hazard presented by the improper installation of cross-connection control devices.

"Cross-Connection, Nonpressure Type": A submerged inlet installation where a potable water pipe is connected or extended below the overflow rim of a receptacle, or environment that contains a non-potable substance fluid at atmospheric pressure.

"Cross-Connection, Pressure Type": An installation where a potable water pipe is connected to a closed vessel or piping system that contains non-potable substance fluid, above atmospheric pressure.

"Dead End": A ~~A dead end is a pipe~~ that ~~which~~ is terminated at a developed

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distance of ~~2 two (2)~~ feet or more by means of a plug or other closed fitting, except piping serving as a cleanout extension to an accessible area. (See Appendix B: Illustration K.)

"Developed Length": ~~The length of a pipe~~ ~~The developed length of a pipe is its length~~-measured along the center line of the pipe, including fittings.

"Diameter": The length of a straight line passing through the center of an object, e.g., a circle. (For the diameter of a pipe, see "Pipe Diameter.")

"Drain": ~~Any A drain is any~~ pipe ~~that which~~ carries waste water in a building drainage system. (See Appendix B: Illustration L.)

"Drain Laying": ~~The Drain laying encompasses the~~ laying and connecting of piping from ~~5 five (5)~~ feet outside the foundation wall of a building to the public sanitary sewer system in the street or alley.

"Drainage Fixture Unit (D.F.U.)": See "Fixture Unit, Drainage."

"Drainage Piping": See "Drainage System."

"Drainage System": ~~All A drainage system includes all~~ piping within public or private premises which conveys sewage, rain, or other liquid wastes to a point of disposal, but does not include the mains of a public sewer system or a private or public sewage treatment or disposal plant. The drainage system does not include the venting system. Drainage and venting are separate systems, although both are part of the overall plumbing system.

"Durham System": ~~A A durham system is a~~ soil or waste system where all piping is of threaded pipe, using recessed drainage fittings.

"Effective Opening": ~~The The effective opening is the~~ minimum cross-sectional area at the point of water supply discharge, measured or expressed in terms of the diameter of a circle or, if the opening is not circular, the diameter of a circle of equivalent cross-sectional area. (This is applicable to sizing an air gap.)

"Existing Plumbing" or "Existing Work": ~~A Existing plumbing or existing work means a~~ plumbing system or any part ~~of a plumbing system that thereof which~~ has been installed prior to the effective date of this Part.

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"Extracted Mechanical Joint": A joint ~~that which~~ is developed with a special drilling tool used to penetrate a copper pipe wall, after which ~~2 two~~ steel pins are extended from the drill. While rotating, the drill head is withdrawn from the pipe under power, raising an external collar from the hole in the pipe. The branch pipe is then brazed into the collared outlet.

"Fixed": Stationary, immovable or immobile, as in a fixed air gap.

"Fixture Branch": ~~A A fixture branch is a~~ water supply, soil or waste pipe serving one or more fixtures.

"Fixture Carrier": ~~A A fixture carrier is a~~ device designed to support an off-the-floor plumbing fixture.

"Fixture Drain": ~~The A fixture drain is the~~ vertical or horizontal outlet pipe from the trap of the fixture to the junction of that pipe with any other drain pipe. (See Appendix B: Illustration M.)

"Fixture Supply": A water supply pipe connecting the fixture to a branch or main water supply pipe.

"Fixture Supply Stop": A valve used to control water supply to an individual plumbing fixture, appurtenance, or appliance.

"Fixture Unit, Drainage" or "Drainage Fixture Unit (D.F.U.)": ~~The A fixture unit, drainage is the~~ mathematical factor used by the plumbing industry to estimate the probable load on the drainage system caused by discharge from various plumbing fixtures. One fixture unit, drainage is equivalent to ~~7½ seven and one half (7.5)~~ gallons per minute or ~~one one (1)~~ cubic foot per minute.

"Fixture Unit, Water Supply" or "Water Supply Fixture Unit (W.S.F.U.)": ~~The Fixture unit, water supply is the~~ mathematical factor used by the plumbing industry to estimate the probable demand on the water supply system (considering the volume, duration of flow, and intervals between operations) caused by various plumbing fixtures.

"Float Valve": ~~An A float valve is an~~ automatic opening valve, operated by a float, used to control the water level in a vessel, tank, or other container.

"Flood Level": ~~The The flood level of a fixture or receptacle is the~~ elevation at

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which ~~a an impounded~~ liquid will overflow the fixture or receptacle.

"Flood Level Rim": The top edge of a receptacle or fixture over which ~~a an impounded~~ liquid will flow when the receptacle or fixture is filled beyond its capacity (or flooded). "Overflow rim" is used interchangeably with flood level rim.

"Flooded": A fixture is flooded when the liquid therein equals the maximum capacity of the fixture or when the level of the liquid therein rises to the fixture's flood level rim. Any attempt to add additional liquid to a flooded fixture causes liquid to overflow.

"Flush Valve": ~~A A flush valve is a~~ device for the purpose of flushing water closets and other similar fixtures. ~~(See Appendix B: Illustration N.)~~

"Flushometer Valve": A ~~flushometer valve is a~~ device actuated by hand, a photoelectric cell, or other electronic control which discharges a predetermined quantity of water to fixtures for flushing purposes. The valve is closed by direct water pressure.

"Food Service Establishment": Any establishment selling or serving, to the public, food or liquid beverages that can be consumed on the premises.

"Grade": ~~The Grade is the~~ fall, pitch, or slope of a line of pipe in reference to a horizontal plane. In drainage, it is usually expressed as the fraction of an inch fall per foot length of pipe. This may also be expressed as a percentage. (See Appendix B: Illustration O.)

"Gray Water": Waste water, such as dishwater, or other waste water not containing fecal matter or urine.

"Grease Interceptor": A device used to separate and retain grease, oils and other floating matter from sewage waste while permitting the remaining flow to discharge into the drainage system. See "Interceptor."

~~"Grey Water": Waste water, such as dishwater, or other waste water not containing fecal matter or urine.~~

"Group of Fixtures": ~~2 A group of fixtures means two~~ or more fixtures adjacent to or near each other.

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"Hangers": Devices for supporting and securing pipe, fixtures, and equipment to walls, ceilings, floors, or any other structural member.

"High Hazard Substance": Any substance that, when present in the potable water system, can cause illness, injury or death if consumed.

~~"High Toxicity": A substance with an oral LD[50] (lethal dose for 50 percent of the population) of 500 milligrams per kilogram or less is considered highly toxic. An average adult would have to ingest less than an ounce of the substance to experience severe illness or death. Cyanide is an example of a highly toxic substance.~~

"Historic Buildings": All buildings, parts of buildings, facilities or sites individually listed in or eligible for listing in the National Register of Historic Places, a "contributing" building or site in a National Register Historic District as determined by the Illinois Historic Preservation Agency (IHPA) or as determined by a "Certified Local Government" designated by the IHPA, a building or site designated as a historic or architectural landmark by a local Landmarks Commission or local Historic Preservation Commission, or buildings that undergo historic reconstruction.

"Horizontal Branch": ~~A A horizontal branch is a~~ drain pipe extending laterally from a soil or waste stack or building drain, with or without vertical sections or branches, which receives the discharge from one or more fixture drains and conducts the discharge to the soil or waste stack or to the building drain. (See Appendix B: Illustration P.)

"Horizontal Pipe": ~~Any Horizontal pipe means any~~ pipe or fitting that which makes an angle of less than 45° ~~45 degrees~~ with the horizontal.

"Hose": A flexible tube for conveying fluids (as from a faucet or hydrant).

"Hose Bibb": A faucet to which a hose may be attached.

"Hot Water": Water ~~Hot water is water~~ at a temperature of not less than 120°F.

"House Drain": See "Building Drain."

"House Trap": See "Building Trap."

~~"Hydrant": A valve or faucet for drawing water from a buried pipe which generally includes a stand pipe with a valve or faucet at the upper end. It usually~~

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~~has a threaded valve outlet to which a hose may be attached.~~

"Indirect Waste": ~~A~~ ~~An indirect waste is a~~ pipe that does not connect directly with the drainage system but conveys liquid waste by discharging through an air gap into the drainage system.

"Individual Vent": ~~A~~ ~~An individual vent is a~~ pipe installed to vent a fixture trap which connects with the vent system above the fixture served, or which terminates in the outside atmosphere.

"Individual Water System Supply (Private Water Supply)": ~~A piping system that supplies potable water for a single family dwelling, and includes the water service line and all potable water piping. A water supply system serving a single family dwelling.~~

"Industrial Wastes": ~~Liquid Industrial wastes are liquid~~ wastes resulting from the processes employed in industrial and commercial establishments.

"Insanitary": Contaminated. Not hygienic, or unclean enough to endanger health.

"Interceptor": ~~An interceptor is a~~ ~~A~~ device designed and installed to separate and retain hazardous or undesirable matter from normal waste and permit normal sewage or liquid waste to discharge into the drainage system. Interceptors may be designed to remove gas, oil, sand, grit and grease. "Separator" is also commonly used to mean an "interceptor."

"Invert": ~~The~~ ~~The invert is the~~ lowest part of the internal cross-section of a pipe or conduit.

"Island Fixture Vent": A vent in which the vent pipe rises as near as possible to or above the highest water level in the fixture vented and then turns down before connecting to the stack or main vent. (See Section 890.1600, "Special Venting for Island Fixtures".)

"Joint": ~~The~~ ~~A joint is the~~ juncture of ~~2 two~~ pipes, a pipe and a fitting, or ~~2 two~~ fittings.

"Kiosk": A freestanding place of employment that has 5 or fewer employees at any time, located inside or outside a building.

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"Lead Free": When used with respect to solder and flux, lead free refers to solders and flux containing not more than 0.2% ~~two tenths of one percent (0.2%)~~ lead; and when used with respect to pipe and pipe fittings, lead free refers to pipes and fittings containing no more than 8.0% ~~eight percent (8.0%)~~ lead.

"Length of Pipe": ~~The Length of pipe is the~~ overall distance measured along the center line of a pipe. See "Developed Length."

"Line Valve": A valve in the water supply distribution system, except those immediately controlling one fixture supply.

"Liquid Waste": ~~The Liquid waste is the~~ discharge from any fixture, appliance, or appurtenance, in connection with a plumbing system which does not receive fecal matter.

"Load Factor": ~~The The load factor is the~~ percentage of the total connected fixture unit flow rate which is likely to occur at any point in the drainage system. The load factor varies with the type of occupancy, the total flow above the point being considered, and probability of simultaneous use. Load factor represents the ratio of the probable load to the potential load.

"Local Ventilating Pipe": ~~A A local ventilating pipe is a~~ pipe on the fixture side of the trap through which vapors or gases or foul air are removed from a room or fixture to the outside atmosphere. Certain special apparatus, such as sterilizers, are sometimes provided with a local ventilating pipe in order to remove vapors. A local ventilating pipe is not connected into the vent piping of the drainage system.

"Loop Vent": A circuit vent which loops back to connect with a stack vent instead of a vent stack. Its use is limited to floor drains and floor outlet fixtures which depend on self siphonage for proper operation.

"Low Hazard Substance": Any substance that, when present in the potable water system, may cause the water to be discolored or have an unusual odor or an unpleasent taste, but will not cause illness, injury or death if consumed.

~~"Low Toxicity": A substance with an oral LD[50] (lethal dose for 50 percent of the population) greater than 5,000 milligrams per kilogram is considered practically nontoxic. An average adult would have to ingest more than a pint of the substance to experience severe illness or death. Hydrogen peroxide is an example of a substance of low toxicity.~~

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"Main": ~~The main of any piping system is the~~ principal artery of a piping the system to which branches may be connected.

"Main Vent": ~~The main vent is the~~ principal artery of the venting system to which vent branches may be connected. (See Appendix B: Illustration Q.)

"Maximum Demand": In plumbing, the greatest requirement of flow of either water supply or waste discharge from the fixtures of a building, or any specific segment thereof.

"Manhole": ~~An A-manhole is an~~ opening constructed to permit a person to gain access to an enclosed space. In a sewer or any portion of the plumbing system, it is used to eliminate restriction of flow at changes of direction or junctions and to facilitate cleaning.

"Minor Repairs": ~~Repairs that Minor repairs~~ do not require changes in the piping to or from plumbing fixtures or involve the removal, replacement, installation or reinstallation of any pipe or plumbing fixture.

~~"Moderate Toxicity": A substance with an oral LD[50] (lethal dose for 50 percent of the population) of 500 to 5,000 milligrams per kilogram is considered moderately toxic. An average adult would have to ingest between an ounce (2 tablespoons) and a pint of the substance to experience severe illness or death. Chloroform is an example of a moderately toxic substance.~~

"New Plumbing" or "New Work": ~~Any For purposes of this Part, new plumbing or new work means any~~ plumbing system or part of a plumbing system thereof, or any addition to or alteration of an existing system, being installed or recently completed.

"Non-Potable Water": Water that does not meet drinking water quality standards specified in 35 Ill. Adm. Code 611, Primary Drinking Water Standards, and is not suitable for human consumption or culinary use, or is of unknown quality. ~~Non-potable water is water that does not meet public health standards for drinking water (Refer to 77 Ill. Adm. Code 900) and is not suitable for human consumption or culinary use. Any water of unknown quality is considered non-potable.~~

"Non-Toxic Transfer Fluids": Fluids having no normal detrimental effect on humans.

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"Occupancy": ~~The purpose for which a building is currently used~~ Occupancy generally means the use for which a building currently serves. In the case of a single family residence, occupancy shall mean taking possession of and living in the premises as one's sole and exclusive residence for a period of not less than 6 ~~six (6)~~ months after the completion of construction, or issuance of a Certificate of Occupancy by a unit of local government.

"Offset": ~~A~~ An offset in a line of piping is a combination of elbows or bends that ~~which~~ brings one section of pipe into a line parallel with another ~~the other~~ section.

"Open Plumbing": Installation of plumbing so that traps and drainage pipes and their surroundings beneath fixtures are ventilated, accessible, and open to inspection. Open plumbing is also referred to as an exposed plumbing installation.

~~"Open Water System": A water system with no check valve or backflow preventer installed in the service pipe.~~

"Overflow Rim": The top edge of a receptacle or fixture over which a ~~an~~ impounded liquid will flow when the receptacle or fixture is filled beyond its capacity (or flooded). "Flood level rim" is used interchangeably with overflow rim.

"p.s.i."; "P.S.I."; or "psi": Pounds per square inch of pressure.

"Part": ~~The Part means the~~ Illinois Plumbing Code in its entirety, Part 890 (referenced as 77 Ill. Adm. Code 890), subsequent amendments thereto, or any emergency rule which the Department lawfully adopts.

"Peppermint Oil": A pungent, aromatic mint oil sometimes used in testing a drain, waste and vent system by means of a "Peppermint Test."

"Peppermint Test": A test for leakage using peppermint oil and hot water as the media, and the sense of smell to determine any leak; also known as a "scent test" (see Section 890.1930(e)).

"Pet Cock": ~~A~~ A pet cock is a small faucet or valve used to drain water, steam, or air.

"pH": An expression of acidity and alkalinity on a scale from zero ~~(0)~~ to 14, with 7.0 ~~seven (7.0)~~ being neutral. Numbers less than 7.0 ~~seven (7.0)~~ indicate

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increasing acidity as the number decreases, and numbers greater than ~~7.0~~ seven (~~7.0~~) indicate increasing alkalinity as the number increases.

"Pipe": A cylindrical conduit or conductor, the wall thickness of which is sufficient to receive a standard pipe thread.

"Pipe Diameter": ~~The Generally the~~ distance measured from the inside wall of a pipe (passing through the center of the pipe) to the opposite inside wall. Any referenced pipe diameter or pipe size shall mean the nominal size or diameter ~~as designated by the commercial manufacturer.~~

"Pipefitting": The installation of piping other than that piping which is defined as plumbing.

"Pipe Increments": For increasing or decreasing pipe size by a given number of pipe increments - the following examples constitute one pipe size change: 1, 1½, 2, 2½, 3, 3½, 4, 4½, 5.

"Piping": ~~An Piping is an~~ assembly of pipes or conduit with fittings of compatible design. This term is commonly interchanged with "Pipe."

"Pitch": "Pitch" is synonymous with "grade." See "Grade."

"Plumbing": See the Illinois Plumbing License Law [225 ILCS 320/2].

"Plumbing Appliance": ~~A A plumbing appliance is a~~ special class of plumbing fixture intended to perform a special function. This term includes water heaters, water coolers, drinking fountains, heat exchanger and water treatment equipment other than water softeners.

"Plumbing Appurtenance": An accessory or device used in a plumbing system which demands no additional water supply, nor adds any discharge load to a fixture or the drainage system. Plumbing appurtenances shall include instruments, gauges, relief valves, limit switches, backflow assemblies, solenoid valves, ~~and devices between solenoid valves-ete.~~

"Plumbing Fixture": ~~Approved, Plumbing fixtures are approved~~ installed receptacles, devices or appliances that which are supplied with water or that which receive or discharge liquid or liquid-borne waste, with or without discharge of such waste into the drainage system to which they may be directly or indirectly

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connected; ~~Generally~~ an installed appurtenance to the potable water supply system ~~that which~~ makes available intended potable water, or a receptor ~~that which~~ receives and discharges liquids or liquid-borne waste either directly or indirectly into the drainage system; ~~or a~~ ~~A~~ permanent appendage usually designed as a receptacle and intended to receive and/or discharge liquid or liquid-borne waste to a drainage system. Industrial or commercial tanks, vats, and similar processing equipment are not plumbing fixtures, but they may be connected to, or discharged into, approved traps or plumbing fixtures.

"Plumbing Inspector": An employee or agent of State or local government who holds a valid Illinois Plumbing License and is authorized to inspect plumbing.

"Plumbing System": See the Illinois Plumbing License Law [225 ILCS 320/2].

"Pop-Up Waste": ~~A A pop-up waste consists of a~~ waste outlet into which a sliding metal or plastic stopper is fitted, and the stopper can be raised to drain the waste. A common pop-up waste used for lavatories has a lever which passes out the side of the drain fitting and connects to a lift rod that extends on top of the lavatory or sink. The rod is lifted to lower the stopper, or depressed to raise the stopper and drain the lavatory.

"Potable Water": Water that is safe for human consumption and meets the water quality standards of 35 Ill. Adm. Code 611, Primary Drinking Water Standards. ~~Potable water is water that is suitable for human consumption in accordance with the Drinking Water Systems Code (77 Ill. Adm. Code 900).~~

"Pressure Gradient Monitor": A device used to protect the quality of water, failsafe by design, securing the potable water system by isolating a heat exchanger when the pressure between the potable water and the heat exchange medium drops below a preset level.

"Pressure Relief Valve": See "Relief Valves."

"Private" or "Private Use": In the classification of plumbing fixtures, private applies to fixtures in residences, apartments, and private bathrooms of hotels or motels where the fixtures are intended for the use of a single family or an individual; handwashing stations (lavatories) within residents' rooms, within shared or common resident restrooms, or designated for staff use only in hospitals/long-term care units/mental health facilities, and hand washing stations where food is being prepared.

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"Private Sewage Disposal System": ~~Any This means any~~ sewage handling or treatment facility receiving domestic sewage from fewer than ~~15 fifteen (15)~~ people or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge. Refer to the Private Sewage Disposal Licensing Act [225 ILCS 225/3] and Private Sewage Disposal ~~Licensing~~ Code (77 Ill. Adm. Code 905).

"Private Sewer": ~~A A private sewer is a~~ sewer privately owned and not directly controlled by a public authority.

"Private Water Supply" ~~or "Private Water System"~~: Any potable water supply ~~that which~~ provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling. (Section 9(a)(5) of the Illinois Groundwater Protection Act [415 ILCS 55/9(a)(5)].)

"Proper" or "Properly": ~~To means to~~ be accurate or meeting the standard of competence for the given situation and properties of the materials involved based upon the standards in this Part and manufacturer's recommendations.

"Public" or "Public Use": ~~Any For purposes of classifying plumbing fixtures, "public" refers to any~~ installation or use of plumbing fixtures or facilities except those in residences, apartments or private bathrooms of hotels/motels where the fixtures are intended for the personal use of an individual or single family only.

"Public Area": An area within a building accessible to all persons, including but not limited to mercantile units, private clubs and membership organizations.

"Public Sanitary Sewer": A public sanitary sewer is controlled by a public authority and is intended to receive and transport sewage.

"Public Water System": ~~A A public water system is a~~ system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term public water system includes: any collection, treatment, storage, and distribution facility under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. The public water system ends at and

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with the water service connection.

"Quarter Bend": ~~A A-quarter bend is a fitting changing direction of 90° -90 degrees. (See Appendix B: Illustration R.)~~

"Quick Closing Valve": A valve or faucet that closes automatically when released or one that has fast action closing.

"Readily Accessible": ~~Direct Readily accessible means direct~~ access without the necessity of removing or moving any panel, door or similar obstruction.

"Receptor": Devices or fixtures which receive the discharge from indirect waste pipes.

"Reduced Pressure Zone Principle Backflow Preventer Assembly (RPZ)": See "Backflow Preventer, Reduced Pressure Principle Backflow Preventer Assembly (RPZ)."

"Relief Valves":

Temperature relief valve – A valve designed to release water to the atmosphere at a predetermined temperature setting.

Pressure relief valve – A valve designed to relieve excessive pressure to the atmosphere at a predetermined setting.

Temperature and pressure relief valve or pressure-temperature relief valve – A valve incorporating a temperature relief valve and a pressure relief valve in one unit.

Vacuum relief valve – A valve which admits air to the system when the system is attempting to reduce its pressure to less than atmospheric.

"Relief Vent": A vent which permits circulation of air in or between drainage and vent systems. (See Appendix B: Illustration S.)

~~"Restaurant": Any establishment selling, to the public, food or liquid beverages that can be consumed on the premises.~~

"Restroom": ~~As For the purpose of this Part, a restroom, as~~ a minimum, will consist of one water closet and one lavatory all located in the same room.

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"Return Offset": A double offset installed so as to return the pipe to its original alignment. (~~See Appendix B: Illustration T.~~)

"Revent Pipe": See "Individual Vent". (See Appendix B: Illustration U.)

"Rim": An unobstructed open edge of a fixture.

"Riser": A water supply pipe which extends vertically one full story or more to convey water to branches or to a group of fixtures.

"Roughing-In": The installation of all parts of the plumbing system which can be completed prior to the installation of fixtures. This includes drainage, water supply, and vent piping, and the necessary fixture supports.

"Safe Pan": ~~An appurtenance installed~~ ~~A safe pan is installed~~ beneath piping and/or a fixture to collect and drain any leakage. Safe pans are generally found especially important in food preparation/storage areas and sterile areas of health care facilities that have overhead, exposed, drainage piping. Safe pans are not intended to receive discharges from temperature and pressure relief valves.

"Safe Waste": See "Indirect Waste."

"Sanitary Sewer": ~~A~~ ~~A sanitary sewer is a~~ public or private sewer into which building sewers are connected.

"Sanitary Waste": ~~Sewage~~ ~~Sanitary waste is sewage~~ containing ~~human~~ excrement and liquid ~~household~~ wastes or ordinary wastes derived from a plumbing system.

"Semi-Private Water System": ~~A means a~~ water supply ~~that which~~ is not a public water system; ~~and that yet which~~ serves a segment of the public other than an owner-occupied single family dwelling. (See the Illinois Groundwater Protection Act: (~~Ill. Rev. Stat. 1991, ch. 111½, par. 7459~~)[415 ILCS 55/19].)

"Separator": See "Interceptor."

"Service Connection": ~~The~~ ~~A service connection is the~~ tap at the water main and any pipe to the property line.

"Sewage": Any ~~Sewage is any~~ waste containing animal, human, or vegetable

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matter in suspension or solution, and may include liquids containing chemicals in solution.

"Sewage Ejector": A device for lifting sewage by pumping means.

"Side Vent": A vent connecting to the drain pipe through a fitting at an angle not greater than ~~45° 45-degrees~~ to the vertical.

"Sillcock": A type of lawn faucet. A faucet used on the outside of a building to which a garden hose may be attached.

"Size of Pipe or Tubing": Pipe is generally sized according to the approximate dimension of its bore or inside diameter, whereas tubing is usually sized by measuring its outside diameter. Both are expressed in inches and fractions thereof. For purposes of this Part, any referenced pipe or tubing size shall mean the nominal size or diameter as designated by the commercial manufacturer.

"Slope": "Slope" is synonymous with "grade." See "Grade."

"Soil Pipe": ~~Any A soil pipe is any pipe that which~~ conveys the discharge of water closets or fixtures having similar functions, with or without the discharge from other fixtures, to the building drain.

"Special Waste Pipe": Piping which conveys special waste. Piping that has been designed and manufactured of special material to handle special waste such as acids.

"Special Wastes": Wastes which require special handling and treatment before they may be discharged into the plumbing system. (See Subpart H.)

"Sprinkler System": There are ~~2 two~~ basic types of sprinkler systems. A fire sprinkler system is a system of piping and necessary appurtenances for conveying water or other extinguishing ~~substances fluid~~ to outlets for the purpose of fire extinguishment. A lawn sprinkler system is a system of piping installed for irrigation purposes.

"Stack": ~~Any A general term for any~~ vertical line of soil, waste, or vent piping.

"Stack Vent": The extension of a soil or waste stack above the highest horizontal drain connected to the stack. (See Appendix B: Illustration V.)

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"Stack Venting": A method of venting a fixture or fixtures through the soil or waste stack.

"Sterilizer, Boiling Type": ~~A A-boiling-type "sterilizer" is a~~ fixture (non-pressure type) used for boiling instruments, utensils, and/or other equipment (used for sterilization). Some devices are portable, others are connected to the plumbing system.

"Sterilizer, Instruments": A device for the sterilization of various instruments.

"Sterilizer, Pressure (Autoclave)": A fixture (pressure vessel) designed to use steam under pressure for sterilizing.

"Sterilizer, Pressure Instrument Washer-Sterilizer": ~~A A-pressure instrument washer-sterilizer is a~~ fixture (pressure vessel) designed to both wash and sterilize instruments during the operating cycle of the fixture.

"Sterilizer Vent": A separate pipe or stack, which is trapped below the lowest exhaust and indirectly connected to the building drainage systems, which receives the vapors from non-pressure sterilizers, or the exhaust vapors from pressure sterilizers, and conducts the vapors directly to the outside atmosphere. Sometimes called a vapor, steam, atmospheric, or exhaust vent.

"Sterilizer, Water": ~~A A-water sterilizer is a~~ device for sterilizing water and storing sterile water.

"Storm Sewer": A sewer which is used for conveying rain water, surface water, ground water, subsurface water, site drainage, condensate, cooling water or other similar liquid waste (excluding sewage) from the building storm drain to an approved point of discharge.

"Sub-soil Drain": A drain which collects sub-soil drainage and conveys it to a place of disposal.

"Sub-soil Drainage": ~~Liquid Sub-soil drainage is liquid~~ waste, such as run off water, seepage water or clear water waste, free of fecal matter and grey water.

"Sump": ~~A A-sump is a~~ receptacle ~~that which~~ receives sanitary or storm waste, located below the normal grade level of the gravity system, and emptied by

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pumping or gravity.

"Sump Pump": A pump for the removal of storm, subsoil and clear water waste drainage from a sump.

"Supports": ~~A A support is a~~ hanger, anchor or other device for securing or holding pipe fixtures to walls, ceilings, floors, or structural members.

"Swimming Pool": Refer to the Swimming Pool and Bathing Beach Act [210 ILCS 125] for minimum sanitary requirements for the design and operation of swimming pools and bathing beaches.

"Tempered Water": ~~Water Tempered water is water~~ ranging in temperature from 85°F to, but not including, 120°F.

"Terminal Heating Device": A device located within the environment to be conditioned which directly transfers its heating energy by radiation or forced or gravity convection.

"Test Cock": ~~A A test cock is a~~ small cock, faucet, or valve set in a water pipe, pump, backflow device or water jacket used to drain water or test pressure.

"Toxic": Not fit for human consumption. Poisonous.

"Toxic Transfer Fluids": Sanitary waste, grey water or mixtures containing harmful substances, including but not limited to ethylene glycol, hydrocarbons, oils, ammonia refrigerants, and hydrazine.

"Trap": ~~A A trap is a~~ fitting or device so designed and constructed as to provide, when properly vented, a liquid seal which will prevent the back passage of air without materially affecting the flow of sewage or waste water through it. (See Appendix B: Illustration W.)

"Trap Arm": ~~That A trap arm is that~~ portion of a fixture drain between a trap and its vent.

"Trap Primer": ~~A A trap primer is a~~ device or system of piping to maintain a water seal in a trap.

"Trap Seal": The vertical distance between the crown weir and the top of the dip

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of the trap. (See Appendix B: Illustration W.)

"Tube": A cylindrical conduit or conductor, the wall thickness of which is less than that needed to receive a standard pipe thread. Compare with "Pipe."

"Tuberculation": A condition which develops on the interior of pipe due to corrosion resulting in the creation of small, hemispherical lumps (tubercles) on the inner walls of the pipe.

"Union": ~~A A-union is a~~ coupling device used to join ~~2 two~~ pipes end-to-end, but allow them to be disconnected and re-connected. This joint can be assembled and disassembled without removing any adjacent pipes.

"Unisex Restroom": A restroom shared by males and females and having only one water closet and one lavatory located in the same room. In addition, a single urinal may be installed.

"Vacuum": A pressure less than atmospheric pressure, sometimes referred to as suction. It is usually measured in inches of mercury below atmospheric pressure, such as 10 or 20 ~~ten (10) or twenty~~ inches of mercury. To vacuum also means to siphon.

"Vacuum Breaker": A device which prevents the creation of a vacuum by admitting air at atmospheric pressure, used to prevent back siphonage.

"Vacuum Breaker, Hose Type (HVB)": A back siphonage prevention device designed for hose connections which are not under continuous pressure, and meeting the requirements of ANSI/ASSE 1011-~~1982~~.

~~"Vacuum Breaker, Non-Pressure Type (Atmospheric)": A vacuum breaker which is not designed to be subject to static line pressure, and meeting the requirements of ANSI/ASSE 1001-1990.~~

~~"Vacuum Breaker, Pressure Type": A vacuum breaker designed to operate under conditions of static line pressure, and meeting the requirements of ASSE 1020-1989.~~

"Vacuum Relief Valve": A device to prevent excessive vacuum in a pressure vessel.

"Vent, Main": See "Main Vent."

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"Vent Pipe-": A pipe in a plumbing system that is used to equalize pressure and ventilate the plumbing system. Also see the definition of "Vent System."

"Vent Stack": ~~A A-vent stack is a~~ vertical vent pipe installed primarily for the purpose of providing circulation of air to and from any part of the drainage system and terminating to the atmosphere or in the stack vent. (See Appendix B: Illustration X.)

"Vent System": The pipe or pipes installed to provide a flow of air to or from a drainage system and to provide a circulation of air within the system to protect trap seals from siphonage and back pressure.

"Venturi": A short section in a pipe with a reduced diameter or cross sectional area (forming a throat) compared to the larger ends, thereby increasing the velocity of the fluid passing through the throat and decreasing the pressure at the throat. This decrease in pressure allows another fluid to be drawn into the venturi.

"Vertical Pipe": Any pipe or fitting which makes an angle of ~~45° 45-degrees~~ or less with the vertical.

"Wall Hung Water Closet": A water closet installed in such a way that no part of the water closet touches the floor.

"Waste": See "Sanitary Waste."

"Waste Pipe": A pipe which conveys only waste material.

"Water Distribution Pipe": A pipe within the building or on the premises which conveys water from the water service to the point of usage.

"Water Hammer": A concussion or sound of concussion of moving water against the sides of a containing pipe or vessel due to a sudden stoppage of flow. A pressure that results from a sudden deceleration of flow of water in a closed conduit. It is also called hydraulic shock.

"Water Hammer Arrester": A device to absorb hydraulic shock.

"Water Heater": An appliance for supplying hot water for domestic or commercial purposes. It may be used for space heating if the water temperature does not exceed ~~150° 150-degrees~~-F.

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"Water Main": A water supply pipe for public or community use.

"Water Outlet": An opening through which water is supplied to a fixture, device, appliance or an appurtenance or into the atmosphere.

"Water Riser Pipe": See "Riser."

"Water Service" or "Water Service Pipe": ~~The A-water service is the~~ pipe from the water main or source of potable water supply to the water distribution pipe of the building served.

"Water Supply Fixture Unit (W.S.F.U.)": See "Fixture Unit, Water Supply."

"Water Supply Stub": A vertical pipe less than one story in height supplying one or more fixtures.

"Water Supply System": The water service pipe, the water distribution pipe, and all fittings, valves, and appurtenances in or associated with the building or premises being served.

"Wet Vent": A vent which also serves as a drain. A vent which receives the discharge of wastes other than from water closets. (See Appendix B: Illustration Y.)

"Yard Hydrant": A valve or faucet for drawing water from a buried pipe that includes a stand pipe with a valve or faucet at the upper end and a threaded valve outlet to which a hose may be attached.

"Yoke Vent": A pipe connecting upward from a soil or waste stack to a vent stack for the purpose of preventing pressure changes in the stack. (See Appendix B: Illustration Z.)

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.140 Repairs and Alterations

a) Existing Buildings.

1) In existing buildings, including historic buildings, or premises in which

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plumbing installations are to be altered, renovated or replaced, materials and methods shall meet or exceed the provisions of this Part.

- 2) Where the Department finds that compliance with all requirements of this Part would result in an undue hardship due to excessive structural or mechanical difficulty, or impracticability, a variance may be granted. The request for a variance must be submitted in writing to the Department for approval prior to installation. The request shall include an explanation of the hardship created by compliance with all requirements of this Part, and shall state the proposed method of installation. Where a variance is granted by the Department, it shall conform with the intent of this Part and shall ensure the optimum level of public health protection practicable.
- b) New Buildings. Plumbing materials, methods and workmanship shall meet or exceed the provisions of this Part in all new buildings. No variance from this Part shall be allowed on new building construction.
- c) Health and Safety. Where a health or safety hazard exists because of an existing plumbing installation or lack thereof, the owner or his agent shall install additional plumbing or make such corrections as may be necessary to abate the hazard or violation of this Part.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.170 Sewer and/or Water Required

- a) Each building which is intended for human habitation or occupancy shall have a connection to a public water system, a semi-private water system, or a private water supply constructed in accordance with the requirements of the Illinois Water Well Construction Code (77 Ill. Adm. Code 920) or the Surface Source Water Treatment Code (~~Title~~ 77 Ill. Adm. Code 930), and a connection to a public sewer system or private sewage disposal system constructed to the requirements of the Illinois Private Sewage Disposal Code (77 Ill. Adm. Code 905). All installations shall also be in accordance with any additional applicable State and local laws, ordinances, rules and regulations and local codes.
- b) For purposes of this Section, individually owned residences that share a common wall or ownership right and have ground floor access, such as townhouses or rowhouses, shall be treated as separate buildings and shall have separate connections to a public water system, a semi-private water system or a private

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water supply as required in subsection (a) of this Section. However, such individually owned residences established as part of a condominium association may use a single water supply service line from the public water supply to a centralized location, such as an exterior manifold or meter room with independent shutoff valves to each unit. There shall be a main shutoff valve at the property line. Such arrangements shall comply with requirements set forth by the local water department or water authority.

- c) ~~Private Water Supply Interconnection. A private water supply shall not be interconnected with a public water supply unless it is located and constructed in accordance with the Water Well Construction Code (77 Ill. Adm. Code 920) and Water Well and Pump Installation Code (77 Ill. Adm. Code 925), and the public water is protected against backflow and back siphonage as specified in Section 890.1130.~~

1) A private water supply shall not be interconnected with a public water system unless it is located and constructed in accordance with the Water Well Construction Code (77 Ill. Adm. Code 920) and Water Well and Pump Installation Code (77 Ill. Adm. Code 925), and the public water system is protected against backflow and back siphonage as specified in Section 890.1130.

2) No physical connection shall be permitted between the potable water system and any non-potable water source.

- d) All plumbing fixtures, drains, appurtenances, and appliances used to receive or discharge sanitary waste shall be connected to the drainage system of the building or premises in accordance with the requirements of this Part.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.180 Sewer and Water Pipe Installation

- a) **Trenching and Bedding.** Trenches shall be of sufficient width to permit proper installation of the pipe. Where shoring is required, ample allowance shall be made in the width of the trench for working conditions, based on the materials and installation methods. Where trenches are excavated to a depth such that the bottom of the trench forms the bed for the pipe, solid and continual bearing between joints shall be provided and bell holes shall be provided at points where the pipe is joined. Where trenches are excavated to a depth such that the bottom

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of the trench does not form the bed for the pipe, the trench shall be backfilled to grade with sand or fine gravel placed in layers of ~~6 six (6)~~ inches maximum depth and compacted after each placement. The pipe shall not be supported on blocks. Where rock is encountered in trenching, it shall be removed to a point at least ~~3 three (3)~~ inches below the grade line of the trench; and the trench shall be backfilled to grade with the sand tamped in place, so as to provide a uniform bearing for the pipe between joints. The pipe shall not be allowed to rest on rock at any point. If soft materials of poor bearing qualities are found at the bottom of the trench, stabilization shall be achieved by over-excavating at least ~~2 two (2)~~ pipe diameters and refilling with fine gravel or sand or a concrete foundation. A concrete foundation shall be bedded and sand tamped in place so as to provide a uniform bearing for the pipe joints. All piping in the ground shall be laid on a firm bed for its entire length.

- b) Backfilling. Until the crown of the pipe is covered by at least 18 inches of tamped earth, care shall be exercised in backfilling trenches to ensure that the pipe beneath is secure. Loose earth, free of rocks, broken concrete, frozen chunks or other rubble, shall be carefully placed in the trench in ~~6 six (6)~~ inch layers and tamped in place. Care shall be taken to thoroughly compact the backfill under and beside the pipe to ensure that the pipe is properly supported. Backfill shall be placed evenly on both sides of the pipe and tamped in a manner to retain proper alignment.
- c) Breakage and Corrosion. Pipes passing under or through walls or floors shall be protected from breakage caused by stress or strain. Pipes passing under or through cinder, concrete or other corrosive material shall be protected from external corrosion, stress, or strain by a protecting sleeve or a wrap-on material. (See Appendix B: Illustration AA.)
- d) Sleeves. In exterior walls or floors, the annular space between sleeves and pipes shall be filled or tightly caulked with a cold tar, asphalt compound, ~~lead~~ or other equally effective material. (See Appendix B: Illustration AA.)
- e) Buried Piping Parallel to Footings. No buried piping shall be laid parallel to inside or outside footings, ~~closer than 18 inches to the footing/bearing walls closer than three (3) feet.~~
- f) Depth. Piping installed parallel to footings or bearing walls shall not extend below the ~~45° 45-degree~~ bearing plane of the wall or footing.

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(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.190 Piping Measurements

Except where otherwise specified in this Part, all measurements between pipes, ~~or and~~ between pipes and walls ~~or footings, etc.,~~ shall be made from the outside edge nearest the parallel pipe, wall or footing (see Appendix B, Illustration I) to the center line of the pipe.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

SUBPART B: PLUMBING MATERIALS

Section 890.210 Materials

~~a) With the exception of faucets, grease traps, and gas and oil interceptors, all materials, piping, fittings, appliances, appurtenances and devices used in all plumbing systems shall be listed in Appendix A: Table A and shall conform to standards for use as approved by one or more of the organizations listed in subsection (b) of this Section. All faucets, grease traps, and gas and oil interceptors used shall meet the requirements for such materials, appliances and appurtenances as provided in this Part.~~

All materials, piping, fittings, appliances, appurtenances, faucets, fixture fittings, fixtures and devices used in all plumbing systems shall be approved by the Department, in accordance with the following criteria:

- a) Compliance with the requirements of this Part.
- b) Compliance with the applicable standard (see Appendix A: Table A).
- c) Labeled by an agency that is approved by the Department or is an ANSI-accredited certification program (see Appendix A: Table A).
 - 1) Labeling indicates that the agency certifies the plumbing material to be in compliance with applicable standards.
 - 2) Labeling includes the manufacturer's identification of material. Each length of pipe, each pipe fitting, trap, fixture, device and appurtenance used in a plumbing system shall have cast, stamped or indelibly marked on it the maker's mark or name, the weight, type, class of product and the standard that applies.

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- d) Testing. The approved agency has tested a representative sample of the material or piping being labeled to the relevant standard. The approved agency maintains a record of all tests performed, which provides sufficient detail to verify compliance with the testing standard.
- e) Inspection and identification. The approved agency periodically performs inspections, which shall include in-plant inspections during the manufacturing process, to verify that the product being manufactured meets the applicable standard.
- f) Independent. The approved agency discloses all possible conflicts of interest.
- g) Equipment. An approved agency has necessary equipment to perform all required tests. The equipment shall be calibrated according to manufacturer's recommendations.
- h) Personnel. An approved agency employs personnel experienced and educated in conducting, supervising and evaluating tests.
- i) Manufacturer's Identification of Material. The approved agency ensures that each length of pipe, each pipe fitting, trap, fixture, device and appurtenance used in a plumbing system has cast, stamped or indelibly marked on it the maker's mark or name, weight, type, class of product and the standard that applies.
- b) Reference for Agencies and Organizations. Abbreviations used in Appendix A, Table A, refer to the following agencies or organizations:
- 1) ANSI—American National Standards Institute; 1430 Broadway, New York City, New York 10018.
 - 2) ARI—Air Conditioning and Refrigeration Institute; 1501 Wilson Boulevard, Arlington, Virginia 22209.
 - 3) ASHRAE—American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.; 1791 Tullie Circle, NE, Atlanta, Georgia 30329-2305.
 - 4) ASME—American Society of Mechanical Engineers; United Engineer Center, 345 East 47th Street, New York City, New York 10017.
 - 5) ASSE—American Society of Sanitary Engineering; P.O. Box 40362, Bay Village, Ohio 44140.
 - 6) ASTM—American Society for Testing and Materials; 1916 Race Street, Philadelphia, Pennsylvania 19103-1187.
 - 7) AWWA—American Water Works Association; 6666 West Quiney Avenue, Denver, Colorado 80235.

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- 8) ~~CISPI—Cast Iron Soil Pipe Institute; Suite 419, 5959 Shallowford Road, Chattanooga, Tennessee 37421.~~
- 9) ~~FM Factory Mutual Standard; 1151 Boston Providence Turnpike, P.O. Box 9102, Norwood, Massachusetts 02062.~~
- 10) ~~NSF (National Sanitation Foundation)—NSF International Midwestern Regional Office, 2311 Green Road, Ann Arbor, Michigan 48105.~~
- 11) ~~PDI—Plumbing and Drainage Institute; 1106 W. 77th Street, South Drive, Indianapolis, Indiana 46260-3318.~~
- 12) ~~UL—Underwriter Laboratories, Inc.; 333 Pfingsten Road, Northbrook, Illinois 60062.~~

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.220 Identification (Repealed)

~~Identification of Material. Each length of pipe, each pipe fitting, trap, fixture, device and appurtenance used in a plumbing system shall have cast, stamped or indelibly marked on it the maker's mark or name, the weight, type, class of product and the standard that applies.~~

(Source: Repealed at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.230 Safe Pan Material and Construction

- a) Material. Safe pans shall be made only of lead, copper, aluminum, galvanized steel, stainless steel, ABS, PVC or fiberglass material.
 - 1) Lead sheets for safe pans shall weigh at least ~~4 four (4)~~ pounds per square foot.
 - 2) Copper sheets for safe pans shall weigh at least ~~12 twelve (12)~~ ounces per square foot.
 - 3) Aluminum, galvanized steel and stainless steel safe pans shall be of at least 24 gauge material.
 - 4) ABS or PVC safe pans or liners shall be 30 mil or 40 mil.
 - 5) Fiberglass for safe pans or liners shall be equally durable to the ABS and PVC material described in subsection (a)(3) of this Section.

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- b) Construction. All safe pans shall be constructed with ~~preformed performed~~ dam corners, shall be watertight, adequately reinforced and provided with a drain opening designed to make a watertight joint. ABS and PVC safe pans and liners shall be solvent welded together with the proper cement.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

SUBPART C: JOINTS AND CONNECTIONS

Section 890.320 Types of Joints

- a) Caulked joints. Caulked joints for (drain, waste and vent systems only) cast iron hub-and-spigot pipe shall be firmly packed with oakum or hemp and filled with molten lead at least one inch (~~1"~~) deep and be firmly caulked not to extend more than $\frac{1}{8}$ " ~~one-eighth inch (1/8")~~ below the rim of the hub. Paint, varnish, or other coatings shall not be permitted on the jointing material until after a plumbing inspector has been given the opportunity to test and approve or disapprove the joint. (See Appendix C: Illustration A.)
- b) Threaded/Screwed Joints. Threaded joints shall conform to American National Taper Pipe Thread, ASME B.1.20.1-1983 (General Purpose). All burrs shall be removed; pipe ends shall be reamed or filed to size of the bore and all chips shall be removed. Pipe joints compound shall be insoluble in water and non-toxic.
- c) Wiped Joints. Joints in lead pipe or fittings, or between lead pipe fittings and brass or copper pipe ferrules, solder nipples, or traps shall be full-wiped joints. Wiped joints shall have exposed surface on each side of the joint at least $\frac{3}{4}$ " ~~three-fourths inch (3/4")~~ and at least as thick as the material being joined. Wall or floor flange lead-wiped joints shall be made by using a lead ring or flange placed behind the joints at the wall or floor. Joints between lead pipe and cast iron, steel or wrought iron shall be made by means of a caulking ferrule, soldering nipple, or bushing.
- d) Soldered Joints. The surface to be soldered shall be cleaned bright. The joints shall be properly fluxed (lead free) and made with approved lead free solder conforming to ASTM Standard B32-1989. Joints in copper water tubing shall be made with approved cast bronze or wrought copper pressure fittings, properly soldered together. All solders or flux containing more than 0.2% lead shall bear a warning label which states that the solder or flux is not approved for private or potable water use as required by Section 4 of the federal Hazardous Substances

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Act (15 USC 1263). Use of this product in the making of joints or fittings in any private or public potable water system is prohibited. No part of a DWV (drain, waste and vent) system shall be joined or fitted with a solder or flux containing more than 0.2% lead.

- e) Flared Joints. Flared joints for plastic pipe and tubing and soft copper water tubing shall be made with approved fittings. The tubing shall be expanded with a proper flaring tool. (See Appendix C: Illustration B.)
- f) Hot-Poured Joints. Hot-poured compound for clay or concrete sewer pipe shall not be water absorbent and when poured against a dry surface shall have a bond of at least 100 pounds per square inch (p.s.i.). All surfaces of the joint shall be cleaned and dried before pouring. If wet surfaces are unavoidable, a suitable primer such as oil or tar shall be applied. The compound shall not soften sufficiently to destroy effectiveness of the joint when subjected to a temperature of ~~160°F~~ ~~160 degrees Fahrenheit~~, and not be soluble in any of the waste carried by the drainage system. Approximately 25 percent of the joint space at the base of the socket shall be filled with jute or hemp. A pouring collar rope or other device shall be used to hold the hot compound during pouring. Each joint shall be poured in one operation until the joint is filled. Joints shall not be tested until one ~~one (1)~~ hour after pouring.
- g) Precast Joints. Precast collars shall be formed in both the spigot and bell of the pipe in advance of use. Prior to making joint contact, surfaces shall be cleaned. When the spigot end is inserted in the collar, it shall bind before contacting the base of the socket.
- h) Brazed Joints. Brazed joints shall be made by first cleaning the surface to be joined down to the base metal, applying flux approved for such joints and for the filler metal to be used, and making the joints by heating to a temperature sufficient to melt the approved brazing filler metal on contact. (See Section 890.330(b).) An extracted mechanical joint may be made in copper tube types K or L only for water distribution. The joint shall be made with a mechanical extraction tool and joined by brazing. To prevent the branch tube from being inserted beyond the depth of the extracted joint, depth stops shall be provided. This joint shall be for above ground use only.
- i) Cement Mortar Joints. Except for repairs, cement mortar joints are prohibited.
- j) Burned Lead (Welded). (For drain, waste and vent system only) Every burned

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(welded) joint shall be made in such manner that the ~~2 two~~ or more sections to be joined shall be uniformly fused together into one continuous piece. The thickness of the weld shall be at least as thick as the lead being joined.

- k) Bituminized Fiber Pipe Joints. Joints in bituminized fiber pipe shall be made with tapered type couplings of the same composition as the pipe. Joints between bituminized fiber pipe and metal pipe shall be made by means of an adaptor coupling caulked as required in subsection (a) of this Section.
- l) Plastic Pipe Joints.
 - 1) Every joint in plastic piping shall be made with approved fittings by either solvent welded or fusion welded connections, compression fittings, approved insert fittings, metal clamps and screws of corrosion resistant material, or threaded joints. (See Appendix A: Table A for approved pipe, fittings and solvent.)
 - 2) Joints and Fittings in Plastic Pipe. Potable water piping fittings and joints shall be in accordance with the manufacturer's recommendations subject to the following: (See Appendix A: Table A, "Approved Standards for Fittings".)
 - A) Polyethylene (PE) pipe shall be installed only with compression fittings, insert and clamp type fittings or thermal welded joints and fittings. All clamps shall be of corrosion resistant material. The inside diameter (I.D.) of any insert fitting shall not be less than the minimum allowable size for water service/distribution piping. (See Appendix A: Tables D, N and O, for minimum allowable sizes for water service/distribution piping.)
 - B) Polyvinyl chloride (PVC) pipe shall be installed with solvent welded or flanged joints only. The pipe shall not be threaded. Transition to metallic or other piping shall be made with the use of adaptor fittings. The fittings shall be molded from polyvinyl chloride. The primer and solvent cement used shall be in accordance with the manufacturer's recommendation for polyvinyl chloride piping.
 - C) Polybutylene (PB) pipe shall be installed only with insert and clamp type fittings, compression type, flanged type, or thermal

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welded joints and fittings. All clamps shall be of corrosion resistant material. The inside diameter (I.D.) of any insert fitting shall not be less than the minimum allowable size for water service/distribution piping. (See Appendix A: Tables D, N and O, for minimum allowable sizes for water service/distribution piping.)

- 3) Joints in Plastic Drainage. Joints in plastic drainage piping or vent piping within a building shall be solvent welded. Threaded or flanged joints may be used with adaptor fittings. The solvent cement shall be specific for the type of piping material. O-ring expansion joints are acceptable if accessible.
- m) Ground Joint Connections. Ground joint connections (when accessible) may be used on the inlet or outlet side of a fixture trap or within the trap seal. Ground joint connections shall not be used in any inaccessible drainage piping.
- n) No-Hub Soil Pipe Joints. Shielded joints for no-hub cast iron soil pipe shall be made with an elastomeric gasket covered by either a stainless steel shield secured by ~~2 two (2)~~ or more stainless steel bands or clamps, or covered by cast iron couplings secured with stainless steel nuts and bolts. When a stainless steel shield is used, the shield and clamps shall be corrosion resistant and homogeneous throughout. The joint materials shall comply with ASTM C564-78 and CISPI 310-90 and/or FM 1680-1989.
- o) Compression Type Joints.
 - 1) Compression type joints for hub and spigot cast iron soil pipe shall be made with neoprene insert gaskets in accordance with ASTM C564. The pipe shall comply with the specifications contained in ASTM A-74 with regard to hub and spigot dimensions and tolerances. (See Appendix C: Illustration C.)
 - 2) Compression type joints for copper water tube or brass tube shall be made with brass ferrules and ground joint connections.
- p) Grooved Type Mechanical Couplings.
 - 1) Cut grooved type mechanical couplings, fittings and valves used on standard weight galvanized steel pipe, cast iron pipe or ductile iron pipe shall comply with the grooving dimensions of the AWWA specifications

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C606-78, limited to water distribution piping and downspout pipe above ground.

- 2) Rolled grooved type mechanical couplings, fittings and valves used on standard weight galvanized steel pipe or type K or L copper tubing shall comply with the manufacturer's standard, limited to water distribution piping above ground. Fittings, couplings and valves shall be compatible with the pipe material. Transition adapters shall be dielectric type.
- 3) Gaskets for use with potable water piping shall be fabricated from material that is non-toxic, durable and impervious.

q) Copper Press Fittings. Copper press fittings for joining copper water tubing shall have an elastomeric o-ring that forms the joint. The fitting shall be made by pressing the socket joint under pressure in accordance with the manufacturer's installation requirements and NSF Standard 61.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.340 Use of Joints

- a) Clay Sewer Pipe. Joints in vitrified clay pipe or between such pipe and metal pipe shall be made with a neoprene gasket and stainless steel bands or as provided in Section 890.320(f), (g), or (o), if applicable.
- b) Concrete Sewer Pipe. Joints in concrete sewer pipe or between such pipe and metal pipe shall be made with a neoprene gasket and stainless steel bands or as provided in Section 890.320(f), (g) or (o), if applicable.
- c) Cast Iron Pipe. A joint in cast iron water supply pipe shall be made in accordance with Section 890.320(a) and (b) or shall be a mechanical joint in accordance with ANSI A21.12-71. Joints in cast iron soil pipe shall be made in accordance with Section 890.320(a), (b), (n), (o), or (p).
- d) Screw Pipe to Cast Iron. Joints between wrought iron, steel, brass, or copper pipe, and cast iron pipe shall be either caulked or threaded joints which are made as provided in Section 890.320 (a) or (b) and shall be made with proper adaptor fittings.
- e) Lead to Cast Iron, Wrought Iron or Steel. Joints between lead and cast iron,

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wrought iron, or steel pipe shall be made by means of wiped joints to a caulking ferrule, soldering nipple, or brushing as provided in Section 890.320(c).

- f) Copper Water Tube. Joints in copper tubing shall be made with cast bronze or wrought copper pressure fittings, properly soldered or brazed, or by means of compression or flared joints as provided in Sections 890.320(d), (e), (h) and (p)(2). Flared joints and compression fittings shall not be installed underground except for water services, water meter yokes and stop box connections.
- g) Plastic Pipe. Joints between plastic pipe and non-plastic material shall be made only with an appropriate type adaptor as provided in Section 890.320(l) and 890.330(g).
- 1) Plastic-Commingling. There shall be no commingling of plastic materials within the same plumbing system except through the use of proper adaptors.
 - 2) Plastic Pipe. Plastic pipe shall not be installed in any tunnel or chase that contains uninsulated hot water, hot air or steam piping which causes the ambient air temperature in the tunnel or chase to exceed 180° ~~180 degrees~~ F.
- h) Building Sewer Connections. An elastomeric coupling seal conforming to ASTM C 425 (1988), ASTM C 443 (1985), ASTM C 564 (1988), ASTM D 4161 (1986), ASTM F 477 (1985), or ASTM D 3139 (1989), ASTM D 3212 (1989), or ASTM D 412 (1980) tests may be used to adapt any 2 ~~two (2)~~ building sewer pipes for different materials or size changes. The flexible couplings shall be attached to the pipe with stainless steel clamps or bolts. The manufacturer's recommended method of installation shall be followed.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.350 Unions

Unions may be used in the drainage and venting system when accessibly located above ground. Unions shall be installed in a water supply system within 5 ~~five (5)~~ feet of regulating equipment, water heaters, water conditioning tanks, water conditioning equipment, pumps, and similar equipment which may require service by removal or replacement. Where small equipment may be unscrewed, only one union shall be required.

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- a) Drainage System. Unions may be used in the trap seal and on the inlet and outlet side of the trap. Unions shall have metal to metal seats except that plastic unions may have plastic to plastic seats.
- b) Water Supply System. Unions in the water supply system shall be metal to metal with ground seats, except that plastic to metal unions may utilize durable, non-toxic, impervious gaskets. Unions between copper pipe/tubing and dissimilar metals shall either be made with a brass converter fitting or be a dielectric type union.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

SUBPART D: TRAPS AND CLEANOUTS

Section 890.410 Fixture Traps/Continuous Waste Traps

- a) Fixture Traps. All directly connected plumbing fixtures, except those having integral traps, shall be separately trapped by a water-seal trap, placed as close to the fixture outlet as possible. A kitchen sink with up to ~~3 three~~ basins may be installed on one trap if one compartment is not more than ~~6 six (6)~~ inches deeper than the other and the waste outlets are not more than 30 inches apart. (See Appendix D: Illustration A.)
- b) Distance of Trap to Fixture. The developed length from the fixture outlet to the trap weir shall not exceed 24 inches, except when an interceptor is used as a trap, it shall be located as close as possible to the fixture. The maximum developed length from the fixture outlet to the inlet of the interceptor shall not exceed ~~5 five~~ (~~5~~) feet. (See Appendix D: Illustration B.) The standpipe inlet for an automatic clothes washer shall not exceed 48 inches above the weir of a trap.
- c) Trap Size. The size of trap for a fixture shall comply with Appendix A: Table E for minimum size of traps. No trap shall be larger than the fixture drain to which it is connected or the drainage pipe into which it discharges.
- d) Type of Traps. Traps shall have a uniform and smooth interior, and shall have no partitions or movable parts. The trap seal shall be non-adjustable. (See Appendix D: Illustration C.)
- e) Drum Traps. Drum traps shall be ~~3 three (3)~~ or ~~4 four (4)~~ inches in diameter and provided with a fixed water seal of at least ~~2 two (2)~~ inches. The trap cleanout

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shall be one size less than the trap diameter.

- f) Trap Seal. Each trap shall have a water seal of 2 ~~two (2)~~ inches except where a deeper seal is required to prevent the loss of the trap seal by evaporation. Where loss of the trap seal may occur due to evaporation, one of the following shall be used:
- 1) Vegetable oil may be added to the trap.
 - 2) A deeper seal not to exceed 8 ~~eight (8)~~ inches may be used.
 - 3) An automatic trap primer may be used.
- g) Trap Cleanouts
- 1) Each fixture trap, except those cast integrally or in combination with fixtures in which the trap seal is readily accessible or except when a portion of the trap is readily removable for cleaning purposes, shall have an accessible threaded or cam lock cleanout plug of ample size protected by the water seal. (Exception: See subsection (g)(4) of this Section.) The cleanout plug shall be of brass or other non-corrosive type material. (See Appendix D: Illustration D.)
 - 2) Trap cleanouts shall be made gas and watertight ~~water-tight~~ with a threaded cleanout plug and approved washer.
 - 3) When a P-trap is used on a bath waste, it shall be directly below the tub overflow. The overflow shall be fastened to the tub by means other than the face plate.
 - 4) A P-trap on a plumbing fixture which is not accessible may be installed without a cleanout plug or having a portion of the trap readily removable, provided there is access to a cleanout within 3 ~~three (3)~~ feet of the trap.
- h) Trap Level and Protection. Traps shall be set level with respect to their water seals and, where necessary, they shall be protected from freezing.
- i) Traps Underground. Underground traps shall be provided with accessible and removable cleanouts, except for separate "P" traps into which floor drains, urinals and other fixtures with removable drain strainers discharge.

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- j) Building (House) Traps. No trap shall be installed at the base of a soil or waste stack or in a building drain.
- k) Prohibited Traps. Use of the following traps is prohibited (see Appendix D: Illustration E):
 - 1) Traps which depend upon the action of movable parts for their seal.
 - 2) Full "S" traps. Exception: Water closet and similar fixtures which depend on self-siphonage for their proper operation.
 - 3) Bell traps.
 - 4) Crown vented traps.
 - 5) Unvented running traps.
 - 6) Fixtures with concealed interior partitioned traps. Exception: Fixtures with integral traps constructed of vitrified earthenware and penal institutional fixtures with integral traps constructed of ferrous material.
- l) Double Trapping. No fixture shall be double trapped.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.420 Pipe Cleanouts

- a) Location of Cleanouts Within a Building Drain
 - 1) Cleanouts shall be not more than 50 feet apart, including the developed length of the cleanout pipe, in horizontal drainage lines of ~~four~~(4) inches or less size. Cleanouts shall be not more than 100 feet apart, including the developed length of the cleanout pipe, in horizontal drainage lines of over ~~four~~(4) inches to ~~ten~~(10) inches in size. Cleanouts shall not be more than 150 feet apart, including the developed length of the cleanout pipe, in horizontal drainage lines exceeding ~~ten~~(10) inches in size. For underground drainage lines exceeding ~~ten~~(10) inches in size, manholes instead of cleanouts shall be provided and shall be located at intervals of not more than 150 feet.

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- 2) When it is necessary to conceal a cleanout plug, a readily accessible covering plate or access door shall be provided.
 - 3) A test tee at the base of the stack may be used as a cleanout.
 - 4) A full size cleanout shall be located within ~~five (5)~~ feet of the building foundation, inside or outside, in direct line with the building drain and sewer.
 - 5) All cleanouts in vertical stacks shall be located no higher than 48 inches above the floor.
- b) Change of Direction. A cleanout or manhole shall be installed at each change of direction of the horizontal building drainage system greater than 60 degrees; the total of the fittings between cleanouts or manholes shall not exceed 120 degrees. A manhole within a building shall be provided with an iron cover which shall be securely bolted in place and made gas and water-tight with a soft metallic gasket.
 - c) Underground Drainage. When installed on an underground drain, cleanouts shall be extended to or above the finished grade level; or may be extended to outside of the building. (See Appendix D: Illustration F.)
 - d) Concealed Piping. Cleanouts on concealed piping shall be extended through and terminate flush with the finished wall or floor; or pits or chases may be left in the wall or floor, provided they are of sufficient size to permit removal of the cleanout plug and cleaning of the system. (See Appendix D: Illustration G.)
 - e) Base of Stacks. A cleanout shall be provided at, or no more than ~~four (4)~~ feet above, the base of each vertical waste or soil stack.
 - f) Buildings with Slab Floors. For buildings with a slab floor or with less than a 36 inch crawl space under the floor, or where a stack cleanout is not otherwise readily accessible, one of the following shall be provided in lieu of a cleanout at the base of the stack:
 - 1) The building drain shall be extended to the outside of the building and terminated in an accessible cleanout.
 - 2) An accessible ~~two (2)~~ way cleanout shall be installed in the building drain

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downstream from the stack provided that no other drainage pipe connects to such pipe inside the walls of the building unless it has its own cleanout at the base of the stack or extended outside the building.

- g) Direction of Flow. Every cleanout shall be installed so that the cleanout opens in a direction opposite to the flow of the drainage line or at right angles thereto, except as permitted in subsection (f) of this Section.
- h) Cleanout Plugs. A cleanout shall not have a plumbing fixture installed in it or be used as a floor drain.
- i) Cleanouts shall be of the same size as the pipe they serve up to a maximum of ~~six~~ (6) inches, and at least ~~six~~ (6) inches for larger pipe.
- j) Cleanout Clearance. All cleanouts shall have a clearance of 18 inches for the purpose of rodding. (See Appendix D: Illustration H.)

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

SUBPART E: INTERCEPTORS – SEPARATORS AND BACKWATER VALVES

Section 890.520 Gasoline, Oil and Flammable Liquids

~~Gas and Oil Interceptors. Commercial vehicle repair garages and gasoline stations with grease racks or pits, storage garages, enclosed parking garages, fire stations, emergency vehicle garages, and all facilities which generate oil and/or flammable waste shall be provided with floor drains or trench drains connected to an approved gas and oil interceptor. Residential garages with floor drains shall have a gas and oil interceptor if they have four (4) or more vehicle bays or exceed 900 square feet in size.~~

- a) Commercial vehicle repair garages, gasoline stations with grease racks or pits, and oil change facilities shall be provided with floor drains or trench drains connected to a gas and oil interceptor. When these facilities are connected to a private sewage disposal system, the floor or trench drains shall be connected to a holding tank in lieu of a gas and oil interceptor in accordance with the Private Sewage Disposal Act and USEPA regulations. Where trench drains are used to carry wastes to a gas and oil interceptor, the trench drain shall either extend the entire length of the work area or shall be installed in each working stall. For all facilities specified in this Section in which floor drains are installed, a minimum of one floor drain per working stall or one floor drain for each 500 square feet shall be installed.

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- b) Commercial and residential vehicle storage areas greater than 1,000 square feet with floor or trench drains installed shall comply with subsection (c)(1), (2) or (3) of this Section. Exception: residential garages with fewer than 5 vehicle bays are exempted from this requirement.
- c) All facilities, other than those specified in subsection (a) of this Section, that generate fuel oil or flammable waste shall meet one of the following requirements:
- 1) provide floor drains or trench drains connected to a gas and oil interceptor.
 - 2) provide floor or trench drains connected to a holding tank in lieu of a gas and oil interceptor when these drains are connected to a private sewage disposal system.
 - 3) provide an alternative system approved by the Department (i.e., an oil reclamation system or containment area).
- d)a) General Requirements
- 1) Gas and oil interceptors shall be of cast iron, steel, polyethylene, polymer concrete or equally durable fiberglass materials suitable for gas and oil. Fiberglass interceptors shall not be used for receiving any substance other than gas and oil. Poured concrete interceptors are prohibited.
 - 2) Each gas and oil interceptor or basin shall be provided with a heavy metal cover which shall be bolted into place and made gas and water-tight.
 - 3) Each gas and oil interceptor and, if provided with separate compartments, each compartment and basin shall be provided with a vent of at least 2 ~~two~~ ~~(2)~~ inches, which shall extend independently to the outer air. Two ~~(2)~~ or more vents may be connected to a header which shall be 6 ~~six~~ ~~(6)~~ inches or higher than the lowest floor drain served.
 - 4) The inlet of the gas and oil interceptor or the first basin shall be trapped except when floor drains are individually trapped.
 - 5) Floor drains above the level of the gas and oil interceptor or basins shall connect to a separate stack vent extending independently to the outer air.

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- 6) Gas and oil interceptors ~~Intereceptors~~ must be constructed in accordance with the Illinois State Fire Marshal's rules and regulations for underground storage tanks (41 Ill. Adm. Code 170), where applicable, and shall be maintained to prevent loss of gas, oil, etc. Gas and oil interceptors ~~Intereceptors~~ utilizing an automatic draw off feature must install a separate U.L. approved underground storage tank or storage tank integral with the interceptor.
 - 7) Minimum Dimension. Gas and oil ~~Oil~~ interceptors shall have a depth of at least 2 ~~two (2)~~ feet below the invert of the discharge drain.
 - 8) Performance. The gas and oil interceptor shall have at least a 12 inch water seal with a minimum 90 percent efficiency rating or have a minimum of an 18 inch water seal. Gas and oil in the effluent from the gas and oil interceptor or triple basin shall not exceed the levels specified by the sewage treatment authority having jurisdiction, as promulgated by local ordinances and regulations.
 - 9) ~~Trench drains shall be of cast iron, steel, polymer concrete or fiberglass material comparable to schedule 40 PVC. Poured concrete trench drains are prohibited for gas and oil gas/oil discharges are prohibited.~~
- b) ~~Commercial Requirements. For all commercial facilities specified in this Section, a minimum of one (1) floor drain per working stall or one (1) floor drain for each 500 square feet shall be installed. Where trench drains are used to carry wastes to the gas/oil interceptor, the trench drain shall either extend the entire length of the work (stall) area or shall be installed in each working stall. Continuous trench drains shall have a trapped and vented opening no less than every 40 lineal feet. Intermittent trench drains shall be treated as individual floor drains and shall meet the trap and venting requirements for floor drains. Floor drains for such areas shall be provided with an interceptor or a series of three (3) basins before discharging into the building drainage system.~~
- e) Aircraft hangars used exclusively for the storage of aircraft shall be exempt from the provisions of this Section under the following conditions:
- 1) No operation of aircraft or maintenance of any kind, including, but not limited to, mechanical work upon an aircraft, fueling of aircraft, oiling or lubricating aircraft, or washing of an aircraft, may be performed in the hangar.

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- 2) No oil, gasoline, or flammable materials of any kind may be stored in the hanger.
 - 3) The hangar shall not be provided with floor drains or trench drains.
 - 4) The hangar shall not contain drains of any kind that are connected to a public sewer/private sewage disposal system/holding tank.
 - 5) In lieu of the requirements of subsection (e)(1)-(4), aircraft storage hangars may install floor drains or trench drains that comply with the requirements of subsections (a)-(e).
- f)e) Sizing.
- 1) The minimum size interceptor for all facilities required to comply with subsection (a) of this Section shall be 6 cubic feet (45 gallons) for the first 500 square feet of floor area plus 1 cubic foot per each additional 500 square feet to be drained into the interceptor. ~~Motor Vehicle Servicing Interceptors are required for motor vehicle servicing areas. The minimum size intereceptor shall be six (6) cubic feet (45 gallons) for the first 100 square feet of garage floor area plus one (1) cubic foot for each additional 100 square feet to be drained into the interceptor. (One (1) cubic foot equals seven and one half (7½) gallons.)~~
 - 2) The minimum size interceptor for all facilities, except those facilities required to conform to subsection (ae)(1) of this Section, shall be ~~6 six (6)~~ cubic feet (45 gallons) for the first 3,000 gross square feet for the first 500 square feet of floor area plus 1 one (1) cubic foot per each additional 1,000 500 square feet to be drained into the interceptor. Floor area for parking decks or garages shall be determined by the gross square feet of the parking spaces.
- d) ~~Catch Basins. In all motor vehicle wash racks, drainage shall discharge into a water-tight catch basin at least 36 inches in diameter, or three (3) feet by two and one half (2 1/2) feet (rectangular shape). The bottom shall not be less than 27 inches below the invert of the outlet pipe. The outlet pipe shall be trapped with a catch basin trap and shall be of cast iron or schedule 40 plastic with a seal of at least six (6) inches and a cleanout of at least four (4) inches.~~
- e) ~~Intereceptor for Special Waste. Before installing any intereceptor for any other flammable or special wastes, a drawing including all pertinent information shall be submitted to the Department for its approval.~~

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(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.530 Special Waste Interceptors ~~Sand, Bottle and Slaughter Houses~~

- a) Catch Basins. In all motor vehicle wash racks, drainage shall discharge into a watertight catch basin at least 36 inches in diameter, or 3 feet by 2½ feet (rectangular shape). The bottom shall not be less than 27 inches below the invert of the outlet pipe. The outlet pipe shall be trapped with a catch basin trap and shall be constructed of cast iron or schedule 40 plastic with a seal of at least 6 inches in diameter and a cleanout of at least 4 inches in diameter.
- b) Commercial laundries shall be equipped with an interceptor having a removable wire basket or similar device that will prevent materials detrimental to the sewage system from passing into the system. (See Appendix E: Illustration E.)
- c) Sand, bottle and slaughter houses that will produce wastes that either settle or float (Example: oil or grease from meat packing operations, bottling establishments, heavy solids, etc.) shall have an interceptor installed which complies with Section 890.510(a). ~~(See Appendix E: Illustration D.)~~
- d) Interceptor for Special Waste. Before installing any interceptor for any other flammable or special wastes, a drawing including all pertinent information shall be submitted to the Department for approval.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.540 Laundries (Repealed)

~~Interceptors. Commercial laundries shall be equipped with an interceptor having a removable wire basket or similar device that will prevent materials detrimental to the sewage system from passing into the system. (See Appendix E: Illustration E.)~~

(Source: Repealed at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.550 Backwater Valves – Sanitary System and Storm System (Repealed)

~~Backwater valves shall be installed in the building storm drain or the building drain to prevent backflow into the building, where backflow of storm water or sewage could occur.~~

- a) ~~Fixture Branches. Backwater valves may be installed in the branches of the~~

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- ~~building drain which are below grade.~~
- b) ~~Diameter. Backwater valves, when fully opened, shall have a capacity at least that of the pipes in which they are installed.~~
 - e) ~~Location. Backwater valves shall be installed to be accessible. (See Appendix E: Illustration F.)~~
 - d) ~~All backwater valves shall conform to ASME/ANSI A 112.14.1-1975 (R1990).~~
 - e) ~~Backwater valves shall have all bearing parts of corrosion resistant material.~~

(Source: Repealed at 28 Ill. Reg. 4215, effective February 18, 2004)

SUBPART F: PLUMBING FIXTURES

Section 890.630 Installation

- a) Cleaning. Plumbing fixtures shall be installed in a manner to afford easy access for cleaning.
- b) Securing Fixtures. Floor outlet or wall hung fixtures shall be secured by screws or bolts of copper, brass, or other equally durable corrosion resistant materials.
- c) Wall-Hung Fixtures Bowls. Wall-hung fixtures water closet and urinal bowls shall be rigidly supported by a concealed metal supporting member so that no strain is transmitted to the fixture closet connection.
- d) Setting. Plumbing fixtures and traps shall be set level and in a true alignment.
- e) Water Supply Connection. Hot and cold, tempered and cold, or tempered water only only tempered water shall be supplied to all plumbing fixtures that which need or are designed for hot and cold, tempered and cold, or tempered water. All mixing faucets and single lever faucets shall have both hot or tempered and cold water connected to them with the hot or tempered water supply on the left side of the faucet. The cross piping of hot or tempered and cold water to a mixing faucet by internal modification of the faucet shall not be allowed. Further, no mixing faucet of standard manufacture shall be allowed that will permit internal modification for cross piping of hot and cold water connections. Each lavatory and sink faucet shall have supply pipes which are accessible.
- f) Improper Location. Piping, fixtures, or equipment shall not be located or installed in such a manner as to interfere with the normal operation of windows, doors, or other exit openings. Plumbing fixtures shall be installed in an area where there is

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sufficient room for the fixture to be used for its intended purpose.

- g) Where plumbing is installed it shall meet the requirements of the Illinois Accessibility Code (71 Ill. Adm. Code 400).
- h)g) Surrounding Materials. Where water closets or urinals are installed for public use, the flooring under the fixture base extending to at least 18 inches from the front and both sides of the water closet or urinal, and extending from the back of the water closet or urinal to the wall, shall be of non-absorbent material.
- i) A hot water heater thermostat shall not be an acceptable alternative water temperature control device.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.640 Prohibited Fixtures

- a) Drinking fountains shall not be installed in public toilet rooms.
- b) Fixed wooden, concrete, cement or tile wash trays or sinks used for food preparation, utensil washing or hand washing shall not be installed in any food service establishment ~~restaurant~~ or commercial food establishment.
- c) Bathtub liners/inserts are prohibited unless all of the following conditions are met:
 - 1) Bathtub liners/inserts must be manufactured to an exact fit over existing bathtubs or be custom fabricated according to the dimensions of an existing bathtub;
 - 2) The floor (bottom surface) of the liner/insert must have a slip resistant surface; and
 - 3) The bathtub liner/insert must be manufactured/fabricated from high-impact plexiglass/ABS or acrylic/plastic material complying with ANSI Z124.8-1990 or from porcelain enameled formed steel complying with ASME/ANSI A112.19.4M-1994 ~~1984~~.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.650 Water Closets

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- a) Public Use.
- 1) Water closet bowls for public use shall be the elongated type and the seat shall be an antimicrobial plastic open-front seat. Exception: Water closet bowls for public use may have closed front seats provided the seat is encased with a continuous plastic sleeve capable of providing a clean surface for every user.
 - 2) The activating handle, button or mechanism of the flush valve shall be at least ~~10~~ 22 inches above the overflow rim of the bowl and not more than 44 inches above the floor. ~~Exception: The activating handle, button or mechanism for water closets installed to meet the "Illinois Accessibility Code" shall be at least ten (10) inches above the overflow rim of the bowl.~~
 - ~~3) Fixtures for the physically disabled shall comply with the rules of the Capital Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400).~~
 - ~~3)4) In schools that are not licensed by the Illinois Department of Children and Family Services as day care centers or homes, water closets provided for the use of children under 5 ~~five (5)~~ years of age shall be of size and height suitable for children's use, either child or juvenile type in accordance with ASME/ANSI A112.19.2M-1998 ~~1990~~.~~
 - ~~4)5) Water closets designed for institutional use may be used in intensive care facilities and intensive coronary care facilities provided the water closet swings only horizontally and has an integral trap. A water closet flushometer shall be used to flush the fixture. The plans and specifications shall be submitted to the Department for approval prior to installation, and such approval shall be in writing from the Department provided the above requirements are met.~~
- b) Water Closet Tanks. Water closet tanks shall have a volume sufficient to properly flush the water closet bowls with which they are connected.
- c) Ball cocks. Ball cocks for flush tanks shall be of the anti-siphon type, properly installed, and have a provision for trap refill.
- d) Flushing Device. The flush valve seat in all water closet tanks shall be 1 ~~one (1)~~ inch or more above the flood level rim of the water closet bowl, with the

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exception of one-piece water closets in accordance with ASME/ANSI A-112.19.2M-~~1998~~ 1990.

- e) Flushometer Valve. Flushometer valves shall comply with ANSI/ASSE 1037-1990. Flushometer valves shall be installed so that they are readily accessible for repair. When the valve is operated, it shall complete the cycle of operation automatically, opening fully and closing completely under the service pressure. At each operation the valve shall deliver water in sufficient volume and at a rate that will thoroughly flush the fixture and refill the fixture trap. Means shall be provided for regulating flush valve flow. Protection against backflow shall be provided by an approved vacuum breaker installed on the discharge side of the flushing valve. The bottom of the vacuum breaker, or the critical level line shown on the vacuum breaker, shall be at least ~~4~~ ~~four (4)~~ inches above the overflow rim of the bowl (~~see~~ See Section 890.1140(a) and (b)). Not more than one water closet shall be served by a single flushometer valve.
- f) Seats. Water closets shall be equipped with seats of smooth non-absorbent material. All seats of water closets provided for public use shall be an antimicrobial plastic material and an open-front style, except closed-front seats may be provided if the seat is encased with a continuous plastic sleeve ensuring a clean surface for every user. No water closet seat shall be more than ~~1½~~ ~~one and one-half (1½)~~ inches thick. Exception: Facilities for the physically disabled shall comply with the "Illinois Accessibility Code".
- g) A flushometer tank (or pressurized flushometer valve in accordance with ANSI/ASSE 1037-1990) shall be used only with a water closet bowl specifically designed for that type tank/flushing device (i.e., in accordance with ASME/ANSI A112.19.2M-~~1998~~ 1990) and where the flow pressure at the fixture meets the manufacturer's minimum recommendations.
- h) Water closets which rely on substances other than water for proper operation shall comply with requirements of the "Private Sewage Disposal Code" (77 Ill. Adm. Code 905). Privies and chemical toilets shall not be used inside any building.
- i) Bidet. A bidet shall be equipped with hot and cold, ~~tempered and cold, or tempered water only~~ water. An atmospheric vacuum breaker shall be installed on the discharge side of the flushing valve. The bottom of the vacuum breaker, or the critical level line shown on the vacuum breaker, shall be at least ~~4~~ ~~four (4)~~ inches above the overflow rim of the bidet.

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- j) Prohibited Water Closets. Hopper-style water closets and water closets with concealed couplings or submerged side inlets are prohibited. (See Appendix F: Illustration A.)

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.680 Lavatories

- a) Waste Outlets. Wastes shall have a strainer or stopper and have a waste outlet at least 1¼ ~~one and one-quarter (1-1/4)~~ inches in diameter.
- b) Lavatory Faucets. All lavatory faucets shall have air gaps as specified in Appendix A: Table C.
- c) When ~~metering self-closing~~ faucets are located on lavatories in public restrooms, they shall be adjusted to remain open for a minimum of 10 ~~15~~ seconds, and shall comply with the water consumption requirements of have a 0.5 gpm flow restrictor in accordance with ASME/ANSI 112.18.1-2000. Metering faucets shall M-1989 and be designed for hot and cold, tempered and cold, water or only tempered water only.
- d) Fixture Calculation. Eighteen-~~(18)~~ lineal inches of wash sink or 18 ~~eighteen (18)~~ inches of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one lavatory. (See Appendix F: Illustration B.)
- e) Water Temperature. All lavatory faucets for public use shall be provided with an automatic safety water mixing device to prevent sudden unanticipated changes in water temperature or excessive water temperatures. The automatic safety water mixing device shall comply with be either thermostatic pressure balance, or combination controlled, in accordance with ANSI/ASSE 1016-1996 1990 or 1017-1998 in accordance with Section 890.210 1990, and shall be adjusted to a maximum setting of 110°F ~~115°F~~, at the time of installation. Exception: Units constructed in accordance with Section 890.1220(a)(10)(B) may be used in lieu of an automatic safety water mixing device to provide hot or tempered water to public lavatories.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.690 Shower Receptors and Compartments

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- a) Shower Installation. All shower compartments, except those built directly on a slab floor or having receptors constructed of precast stone, terrazzo, concrete, molded stone, ~~or~~ molded fiberglass, or an equally durable material such as cultured stone or synthetic stone, shall have a lead, copper, ABS, PVC or fiberglass shower pan. (See Section 890.220 entitled Safe Pans.) All sides of the shower pan shall turn up at least 2 two (2) inches above the finished shower floor level. Precast molded receptors shall have a minimum 1/4 of a one quarter (1/4) inch thick flange. Traps shall be constructed so that the pan is fastened to the trap at the seepage entrance, making a water-tight joint between the pan and the trap. Shower receptacle waste outlets shall be at least 2 two (2) inches in diameter and have a removable strainer.
- b) Water Temperature Safety. All shower compartments and shower-bath combinations shall be provided with an automatic safety water mixing device to prevent sudden unanticipated changes in water temperature or excessive water temperatures. The automatic safety water mixing device shall comply with be either thermostatic, pressure balance, or combination controlled, in accordance with ANSI/ASSE 1016-1996, in accordance with Section 890.210, 1990 and be designed with a maximum handle rotation limit/stop, or comply with ASSE 1017-1998, in accordance with Section 890.210. The automatic safety water mixing device shall be adjusted to a maximum setting of 115° one hundred fifteen degrees-F. (115 degrees F.) at the time of installation. The temperature of mixed water provided to multi-shower units or gang showers shall be controlled by a master automatic safety water mixing device or the mixed water temperature for such showers shall be individually regulated by automatic safety mixing valves for each shower unit. A hot water heater thermostat shall not be an acceptable alternative water temperature control device.
- c) Dimensions. Single family shower compartments or stalls shall have at least 1,024 square inches outside dimension (O.D.) floor area and shall be at least 32 inches in shortest outside dimension. All other shower compartments or stalls shall have no less than 1,296 square inches outside dimension floor area and shall be at least 32 inches in shortest outside dimension.
- d) Materials. Shower walls shall be constructed of durable, smooth, non-absorbent, non-corrosive, and waterproof materials, such as fiberglass, enameled metal, plastic sheeting, etc. All shower compartments or stalls shall have a slip resistant floor (bottom) surface.
- e) Public or Institution Showers. Floors of public shower rooms shall be drained so

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that no waste water from any bather will pass over areas occupied by other bathers. This will not prohibit the use of column showers.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.700 Sinks

- a) Waste Outlets. Kitchen sinks shall be provided with waste outlets at least 1½ ~~one and one-half (1½)~~ inches in diameter. Other special purpose sinks such as bar sinks, lab sinks, and dipper wells may have smaller waste outlets. Waste outlets shall be of the flat or basket (cup) strainer type. ~~No special use sink shall be substituted for kitchen purposes.~~
- b) Food Grinders. Sinks in which food grinders are installed shall have a waste opening inlet for the food grinder at least 3½ ~~three and one-half (3½)~~ inches in diameter.
- c) No special purpose sink shall be substituted for kitchen purposes.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.710 Food Waste Disposal Units

- a) Installation. Food waste disposal units shall be trapped separately from any other fixture or compartment, shall be connected directly to the sanitary drainage system, and shall be properly vented. Dishwashers shall not discharge into food waste disposal units. Units may have either automatic or hand-operated water supply control. (See Section 890.1130(a), (b) and (c).)
- b) Commercial-Type Grinders. Commercial-type food grinders shall be provided with a waste line at least 2 ~~two (2)~~ inches in diameter. (See Appendix F: Illustration ~~Illustrations C and~~ D.)

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.720 Drinking Fountains

- a) Design and Construction. Drinking fountains shall conform to the standard Specifications for Drinking Fountains (ARI 1010-1985 or ASME/ANSI A.112.19.2M-1990). No modification of the mouth guard or nozzle shall be

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made. (See Appendix F: Illustration E.)

- b) Protection of the Water Supply.
- 1) All drinking fountain nozzles, including those which may at times extend through a water surface, with an orifice not greater than $\frac{7}{16}$ or 0.440 ~~seven-sixteenths ($\frac{7}{16}$ or 0.440)~~ of an inch diameter or 0.150 square inches area, shall be placed so that the lower edge of the nozzle orifice is at an elevation at least $\frac{3}{4}$ ~~three-quarters ($\frac{3}{4}$)~~ of an inch above the flood level rim of the receptacle.
 - 2) The $\frac{3}{4}$ ~~three-quarter ($\frac{3}{4}$)~~ inch elevation shall also apply to nozzles with more than one orifice, provided that the sum of the area of all orifices shall not exceed the area of a circle $\frac{7}{16}$ ~~seven-sixteenths ($\frac{7}{16}$)~~ of an inch in diameter or shall not exceed 0.150 square inches area.
 - 3) The nozzle shall be set at an angle from vertical such as to prevent the return of water in the jet to the orifice.
- c) Material. The fountain shall be constructed of impervious materials such as vitreous china, porcelain, enameled cast iron, stainless steel, or other metals or stoneware. (See Section 890.610.)
- d) Flow Regulator. The water supply for the drinking fountain shall be provided with an adjustable valve fitted with a loose key stop or an automatic valve regulating the rate of flow of water through the fountain so that the valve manipulated by the user of the fountain will merely turn the water on or off.
- e) Installation and Location. Drinking fountains shall not be installed as an integral part of or connected to any other plumbing fixture, such as a lavatory or sink, nor shall a drinking fountain be installed in a restroom or toilet room, except those in correctional facilities.
- f) Substitution. Whenever a drinking fountain is required by this Part, bottled drinking water or a water dispensing faucet (water station) may be substituted for a drinking fountain, provided drinking water is readily ~~it is readily~~ accessible to the public. When bottled drinking water is provided in lieu of a drinking fountain, the bottled water used must be commercially sealed in accordance with the Bottled Water Act (~~Ill. Rev. Stat. 1991, ch. 111½, par. 121.100 et seq.~~) [815 ILCS 310] or must comply with the Department's "Public Area Sanitary Practice Code" (77 Ill.

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Adm. Code 895).

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.730 Floor Drains/Trench Drains

- a) Trap and Strainer. Floor drains shall be trapped and have a minimum water seal of 2 ~~two (2)~~ inches, and shall be provided with a removable strainer. The open area of the strainer shall be at least $\frac{2}{3}$ ~~two-thirds ($\frac{2}{3}$)~~ of the area of the drain line to which it connects. (See Appendix F: Illustration F.)
- b) Trench drains for gas or oil discharges shall be constructed of cast iron, steel, polymer concrete, fiberglass or Schedule 40 PVC material. Continuous trench drains for gas or oil discharges shall have a trapped and vented opening no less than every 40 lineal feet. Intermittent trench drains shall be treated as individual floor drains and shall meet the trap and venting requirements for floor drains.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.740 Kidney Dialysis Machines

- a) Water Supply Inlet. The water supply inlet to kidney dialysis equipment shall have a reduced pressure principle backflow preventer assembly conforming with ASSE 1013-1988 or a fixed air gap.
- 1) A portable dialysis unit or machine must have a reduced pressure principle backflow preventer assembly installed on the water supply inlet on the unit.
 - 2) Stationary dialysis equipment within a facility shall require, at the filter room or the dialysis machines, a reduced pressure principle backflow preventer assembly on the water supply or a water supply with a fixed air gap.
 - 3) Dialysis equipment shall be installed in accordance with this Part and the manufacturer's specifications. Any conflicts shall be submitted to the Department for resolution.
- b) The water supply to a dialysis reuse room or dialysis machine repair room shall be isolated from all other deionized (D.I.) or reverse osmosis (R.O.) water lines by

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an RPZ or an air gap.

c) A sign no smaller than 8" X 10" with the wording "This Water For Dialysis Only" shall be placed above a sink with D.I. water or R.O. water supplied to the faucet.

d)b) Discharge. The discharge for each dialysis unit or machine, portable or stationary, shall be provided with an individual indirect waste connection to the sanitary drainage system. Each stand pipe shall be individually trapped and vented.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.745 Dental Units

a) A reduced pressure principle backflow preventer assembly conforming to ASSE 1013-1999, or a fixed air gap, shall be installed on each dental unit or group of dental units.

b) Dental vacuum systems connected to the water supply shall be provided with backflow protection.

c) If a dental unit has a water outlet below the flood rim level of a cuspidor, then an approved reduced pressure principle backflow preventer assembly, a fixed air gap, an air vent hole on the outlet, or an approved vacuum breaker shall protect the water supply from each dental unit.

(Source: Added at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.750 Whirlpool Bathtubs

a) Whirlpool bathtubs shall be installed so that the tub, pump, jets and pump tubing drain completely after each use. The pump shall be located above the weir of the whirlpool tub trap.

b) All whirlpool bathtubs shall comply with ASME/ANSI A112.19.7M-~~1995~~ 1987 (entitled "Whirlpool Bathtub Appliances"). The suction fittings used in whirlpool bathtubs shall conform to ASME/ANSI A112.19.8M-1987 (entitled "Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs and Whirlpool Bathtub Appliances").

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(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.790 Laundry Trays/Sinks and Drains

- a) Waste openings. Each compartment of a laundry tray shall be provided with a waste opening at least ~~1½-one and one half (1½)~~ inches in diameter and with a stopper or strainer.
- b) Commercial Laundry Drains. Commercial laundry machines shall discharge individually into a trapped and vented outlet or may discharge into a trapped and vented trench drain. (Also see Section ~~890.530(b) 890.540~~, which requires all commercial laundries to have a lint separator/interceptor.)
- c) All laundry/washer boxes shall have a minimum of a 2 inch drain that is properly trapped and vented. (See Section 890.410(b).)

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.800 Special Fixtures and/or Items Designed for a Particular Purpose

- a) Emergency showers and eye wash stations within a building shall be provided with potable water and a trapped and vented receptor and shall comply with ANSI Z358-1-1998.
- b) Emergency eye wash stations shall not be installed on a faucet spout.
- c) Baptistries, ornamental and lily ponds, aquariums, ornamental fountain basins, and similar type constructions, when provided with water supplied from the potable water system, shall be protected from back siphonage as required in Section 890.1130(f).
- d) Approval. A request for permission to install special fixtures and/or items designed for a particular purpose requiring water and waste connections not otherwise provided for in this Part shall be submitted, in writing, to the Department for approval prior to installation.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.810 Minimum Number of Plumbing Fixtures

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- a) Minimum Number of Fixtures Required. Plumbing fixtures shall be provided, for each building type and occupant load, in the minimum numbers shown in Appendix A, Table B, "Minimum Number of Plumbing Fixtures", except as noted in footnote 2. Questions concerning the minimum numbers of fixtures required for building types not listed in Appendix A, Table B, shall be referred to the Department in writing prior to construction for a decision concerning the minimum numbers (and types) of plumbing fixtures required. The Department's decision shall be in writing based on Appendix A, Table B.
- 1) Building Classification. For purposes of this Part, buildings shall be classified according to the types shown in Appendix A, Table B. Buildings that incorporate more than one type of building use or occupancy, as classified by the Department, shall provide the combined numbers of fixtures required for the individual uses. For example, a building that serves as both a food service establishment restaurant and office building shall provide the minimum numbers of plumbing fixtures required for that portion operating as a food service establishment restaurant plus the number of fixtures required for the office space.
 - 2) Occupant Load. For those building types where the minimum number of plumbing fixtures required in Appendix A, Table B, is dependent upon the building's occupant load, such occupant load shall be the estimated total occupant load. Where the building's occupant load is not known or determinable, the following shall be used to estimate the total occupant load:
 - A) In assembly places (sports arenas, stadiums, convention centers, theaters, auditoriums, gymnasiums, or other facilities for spectator events); worship places and funeral homes; schools; office buildings; food service establishments restaurants; and mercantile units, the total occupant load (employees and public users of the facility) shall be based on the capacity of the rooms or spaces used for assembly purposes or other intended occupancy, and shall be determined as follows:
 - i) In rooms or spaces with fixed seating, the occupant load shall be the actual number of seats provided. When no divisions between seats are provided (e.g., benches or pews), fixed seating shall be computed assuming 18 inches per person.

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- ii) In rooms or spaces without fixed seating, the occupant load shall be determined by dividing the gross floor area by the estimated floor area per person shown in the following table:

<u>Building Type or Occupancy</u>	<u>Floor Area per Person (Sq. Ft.)</u>
Assembly Places – Facilities for Spectator Events; Worship Places and Funeral Homes	15
Museums, Libraries, Exhibition Areas and Similar Uses	50 <u>5040</u>
Schools	50
Day Care Centers	70
Office Buildings	200
<u>Food Service Establishments</u> Restaurants, Clubs, Taverns, and Other Eating/Drinking Facilities	30
Mercantile Units, Except Grocery Stores, <u>Auction Houses, Sale Barns, Car Auction Centers, and other similar Mercantile Units</u>	
– First Floor	100
– All Other Floors	120
Combination Grocery Store/Non-Grocery Mercantile Units	150
<u>Mercantile Units, such as Auction Houses, Sale Barns, Car Auction Centers, and other similar Mercantile Units</u>	<u>40</u>
Grocery Stores	200
Storage/Shipping Area	400
Power Plants/Industrial Units	500

- iii) For a drive-in food service establishment ~~restaurant~~, the occupant load shall be considered as equal to the number of parking stalls.

- B) Dormitories and Institutions. For dormitories, penal institutions and other residential institutions other than hospitals, the total

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occupant load shall be based upon the number of beds in the dormitory or institution.

C) Restroom Location and Requirements

The required number of plumbing fixtures for a restroom shall be located within the restroom area and not in the hallways or vestibules. Lavatories required by Appendix A: Table B shall be installed in restrooms at a ratio of not less than one lavatory per 2 water closets or urinals. (See Footnote 2, Appendix A: Table B.)

b) Required Restroom Facilities and Drinking Fountains

1) Employee Restrooms and Drinking Fountains

A) Restroom facilities and drinking fountains shall be provided for all employees within each place of employment. The minimum numbers of fixtures provided shall be based on the maximum number of male and female employees working at any one time, as shown in Appendix A; Table B. (The numbers of fixtures required for employees are included in the numbers shown in Table B for all building types/uses except Hospital Rooms, Penal Institutions, and Other Institutions. The entry in Appendix A; Table B, entitled "All Facilities for Employee Use" shall be used to determine the minimum number of fixtures required for employees in hospitals, penal/other institutions, and all other buildings/facilities that do not appear in Appendix A; Table B.)

- i) If there are more than 5 five (5) employees working at any one time, separate restrooms for men and women shall be provided.
- ii) If there are no more than 5 five (5) employees working at any time, one one (1) restroom may serve both sexes. A restroom must have a minimum of one one (1) water closet and one one (1) lavatory.
- iii) Location. For schools, day care centers and office buildings, the employee restrooms and drinking fountains shall be located on the same floor or one floor above or

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below each location where employees regularly work.

- iv) Individual businesses within the same building or within an enclosed mall may share public/employee restroom facilities, provided the access to the restrooms does not require trespass on adjoining business or leased space. The restrooms must be designed for the combined occupant load of the individual businesses served, be open at all times when any individual business is open, and be located no more than 300 feet from the entrance of each business served. Exception: Any food service establishment that sells or serves food or beverages to be consumed on its premises or within the building/mall must be located no more than 100 feet from the shared public/employee restrooms and must be on the same floor.
- v)iv) Kiosks, which are free standing places of employment ~~located in the aisle of a mall or another building,~~ that have 5 ~~five (5)~~ or fewer ~~less~~ employees at any time, who have access to public restrooms and a drinking fountain ~~located inside the same building~~ within 300 ~~200~~ feet of the kiosks, shall not be required to have employee restroom facilities or a drinking fountain.
- B) If public restrooms and drinking fountains are also required for the building type, employees may share the restrooms and drinking ~~fountains~~ fountain(s) with the public, provided the numbers of fixtures are sufficient for the combined numbers of males and females and the restrooms and drinking ~~fountains~~ fountain(s) are provided within the place of employment (and within the required location for schools, day care centers and office buildings).
- C) ~~Buildings Under Construction. For temporary buildings or buildings under construction which are not yet occupied for their intended purpose, sanitary facilities (including toileting and handwashing facilities) shall be provided for the convenience of all workers.~~
 - i) ~~Toileting facilities provided shall be enclosed and shall be discharged into a sanitary sewer. In lieu of connecting to a sewer, the sanitary facility provided shall be a portable, enclosed, chemically treated, tank-tight unit.~~

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- ii) ~~Toileting facilities (water flush type or non-sewered units) shall be provided for employees at construction work sites; however, separate toileting facilities need not be provided for males and females if individual portable units are used. Toileting facilities shall be provided as follows: for one through 200 employees, one toilet facility shall be provided for every 40 employees or fraction thereof; for over 200 employees, one toilet facility shall be added for every 50 employees or fraction thereof. Agricultural work places with ten or more employees shall provide toileting facilities in compliance with the Department's rules entitled "Field Sanitation Code" (77 Ill. Adm. Code 910).~~
- iii) ~~All non-sewered units shall be pumped regularly to assure adequate working facilities.~~

2) Public Restrooms and Drinking Fountains

A) General Requirements.

- i) ~~Buildings with 5,000 square feet of gross public area or with occupancies of 100 or more persons shall provide public restrooms and drinking fountains as shown in Appendix A: Table B. Buildings other than those exceptions in subsection (b)(2)(B) of this Section, with less than 5,000 square feet of gross public area, or with occupancies of fewer than 100 persons, need not provide public restrooms and drinking fountains. Buildings with 5,000 square feet gross area or more to be used by the public shall provide public restrooms and drinking fountains as shown in Appendix A, Table B. Buildings, other than those exceptions in subsection (b)(2)(B) of this Section, with less than 5,000 square feet gross area to be used by the public need not provide public restrooms or drinking fountains.~~
- ii) Individual businesses within the same building ~~or, e.g., retail stores~~ within an enclosed mall, may share public/employee restroom facilities, provided the access to the restrooms does not require trespass on adjoining business or leased space. The restrooms must be are

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designed for the combined occupant load of the individual businesses served, ~~are~~ always be open when any individual business is open, ~~or when employees are present,~~ and ~~be are~~ not located no more than 300 feet from the entrance of any business served. Exception: Any food service establishment that restaurant which sells food or beverage to be consumed on its premises or within the building/mall must be located no more than 100 feet from the shared public/employee restrooms and must be on the same floor.

- iii) Where public restroom facilities are required by this Part, separate facilities for males and females shall be provided. If additional public restroom facilities are provided in excess of the minimum requirements of this Part they shall comply with one of the following: ~~one restroom may serve both males and females; however, that restroom shall not have more than one (1) water closet and one (1) lavatory.~~

- For each additional 2 water closets or urinals installed in a restroom, one additional lavatory must be installed in that restroom.
- Unisex restrooms shall not have more than one water closet and one lavatory, and the option of one urinal.

- iv) Where plumbing is installed it shall public restroom facilities are required by this Part, they shall be accessible to the public and meet the requirements of the "Illinois Accessibility Code" (71 Ill. Adm. Code 400). ~~Where plumbing fixtures are installed for the physically disabled, such plumbing and plumbing fixtures shall comply with the "Illinois Accessibility Code".~~

B) Additional Requirements for Special Building Types

- i) All food service establishments that restaurants which sell or serve food or beverage to be consumed on the premises (regardless of their gross area) shall provide readily

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accessible restroom facilities for the public. If ~~such~~ public restrooms are not provided within the premises of the ~~food service establishment restaurant~~, they shall be located within the same building, on the same floor/level and within 100 feet of an entrance to the ~~food service establishment restaurant~~; and they shall be available for public use at all times that the ~~food service establishment restaurant~~ is open. Exception: ~~Food service establishments Restaurants~~ with no more than ~~10 ten (10)~~ combined employees and seats (for patrons) at any one time need not provide public restrooms, provided the employee ~~restrooms are restroom(s) is (are)~~ accessible and made available to the public.

- ii) All businesses selling motor vehicle fuel to the public (regardless of their gross area) shall provide at least one public restroom for male use and one public restroom for female use. Exception: Facilities that do not have any employees working as attendants during ~~any a~~ part of a ~~24 twenty-four (24)~~ hour period and sell only motor fuel to the public using automated machines need not provide male/female public restrooms or drinking fountains. There shall be, however, ~~one one (1)~~ employee restroom for use by maintenance staff when such personnel is present.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.820 Outside Kiosks Serving Food

- a) General Plumbing. All plumbing shall be sized, installed and maintained in accordance with applicable provisions of this Part.
- b) General Restrooms. Restrooms for employees shall be provided and accessible to employees at all times. If a restroom is not located within the building, then there shall be an accessible and available restroom within 300 feet of the building.

(Source: Added at 28 Ill. Reg. 4215, effective February 18, 2004)

SUBPART G: HANGERS, ANCHORS AND SUPPORTS

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Section 890.930 Horizontal Piping

- a) Support. Horizontal piping shall be supported at sufficiently close intervals to keep the piping in alignment and prevent sagging. (~~See Appendix G: Illustration C.~~)
- b) Cast Iron Soil Pipe. Where joints occur, suspended cast iron pipe shall be supported within 18 inches of each hub or joint and at not more than ~~5 five (5)~~ foot intervals; however, pipe exceeding ~~5 five (5)~~ feet in length may be supported at not more than ~~10 ten (10)~~ foot intervals. Hubless or compression gasket joints must be supported at least at every other joint except that when the developed length between hubless or compression gasket joints exceeds ~~4 four (4)~~ feet, supports shall be provided at each joint. Supports shall be placed on or immediately adjacent to the joint. Suspended pipes shall be braced to prevent horizontal movement. (~~See Appendix G: Illustration D.~~)
- c) Threaded Pipe. Threaded pipe ~~1½ one and one half (1½)~~ inches and larger shall be supported at least at 12 foot intervals; smaller pipe (e.g., ~~1¼ one and one-quarter (1¼)~~ inch pipe) shall be supported at least at ~~8 eight (8)~~ foot intervals. Supports shall be of ferrous material.
- d) Copper Tube. Hard drawn copper tube shall be supported at least every ~~8 eight (8)~~ feet for ~~one one (1)~~ inch and smaller tube, and at ~~10 ten (10)~~ foot intervals for larger sizes. Annealed copper tubing shall be supported at least every ~~8 eight (8)~~ feet. Supports shall be of copper material or other material of sufficient strength to support the tubing and which will not react with copper piping material.
- e) Lead Pipe. Lead pipe shall be supported for its entire length. Supports in contact with the pipe shall be of lead or softer material.
- f) Plastic Pipe. Hangers and straps shall not compress, distort, cut or abrade the piping and shall allow free movement of the pipe. Wire pipe hooks shall not be used to support plastic pipe. Restraining joints and expansion joints shall be installed as required. All horizontal piping shall be supported at intervals of not more than ~~4 four (4)~~ feet, ~~and~~ at ends of branches, and at changes of direction or elevation. Trap arms in excess of ~~3 three (3)~~ feet shall be supported as close as possible to the trap.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

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SUBPART H: INDIRECT WASTE PIPING, SPECIAL WASTE

Section 890.1010 Indirect Waste Piping

- a) Food and Beverage Handling. Commercial dishwashing machines, dishwashing sinks, pot washing sinks, pre-rinse sinks, silverware sinks, bar sinks, soda fountain sinks, vegetable sinks, potato peelers, ice machines, steam tables, steam cookers and other similar fixtures shall have their drain lines indirectly discharged to a proper receptor. The only exception shall be when such fixtures are located adjacent to a floor drain. The waste may be directly connected on the sewer side of the floor drain trap provided the fixture waste is trapped and vented as required by this Part (see Appendix H: Illustrations A and B), and the floor drain is located within ~~4~~ **four(4)** feet horizontally of the fixtures and in the same room. In the case of direct connection, no other fixture waste shall be connected between the floor drain trap and the fixture protected. All indirect waste shall discharge to a vented trap located as close as possible to the fixture and in the same room. (See Appendix H: Illustrations C and D.)
- b) Connection. Indirect waste connections shall be provided for drains, overflows, and relief valves from the water supply system. (See Appendix H: Illustration E.) A clear water waste shall discharge through an indirect waste into a sanitary or storm drain system located on the same floor.
- c) Sterile Materials. Stills, sterilizers and other appliances, fixtures, devices and water and waste connections used for preparation of sterile material shall be indirectly discharged to the drainage system.
- d) Swimming Pools. When backwash or other waste water from a swimming pool filter discharges to the sanitary waste system it shall be indirectly wasted. When deck drains around a pool discharge to the sanitary waste system they shall be indirectly wasted. Piping carrying backwash or other washwater from a swimming pool filter shall be installed as an indirect waste to the building drain or building sanitary waste system. Piping utilized to drain water from the pool proper, such as the main drain waste and gutter waste, shall be installed as an indirect waste to a storm sewer. Piping utilized for carrying wastewater from deck drains around a pool shall be installed as an indirect waste to the storm or sanitary sewer when the deck drains toward the pool.
- e) Clear Water Wastes. Water lifts, expansion tanks, cooling jackets, sprinkler systems, drip or overflow pans, or similar devices which discharge clear water

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only shall discharge indirectly into a building storm drain, building drain or building sewer, located on the same floor.

- f) Fire Sprinkler Systems. The relief valve (port) of a backflow device located on a fire sprinkler system which contains an additive shall drain indirectly to the building drain.
- g) Cleaning. Indirect waste piping shall be so installed as to permit access for flushing and cleaning.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.1030 Length and Grade

- a) Maximum Length. The maximum developed length of the indirect waste of any sanitary waste line shall not exceed 5 five (5) feet. ~~The maximum developed length of any indirect clear water waste shall not exceed 15 feet.~~
- b) ~~Maximum~~ Grade. Indirect waste pipes shall be installed at a uniform grade, in compliance with Section 890.1320(f), (g) and (h).

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.1050 Receptors

- a) Installation. Receptors serving indirect waste pipes shall be trapped and vented and shall not be installed in any concealed, inaccessible or unventilated space, and shall be sized to prevent overflow.
- b) Strainers and Baskets. A receptor shall be equipped with either a readily removable basket over which the indirect waste pipe shall discharge or the indirect waste receptor shall be equipped with a strainer. The basket or receptor shall be constructed of approved material for the waste that will discharge into it.
- c) Splashing. All plumbing receptors receiving the discharge of indirect waste pipes shall be of such design and capacity as to prevent splashing or flooding under normal conditions. No plumbing fixtures with potable water connected to them, except service sinks, shall be used to receive the discharge of an indirect clear water waste pipe.

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(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

SUBPART I: WATER SUPPLY AND DISTRIBUTION

Section 890.1130 Protection of Potable Water

- a) Cross Connection (Submergence). Potable water supply piping and water discharge outlets shall not be submerged in any sewage or toxic substance. Where potable water supply piping or water discharge outlets are submerged in other substances, they shall be provided with backflow protection as listed in Section 890.1140(f). (See Appendix I: Illustrations A, B and C.)
- b) Approval of Devices and Maintenance. All devices and assemblies for the prevention of backflow shall comply with the standards listed in Appendix A: Table A of this Part. All reduced pressure principle (RP), reduced pressure detector (RPDA), double check (DCA) and double check detector (DCDA) backflow prevention assemblies shall be tested and approved by a Cross-Connection Control Device Inspector (CCCDI) before initial operation, and at least annually thereafter. Records to verify testing and maintenance shall be available at the site of the installation. ~~Approval of Devices and Maintenance. All devices for the prevention of backflow or back siphonage shall comply with the standard listed in Appendix A, Table A, "Approved Standards for Plumbing Appliances/Appurtenances/Devices." Each double check valve backflow preventer assembly (DCV), double check backflow preventer with intermediate atmospheric vent assembly, and reduced pressure principle backflow preventer assembly (RPZ) shall be tested in line and approved by a cross-connection control device inspector before being placed into service. Such backflow preventers (DCVs, double check backflow preventer with intermediate atmospheric vent assemblies, and RPZs) installed in a potable water supply system shall be tested and maintained at least annually by a cross-connection control device inspector, and records to verify testing and maintenance shall be available at the site of the installation of the device or at other approved locations. (See Section 890.1130(g)(5).)~~
- c) Backflow. The water distribution system shall be protected against ~~back siphonage and~~ backflow. Each water outlet shall be protected from ~~back siphonage and/or~~ backflow by having the outlet end from which the water flows spaced a distance above the flood-level rim of the receptacle into which the water flows sufficient to provide a minimum fixed air gap. Where it is not possible to provide a minimum fixed air gap, the water outlet shall be equipped with an

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accessible backflow prevention device or assembly in accordance with subsection (f) or Section 890.1140. (e.g., a vacuum breaker or backflow preventer) complying with applicable standards.

- d) Fire Safety Systems. The installation of any fire safety system involving the potable water supply system shall be protected against backflow as follows:
- 1) Backflow protection is not required for fire safety systems constructed as follows: A fire safety system that does not have chemical additives or a method of supplying chemical additives to the system, does not have any non-potable connection, does not have a fire department hose (siamese) connection, and has less than five (5) sprinkler heads shall be separated from the potable water supply system by a double check valve backflow preventer assembly.
 - A) The system shall be looped, with no dead ends, to allow circulation, to prevent the stagnation of water in the line;
 - B) The system shall not have any non-potable connections, or a fire department hose (Siamese) connection;
 - C) The system shall have 20 sprinkler heads or less; and
 - D) The system shall be constructed of potable water supply quality pipe in accordance with Appendix A: Table A of this Part.
 - 2) A double detector check valve or double check valve backflow preventer assembly shall be installed at the fire safety system's point of connection to the potable water supply when a fire safety system has no chemical additives or non-potable connection, but has one or more fire department hose connections (for boosting pressure and flow to the fire safety system) that are served only by fire fighting apparatus connected to a public water supply or a fire department that does not use chemical additives or rely upon any non-potable water supply.:
 - A) A fire safety system has no chemical additives, non-potable connection or fire department hose connection (but has five (5) or more sprinkler heads); or
 - B) A fire safety system has no chemical additives or non-potable connection, but has one (1) or more fire department hose connections (for boosting pressure and flow to the fire safety

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~~system) which are served only by fire fighting apparatus connected to a public water supply or a fire department which does not use chemical additives or rely upon any non-potable water supply.~~

- 3) A fixed air gap with a break tank or other storage vessel or a reduced pressure principle backflow preventer assembly (RPZ) shall be installed at the fire safety system's point of connection to the potable water supply when:
 - A) The fire safety system contains additives such as antifreeze, fire retardant or other chemicals. (The RPZ may be located at the point of connection to that section of the system containing such additives when the system's connection to the water supply is protected by a double detector check valve backflow preventer assembly); or
 - B) Non-potable water flows into the fire safety system by gravity; or
 - C) There is a permanent or emergency connection whereby water can be pumped into the fire safety system from any other non-potable source; or
 - D) Fire department connections are available that could permit water to be pumped into the fire safety system from a non-potable source capable of serving the fire safety system. (A non-potable source of water shall be considered capable of serving the fire safety system under the following conditions: It must be capable of year-round use, maintained with at least 50,000 gallons of usable water not subject to freezing, accessible to fire fighting pumper equipment, and located within 1,700 feet of the facility.)
- e) Prohibited Connections.
 - 1) Sewage Lines. There shall be no direct connection between potable water lines and lines, equipment and vessels containing sewage. Such connections shall be made only through a minimum fixed air gap as outlined in Section 890.1140(a).
 - 2) Chemical or Petroleum Pressure Vessels. There shall be no direct

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connection between any potable water supply and any pressure vessel, i.e., storage tank, tank car, tank truck or trailer or other miscellaneous pressurized tank or cylinder containing or having contained liquified gaseous petroleum products or other liquified gaseous chemicals. Where it is necessary to discharge from a potable water line to such a vessel, such discharge shall be through a minimum fixed air gap as outlined in Section 890.1140(a). Exception: Chemical pressure vessels containing chemicals used in the water treatment process, for uses other than private purposes, are exempt from the provisions of this subsection.

- 3) If water under pressure is required, as in subsections (e)(1) and (2) of this Section, it shall be supplied by means of an auxiliary pump taking suction from a tank provided for this purpose only with an overrim supply having the required minimum fixed air gap.
 - 4) Refrigerant Condensers. A potable water line to a single wall refrigerant condenser shall be provided with a backflow preventer complying with ASSE: 1012 or 1013.
 - 5) No pipe or fitting of the water supply system shall be drilled or tapped nor shall any band or saddle be used except at the water main in the street. Exception: See Section 890.320(h) for potable water use only.
- f) Devices for the Protection of the Potable Water Supply. Approved backflow preventers or vacuum breakers shall be installed with all plumbing fixtures and equipment that may have a submerged potable water supply outlet and that are not protected by a minimum fixed air gap. Connection to the potable water supply system for the following fixtures or equipment shall be protected against backflow with one of the appropriate devices as indicated below:
- 1) Inlet to receptacles containing low hazard non-toxic substances (steam, compressed air, food, beverages, etc.):
 - A) fixed air gap fitting;
 - B) reduced pressure principle backflow preventer assembly;
 - C) atmospheric vacuum breaker unit;
 - D) double check valve backflow preventer assembly; ~~or~~

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- E) double check backflow preventer with atmospheric vent assembly;
or;
 - F) dual check valve.
- 2) Inlet to receptacles containing high hazard toxic substances ~~of low or moderate toxicity~~ (vats, storage containers, plumbing fixtures, etc.):
- A) fixed air gap fitting;
 - B) reduced pressure principle backflow preventer assembly; or
 - C) atmospheric vacuum breaker unit.
- ~~3)~~ ~~Outlets with hose attachments which may constitute a cross connection:~~
- ~~A) fixed air gap fitting;~~
 - ~~B) reduced pressure principle backflow preventer assembly; or~~
 - ~~C) atmospheric vacuum breaker unit.~~
- ~~3)4)~~ Coils or jackets used as heat exchangers in compressors, degreasers, and other such equipment involving high hazard toxic substances:
- A) fixed air gap fitting; or
 - B) reduced pressure principle backflow preventer assembly.
- ~~4)5)~~ Direct connections which are subject to back pressure:
- A) Receptacles containing low hazard non-toxic substances (vats, storage containers, plumbing fixtures, etc.):
 - i) fixed air gap fitting;
 - ii) reduced pressure principle backflow preventer assembly;
 - iii) double check valve backflow preventer assembly; ~~or~~

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- iv) double check backflow preventer with atmospheric vent assembly; ~~or:~~
- v) dual check valve.
- B) Receptacles containing high hazard toxic substances ~~of low or moderate toxicity~~ (vats, storage containers, etc.):
 - i) fixed air gap fitting; or
 - ii) a reduced pressure principle backflow preventer assembly.
- ~~5)6)~~ Inlet to or direct connection with sewage or lethal substances ~~of high toxicity~~: fixed air gap fitting.
- 6) Hose and spray units or stations shall be protected by one of the appropriate devices as indicated below:
 - A) Fixed air gap;
 - B) Reduced pressure principle backflow preventer assembly;
 - C) Double check valve backflow preventer assembly;
 - D) Double check valve backflow preventer with atmospheric vent assembly;
 - E) Dual check valve backflow preventer assembly;
 - F) Atmospheric Vacuum Breaker Unit.
- g) Installation of Devices or Assemblies.
 - 1) Devices of All Types. ~~Backflow preventers and back siphonage-preventing devices shall be installed so as to allow accessibility, Backflow preventer assemblies and devices shall be installed to be accessible for~~ observation, maintenance and replacement services. ~~Backflow No backflow~~ preventer ~~devices or assemblies assembly~~ shall not be installed where ~~they it~~ would be subject to freezing conditions, except as allowed in

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Section 890.1140(d).

- 2) All in-line backflow/back siphonage ~~preventer assemblies preventers~~ shall have a full port type valve with a resilient seated shut-off valve on each side of the preventer. Relocation of the valve is not permitted, and located within five (5) feet of the preventer.
- 3) A protective strainer shall be located upstream of the first check valve on all backflow/back siphonage preventers unless the device contains a built-in strainer. Fire safety systems are exempt from the strainer requirement.
- 4) Atmospheric Vacuum Breakers. Vacuum breakers shall be installed with the critical level above the flood level rim of the fixture they serve, and on the discharge side of the last control valve of the fixture. No shut-off valve or faucet shall be installed beyond the vacuum breaker. ~~(See Section 890.1140(a), (b) and (c).)~~
- 5) Double Check Valve, ~~Double Check with Intermediate Atmospheric Vent,~~ and Reduced Pressure Principle Backflow Preventer Assemblies. No in-line double check valve backflow preventer assembly (DCV), ~~double check backflow preventer with intermediate atmospheric vent assembly,~~ or reduced pressure principle backflow preventer assembly (RPZ) shall be located more than ~~five (5)~~ feet above a floor, or be installed where it is subject to freezing or flooding conditions. After installation, each ~~double check valve (DCV), double check with intermediate atmospheric vent, and reduced pressure principle (RPZ) backflow preventer assembly~~ shall be field tested in-line in accordance with the manufacturer's instructions by a cross-connection control device inspector before initial operation. (See subsection (b) of this Section.)
- 6) A dual check backflow preventer with atmospheric vent assembly shall not be installed where it is subject to freezing or flooding conditions.
- 7)6) Closed water systems (as created by properly installed backflow prevention devices) shall have a properly sized thermal expansion tank located in the cold water supply as near to the water heater as possible and with no shut-off valve or other device between the heater and the expansion tank. Exception: In existing buildings with a closed water system, a properly sized pressure relief valve may be substituted in place of a thermal expansion tank. For closed water systems created by

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backflow protection in manufactured housing, as required in Section 890.1140(i), a ballcock with a relief valve may be substituted for the thermal expansion tank.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.1140 Special Applications and Installations

- a) An atmospheric vacuum breaker shall be installed between the control valve and the fixture and in such a manner that it will not be subject to water pressure, except the pressure incidental to water flowing to the fixture. An atmospheric vacuum breaker shall be installed on the outlet side of the control valve.
- b) Flushometer Valve. Flush valves shall be equipped with vacuum breakers installed on the discharge side of the flushing valve with the critical level at least ~~4 four (4)~~ inches above the overflow rim of the bowl or ~~4 four (4)~~ inches above the top of the urinal. (See Appendix I: Illustration D.)
- c) Flushing Tanks. Flushing tanks shall be equipped with anti-siphon ball cocks. The ball cock shall be installed with the critical level of the vacuum breaker at least ~~one one (1)~~ inch above the full opening of the overflow pipe. In cases where the ball cock has no hush tube, the bottom of the water supply inlet shall be installed ~~one one (1)~~ inch above the top of the overflow pipe. (See Section 890.650(d).)
- d) Lawn Sprinklers. Any lawn sprinkler system connected to a potable water supply shall be equipped with a reduced pressure principle backflow preventer assembly (RPZ). The RPZ may be located outside provided it is protected from freezing or is removed at the end of the season, and it conforms with Section 890.1130(g)(1).
- e) Valve Outlets for Hose Attachments.
 - 1) All threaded valve outlets shall have backflow protection in accordance with Section 890.1130. All outside threaded valve outlets shall not be subject to freezing.
 - 2) Yard hydrants shall be installed as follows:
 - A) Potable Water, ~~h~~ All hydrants with threaded spigots shall have backflow protection attached to the hydrant spigot (if threaded);

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and either:

i)ii) Hydrants with buried drain down (weep) holes shall have the drain down (weep) holes protected from ground water backup by proper open site drainage. A backflow preventer shall not be used on the buried drain down (weep) hole to protect the hydrant from ground water backup; or-

ii) A yard hydrant that automatically drains back to a sealed container when flow is shut off, such as a canister type hydrant.

B) Non-potable Water

One or more hydrants may be installed for non-potable use if they are isolated from the potable water supply by a properly installed backflow preventer device in accordance with Section 890.1130(f). The hydrants must be clearly identified as non-potable by color (see Section 890.1120) and bear a sign that reads as follows: "This water unsafe for drinking."

3) In a campground licensed in accordance with the Department's rules entitled Youth Camp Code (77 Ill. Adm. Code 810) or Recreational Area Code (77 Ill. Adm. Code 800), backflow protection is not required if the water supply line is directly connected to a recreational vehicle and is under constant pressure.

- f) Commercial Laundry Machines. The potable water supply to commercial laundry machines machine(s) shall be protected against back siphonage by an air gap or backflow protection device. If a vacuum breaker is used, it shall be a minimum of 26 inches above the top of the machine.
- g) Commercial Dishwashers. Commercial dishwashers shall be equipped with an approved vacuum breaker located in the rinse water supply line on the discharge side of the final control valve, a minimum distance of 6 six (6) inches above the uppermost spray outlets. The cold water or make-up water supply line shall be provided with an air gap or a vacuum breaker located on the discharge side of the final control valve, a minimum distance of 6 six (6) inches above the overflow level or flood rim.

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- h) Aspirators. Water operated aspirators shall meet the following specifications:
- 1) The water supply line shall be equipped with a shut-off valve.
 - A) In operating rooms, emergency rooms, recovery rooms, delivery rooms, autopsy rooms, dental offices and laboratories where aspirators are installed for removing blood, pus and/or other fluids, a vacuum breaker shall be installed on the discharge side of the control valve, at ceiling height (a minimum of ~~7 seven (7)~~ feet, ~~6 six (6)~~ inches); or a reduced pressure principle backflow preventer assembly shall be used.
 - B) Water operated aspirators used for dispensing detergent shall be protected against backflow and back siphonage by an atmospheric vacuum breaker or a reduced pressure principle backflow preventer assembly.
 - 2) The aspirator water discharge shall be provided with a ~~2 two (2)~~-inch air gap to the receiving fixture.
- i) Manufactured Housing and Mobile Home Units Manufactured Prior to June 15, 1976. At the time of water service connection, backflow protection must be installed between the water service line and any manufactured housing or mobile home unit that was manufactured prior to June 15, 1976. Backflow protection shall be provided by at least a dual check valve backflow preventer assembly (DuC) conforming to ANSI/ASSE 1024-1990. This backflow protection must be installed in all instances where a unit manufactured prior to June 15, 1976 is connected or re-connected to a water service line, e.g., for connection of a relocated unit, or re-connection of a unit that was disconnected to allow repairs to the water line; however, backflow protection is not required for existing units unless a new connection or re-connection to the water service line occurs.
- j) Carbonated Beverage Dispensers Water Supply. The water supply to carbonated beverage dispensers shall be protected by one of the following methods:
- 1) Air gap.
 - 2) ASSE 1022-1996 backflow preventer.
 - 3) ASSE 1032-1980 backflow preventer with vent port added.

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(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.1150 Water Service Pipe Installation

a) Underground Water Service.

Water service pipe shall be installed outside the foundation wall in accordance with either subsection (a)(1) or (2) of this Section and shall comply with the requirements of both subsections (a)(3) and (4) of this Section.

- 1) Water service and building drain or building sewer may be installed in separate trenches with a minimum of 10 ~~ten (10)~~ feet horizontal separation. Such installation shall use material listed in Appendix A, Table A ("Approved Materials for Building Sewer" and "Approved Materials for Water Service Pipe"), provided that such material is specific for this type of installation. (See Appendix I: Illustration E.)
- 2) The water service and the building drain or building sewer may be installed in the same trench provided that the water service is placed on a solid shelf a minimum of 18 inches above the building drain or building sewer. For such installation, the building sewer shall be of material listed in Appendix A: Table A ("Approved Building Drainage/Vent Pipe") for a building drain. (See Appendix I: Illustration F for the proper installation of water service, building drain and building sewer.)
- 3) The minimum depth for any water service pipe shall be at least 36 inches or the maximum frost penetration of the local area, whichever is of greater depth.
- 4) No water service pipe shall be installed or permitted outside of a building or in an exterior wall unless provisions are made to protect such pipe from freezing, in accordance with Section 890.1210(a).

b) Potable Water Piping and Sanitary Sewer Crossing Installation Requirements.

- 1) Where it is necessary for the potable water piping to pass above or below a sanitary a sewer, such piping shall be installed with a minimum vertical separation of 18 inches for a distance of 10 feet on either side from the center of the sanitary sewer.

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- 2) Where it is necessary for the potable water piping to pass beneath a sanitary sewer or drain (~~or drain~~), the sanitary sewer or drain (~~or drain~~) shall be constructed of materials as specified in Appendix A: Table A ~~for building drains~~ ("Approved Building Drainage/Vent Pipe") for building drains, and shall extend on each side of the crossing to a distance of at least 10 ~~ten (10)~~ feet as measured at right angles to the water line. The potable water piping shall comply with Appendix A: Table A as specified for a water service pipe ("Approved Materials for Water Service Pipe"). (See Appendix I: Illustration G.)

3) Wet/Dry Bore:

When it is not possible to comply with subsection (b)(1) or (2), a pressure rated pipe approved for building drain material listed in Appendix A: Table A shall encase the water service pipe. The casing pipe shall be sealed with a casing seal and extend 10 feet on either side of the center of the sanitary sewer pipe. The sleeve or case shall be at least 2 times the size of the water service.

- c) When it is not possible to comply with subsection (a) or (b), the Department shall be contacted for consideration of alternative methods.

- d)e) Stop-And-Waste Valve. Combination stop-and-waste valves and cocks shall not be installed in an underground potable water pipe. Frost free hydrants and fire hydrants shall not be considered stop-and-waste valves. (See Section 890.1140(e).)

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.1190 Water Supply Control Valves and Meter

- a) A full-port shut-off valve shall be located near the curb or property line and immediately inside the building, either on the inlet or outlet side of the water meter. When underground, this valve shall be located in a stop box or meter vault. (See Appendix I: Illustration H.)
- b) The utility meter may be installed outside in an accessible meter vault or within the building. The meter shall have unions on the inlet/outlet openings, but is not required to have a shut-off valve on the inlet side of the meter if it is inside a

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- building. A full-port valve with an open area at least that of the water service shall be provided for all meters ~~and when inside of a building shall be provided with a drip valve installed on the discharge side of the meter.~~ (See Appendix I: Illustrations H and I.)
- c) Tank Controls. Supply lines taken from pressure or gravity tanks shall be valved at or near their source.
- d) Water Heating Equipment. A shut-off valve shall be provided in the cold water branch line within 5 feet of each water storage tank or each water heater.
- e)d) Separate Controls for Each Family Unit. In multiple family dwellings, the water service or water distribution pipe to each family unit shall be controlled by an arrangement of shut-off valves which permits each group of fixtures and each individual fixture to be shut off without interference with the water supply to any other family unit or portion of the building. The location of such valves shall be uniform in each family unit of a multiple family dwelling. (See Appendix I: Illustration J.)
- e) ~~Line Valves. Valves in the water supply distribution system, except those immediately controlling one fixture supply, when fully opened, shall have a cross-sectional area of the smallest orifice or opening through which the water flows at least equal to the cross-sectional area of the pipe in which the valve is installed.~~
- f) Buildings Other Than Dwellings. In all buildings other than dwellings and health care facilities as specified in subsection (g) of this Section, shut-off valves shall be installed to which permit the water supply to all equipment and/or fixtures in each separate room to be shut off without interfering with the water supply to any other room or portion of the building. ~~Exception:~~ For plumbing equipment or fixtures that are installed back-to-back in adjacent rooms, e.g., in adjacent restrooms, a common shut-off valve may be used to shut off the water supply to the back-to-back fixtures in no more than 2 ~~two~~ adjacent rooms, ~~provided this building is not a health care facility where no such exception is allowed.~~ (See Appendix I: Illustration K.)
- g) ~~Water Heating Equipment. A shut-off valve shall be provided in the cold water branch line within five (5) feet of each water storage tank or each water heater.~~
- g) Health Care Facilities. In the residence rooms of health care facilities the water distribution pipe to each resident unit or back-to-back rooms shall be controlled by an arrangement of line valves that permits each group of fixtures, and each individual fixture, to be shut off without interference with the water supply to any

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other unit or portion of the building.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.1200 Water Service Sizing

- a) Water Service Pipe Sizing. The water service pipe from the street main (including the tap) to the water distribution system for the building shall be sized in accordance with Appendix A, Tables M, N, O, P and Q. Water service pipe and fittings shall be at least $\frac{3}{4}$ ~~three-fourths~~ ($\frac{3}{4}$)-inch diameter. Plastic water pipe shall be rated at a minimum of 160 psi at 73.4°F. If flushometers or other devices requiring a high rate of water flow are used, the water service pipe shall be designed and installed to provide this additional flow.
- b) Demand Load. The calculation of the water service demand load for a building shall be based on the total number and types of fixtures installed in the building, assuming the simultaneous use of such fixtures.
- c) Unused sections of water service or water distribution piping ("dead ends"), where the water in the piping may become stagnant, are prohibited. A developed length of more than 2 two (~~2~~) feet shall be considered a dead end.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.1210 Design of a Building Water Distribution System

- a) Design and Installation. The design and installation of the hot and cold water building distribution systems shall provide a volume of water at the required rates and pressures to ensure the safe, efficient and satisfactory operation of fixtures, fittings, appliances and other connected devices during periods of peak use. No distribution pipe or pipes shall be installed or permitted outside of a building or in an exterior wall unless provisions are made to protect such pipe from freezing, including but not limited to wrap-on insulation or heat tape tracer line or wire.
- b) Size of Water Distribution Pipes. The fixture supply for each fixture shall be at least the minimum size provided in Appendix A, Table D. The size of all other water distribution pipes shall be determined by calculating the water supply demand (in water supply fixture units) for that portion of the water distribution system served by the pipe. Using Appendix A, Tables M, N, O, P and Q, the cumulative water supply demand or load shall be calculated for all fixtures,

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pipng, valves and fittings served by the water distribution pipe, and the pipe shall meet the minimum size provided in Appendix A, Table N or O, as applicable. Exception: As an alternative to using Tables M, N, O, P, and Q to design and size the piping in the water distribution system, the system may be designed and sized employing current engineering practices, provided the design/plans are approved in writing by an Illinois licensed professional engineer, an Illinois licensed architect or an individual Certified in Plumbing Engineering (C.I.P.E.) by the American Society of Plumbing Engineers and approved in writing by the Department.

- c) Minimum Water Pressure. The minimum constant water service pressure on the discharge side of the water meter shall be (at least) 20 p.s.i.; and the minimum constant water pressure at each fixture shall be at least ~~8~~ **eight (8)** p.s.i. or the minimum recommended by the fixture manufacturer.
- d) Auxiliary Pressure. Supplementary Tank. If the pressure in the system is below the minimum 8 p.s.i. at the highest water outlet when the flow in the system is at peak demand, an automatically controlled pressure tank or gravity tank of a capacity to supply sections of the building installation which are too high to be supplied directly from the public water main shall be installed.
- e) Low Pressure Cut-Off. When a booster pump except those used for fire protection is used on an auxiliary pressure system, there shall be installed a low-pressure cut-off switch on the booster pump to prevent the creation of pressures less than ~~5~~ **five (5)** p.s.i. on the suction side of the pump. A shut-off valve shall be installed on the suction side of the water system and within ~~5~~ **five (5)** feet from the pump suction inlet, and a pressure gauge shall be installed between the shut-off valve and pump.
- f) Water Hammer. All building water supply systems shall be provided with air chambers or approved mechanical devices or water hammer arrestors to absorb high pressures. Water pressure absorbers shall be installed at the ends of long pipe runs or near batteries of fixtures.
 - 1) Air Chambers – Where an air chamber is installed in a fixture supply, it shall be at least ~~12~~ **twelve (12)** inches in length and the same diameter as the fixture supply. An air chamber with a volume equivalent to one with the dimension listed above may also be used. and at least the same size as the fixture supply. Where an air chamber is installed in a riser, it shall be at least 24 inches in length and at least the same size as the riser.

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- 2) Mechanical Devices – Where a mechanical device or water hammer arrestor is used, the manufacturer's specifications for location and installation shall be followed.
- g) Excessive Static Water Pressure.
- 1) When water main pressure exceeds 80 p.s.i., a pressure reducing valve and a strainer with a by-pass relief valve shall be installed in the water service pipe near the entrance to the building to reduce the water pressure to 80 p.s.i. or lower, except where the water service pipe supplies water directly to a water pressure booster system, an elevated water tank, or to pumps provided in connection with a hydropneumatic or elevated water supply tank system. Sill cocks and outside hydrants may be left on full water main pressure.
 - 2) When the water pressure exceeds 80 p.s.i. at any plumbing fixture, a pressure reducing valve, pressure gauge and a strainer with a by-pass relief valve shall be installed in a water supply pipe serving the fixture to reduce the water pressure at the fixture to 80 p.s.i. or lower.
- h) Approval of Auxiliary Pressure Systems. Whenever in any building, structure, or premises receiving its potable water supply from the public water system, a pump or any other device for increasing the water pressure is to be installed, plans of such installation shall be approved by the Department prior to installation in accordance with Section 890.1940.
- i) Variable Street Pressures. When the water main has a wide fluctuation in pressure, the water distribution system shall be designed for minimum pressure available at the main.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.1220 Hot Water Supply and Distribution

- a) All water heaters shall comply with the requirements of Appendix A, Table A, ("Approved Standards for Plumbing Appliances/Appurtenances/Devices"), and ASHRAE 90 Standards. Hot water storage tanks shall meet construction requirements of ASME, AGA, or UL listed in Appendix A, Table A ("Approved Standards for Plumbing Appliances/Appurtenances/Devices"), as appropriate.

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Hot water supply boilers with heat input in excess of 200,000 BTU per hour, water temperature in excess of 200° ~~200-degrees~~ F., or capacity in excess of 120 gallons must also comply with the requirements of the "Boiler and Pressure Vessel Safety Rules and Regulations" (41 Ill. Adm. Code 120). Smaller water storage tanks that are not subject to ASME requirements shall be constructed of durable materials and constructed to withstand 150 p.s.i. (See Appendix I, Illustrations L and M, for examples of typical water heater installations.)

- 1) All equipment used for heating and storage of hot water shall bear the marking of an approved testing agency certifying that it has been tested and approved and listed as meeting the requirements of the applicable standard. Listing by Underwriters Laboratories, American Gas Association or National Board of Boiler and Pressure Vessel Inspectors, or the ASME Standard shall constitute evidence of conformance with these standards.
- 2) A solar-heated system shall use a double-walled heat exchanger which is exposed or vented to the atmosphere between the walls.
- 3) Heat exchangers may be of single wall construction if a non-toxic ~~nontoxic~~ transfer fluid with no conditioning chemicals in the system is used, or if a pressure gradient monitor system is installed to isolate the heat exchanger from the potable water system. If pressure on the potable water side reaches a pressure less than 10 ~~ten (10)~~ p.s.i. above the toxic transfer fluid pressure, an audible alarm shall be activated.
- 4) Heat exchangers using a toxic transfer fluid or having conditioning chemicals in the system shall be separated from the potable water by double wall construction. There shall be an air gap open to the atmosphere between the two walls. Where the boiler (heating chamber) operates in excess of 65 p.s.i., the requirements of subsection (a)(5) of this Section shall also apply.
- 5) No heat exchanger will be permitted on any boiler system operating in excess of 65 p.s.i., or high temperature hot water system operating in excess of 250° ~~250-degrees~~ F., or any steam boiler operating with a pressure in excess of 50 p.s.i., unless:
 - A) the heat exchanger is double-walled; and

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- B) the heat exchanger has an air gap open to the atmosphere between the 2 ~~two~~ walls; and
- C) the heat exchanger has a pressure gradient monitor system with a "fail-safe to off" switch installed to isolate the heat exchanger from the potable cold or hot water system. If pressure on the potable water side reaches a pressure less than 20 p.s.i. above the pressure of the transfer fluid or steam and a pressure reducing valve is installed on the inlet to the heat exchanger with a setting 20 p.s.i. lower than the potable water pressure at the heat exchanger, an audible alarm shall be activated and the heat exchanger shall be automatically shut off until the alarm and heat exchanger can be reset manually.
- 6) Any boiler using toxic chemicals shall have a label with a minimum size of 5 inches X 5 inches ~~five (5) inches x five (5) inches~~ attached to the boiler in a conspicuous place. The label shall read as follows:

WARNING

Chemicals and additives used to treat the boiler feed water in this boiler are not approved for potable water. The steam or hot water produced by this boiler is not potable. If the steam or hot water produced by this boiler is used to heat water, the water will not be considered potable if the steam and potable water are mixed.

- 7) Indirect, External, Submerged Coils. Indirect, external, tankless or submerged coils used in heating water shall be equipped with a thermostatic mixing valve or valves when not connected to a storage tank. A pressure relief valve shall be installed on the cold water inlet of the tank. A properly sized temperature and pressure relief valve, based upon the energy input rating of the coils-coil(s), shall be installed on the tempered line with the temperature sensing element immersed in the tempered water line as close as possible to the mixing valve.
- 8) Direct Fired Instantaneous Heaters. (Storage tank of more than 64 fluid ounces.) Direct fired instantaneous water heaters shall be equipped with a thermostatic mixing valve or valves which conform to ASSE 1017-19991986. A pressure relief valve shall be installed on or adjacent to the heater. A properly sized temperature and pressure relief valve, based upon

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the energy input rating of the heater, shall be installed on the tempered line with the temperature sensing element immersed in the tempered water line as close as possible to the mixing valve.

- 9) Water Heaters Used for Space Heating. Any water heater to be used for space heating, in addition to hot water supply, must conform to ANSI Z21.10.1a-1991, shall be constructed for continuous use, and the piping for space heating shall be conducted to a proper terminal heating device.
- A) A thermostatic mixing valve, conforming to ASSE 1017-~~1999~~1986, shall be installed on the hot water line to the plumbing fixtures. (The mixing valve shall be set to prevent temperatures exceeding 120° ~~120 degrees~~ F. from reaching the plumbing fixtures.)
 - B) A single check valve shall be installed in the cold water line supplying the water heater. (This will prevent hot water backing up from the heating unit to the plumbing fixtures.)
 - C) A properly sized and approved expansion tank shall be located ~~vertically supported~~ on the outlet side of the check valve in the water heater's cold water supply with no shut-off valve between the heater and expansion tank.
 - D) Valves (manual, automatic) supplying hot water to the heat transfer unit for space heating shall have a minimum of a 1/8 ~~one-eighth (1/8)~~ inch orifice. (This will prohibit potable water from standing in the heat transfer unit when not in use.) This does not prohibit full shut off/isolation valves on either side of the pump within a heat transfer unit, as needed, to permit the servicing of the pump.
 - E) The water heater instructions shall have a statement specifying that piping and components connected to the water heater for the space heating application shall be suitable for use with potable water, and the water heater shall not exceed a developed length of more than 25 feet from the heating coil.
 - F) A statement specifying that toxic chemicals, such as those used for boiler treatment, shall not be introduced into the potable water used for space heating shall be included in the instructions. A

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label with the following words shall be firmly attached to any water heater used for space heating: "DO NOT INJECT TOXIC MATERIALS INTO THIS TANK."

- G) A statement specifying that a water heater which will be used to supply potable water shall not be connected to any heating system or components previously used with a non-potable water heating appliance shall be included in the installation instructions.
 - H) Each water heater shall bear a statement on the rating plate as follows: "SUITABLE FOR POTABLE WATER HEATING AND SPACE HEATING."
- 10) Point-of-Use Instantaneous Water Heaters. Point-of-use instantaneous water heaters (high temperature, non-storage or storage of 64 fluid ounces or less, non-pressurized relative to atmosphere) shall meet the following requirements:
- A) Units intended to deliver water temperatures exceeding ~~110° 140 degrees~~ F-, or with no mechanical or electrical temperature limiting device must have the faucet located at least ~~3 three (-3)~~ inches from the ~~110° 140-degree~~ F- hot water or cold water faucet. All such faucet outlets shall have labels clearly and conspicuously indicating extremely hot water.
 - B) Units intended to deliver water temperatures 110°F or less shall have an internal burnout element or shall have a factory set thermostat that is not adjustable to higher than 110°F.
 - C)B) All pressurized point-of-use water heaters shall also have provisions as a part of the unit to provide temperature and pressure relief. Valves shall be set to relieve at ~~20° 20-degrees~~ F- above the intended water temperature and at 125 p.s.i. or at 15 p.s.i. below the pressure rating of the lowest rated part of the assembly, whichever is lower.
- 11) Steam Heat. All water heaters including storage heaters, instantaneous shell and tube heat exchangers, steam injection heaters and any other device using steam to heat water for potable use shall meet the following requirements:

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- A) All chemicals and additives used to treat the boiler feed water in a boiler supplying steam to heat potable water must be proper for use with potable water. Where such approved chemicals and additives are used with steam boilers generating at 15 p.s.i. or less, or are used with pressure reducing stations with pressure relief valves set at 15 p.s.i. or less downstream from the pressure reducing valves, single wall heat exchangers may be used.
- B) Steam injection heaters must be supplied with steam from a generator or boiler which uses only United States Food and Drug Administration (FDA) approved additives or chemicals.
- C) The following warning label with a minimum size of 5 inches X 5 ~~five (5) inches x five (5)~~ inches shall be permanently attached to each steam injection heater:

"If the chemicals used to treat the feed water to provide steam for this steam injection water heater are not approved for potable water, the hot water from this heater shall not be considered potable. Therefore, each cross connection between the hot water and cold water connections to or from this heater must be provided with a device to prevent the backflow of hot water or steam condensate into the potable water supply."

- D) The following warning label with a minimum size of 5 inches X 5 ~~five (5) inches x five (5)~~ inches shall be permanently attached on the front of any boiler providing steam to direct injection steam hot water heaters:

"If the chemicals used to treat the boiler feed water in this boiler are not approved for potable water, the steam produced by this boiler cannot be considered potable. Therefore, if steam from this boiler is used to heat water, the water shall not be considered potable and any cross connections between the hot water produced and a potable water supply must be provided with a device to prevent the backflow of the non-potable hot water into the potable water supply."

- b) Water Heaters – Food Service. Water heaters installed and utilized in food

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service establishments with dishwashing machines shall comply with National Sanitation Foundation (NSF) Standard Number 5.

- c) With the exception of special water heaters used for space heating in addition to hot water supply, as provided in subsection (a)(9) of this Section, water that leaves the potable water system for heating, cooling, use in equipment or other similar uses shall not be returned to the potable water distribution system. When such water is discharged to the building drainage system it shall be discharged through a fixed air gap.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.1230 Safety Devices

- a) All equipment used for heating water or storing hot water shall be provided, at the time of installation of such equipment, with an appropriate relief valve or valves to protect against excessive or unsafe temperature and/or pressure. This shall be achieved by installing either a pressure relief valve and a temperature relief valve or by installing a combination pressure-temperature relief valve.
- b) Pressure and Temperature Relief Valves.
 - 1) Pressure Relief Valves. Pressure relief valves shall have an ASME relief rating to meet the pressure conditions specified on the equipment served. They shall be installed in the cold water supply line to the heating equipment served, except where scale formation from hard water may be encountered, in which case they shall be installed in the hot water supply line from the heating equipment served. There shall not be a shut-off valve between the pressure relief valve and the tank. Except where an alternate design is approved by the Department in writing pursuant to Section 890.140(a)(2) or 890.1940, the pressure relief valve must be set to open at a maximum of the working pressure rating of the water heater, but shall not exceed 150 p.s.i. Each pressure relief valve shall have a test lever.
 - 2) Temperature Relief Valves. Temperature relief valves shall bear an American Gas Association (AGA) relief rating, expressed in British Thermal Units (BTU) of heat input per hour, for the equipment served. They shall be installed so that the temperature sensing element is immersed in the hottest water within the top ~~6 six (6)~~ inches of the tank.

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The valve shall be set to open full when the stored water temperature is 210°F ~~210 degrees Fahrenheit~~.

- c) Combination Pressure-Temperature Relief Valves.
- 1) Combination pressure-temperature relief valves shall comply with the applicable requirements as listed in Appendix A, Table A ("Approved Standards for Plumbing Appliances/Appurtenances/Devices") for individual pressure and individual temperature relief valves, and shall be installed so that the temperature sensing element is immersed in the hottest water within the top 6 ~~six (6)~~ inches of the tank and have a test lever.
 - 2) A check valve or shut-off valve shall not be installed between any safety device and the hot water equipment, nor shall there be any shut-off valve in the discharge pipe from the relief valve. (See Appendix I: Illustrations N and O.)
 - 3) Energy cut-off devices shall not be used in lieu of subsections (c)(1) and (2) of this Section and shall be of a design to properly serve the intended use of the plumbing appliance, appurtenance or device. Exception: Instantaneous cut-off devices are exempted or may be used.
- d) Relief Discharge Outlet.
- 1) A relief discharge outlet shall be indirectly connected to waste. The discharge pipe from the relief valve shall not be located so as to create a safety hazard or to discharge in such a way as to cause damage to the building or its contents. The relief valve shall not discharge through a wall into the outside atmosphere or where there is a possibility of freezing.
 - 2) No reduced coupling, valve or any other restriction shall be installed in the discharge line of any relief valve that would impede the flow of discharge. The discharge line shall be installed from the relief valve to within 6 ~~six (6)~~ inches of the floor or receptor and the end of such line shall not be threaded.
 - 3) Any piping used for discharge from the relief valve shall be of metallic material and conform with the requirements of Appendix A, Table A ("Approved Materials for Water Distribution Pipe") for potable water piping and shall drain continuously downward to the outlet.

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- 4) The discharge piping shall discharge indirectly into a floor drain, hub drain, service sink, sump or a trapped and vented P-trap which is located in the same room as the water heater. (See Sections 890.1010 and 890.1050(a), (b) and (c).) The trap must have a deep seal to protect against evaporation or shall be fed by means of a priming device designed and installed for that purpose. (The use of a light grade oil in the trap will retard evaporation.)
- e) Pressure Marking – Hot Water Storage Tank. Hot water storage tanks shall be permanently marked in an accessible place with the maximum allowable working pressure.
- f) Vacuum Relief Valve. Where a hot water storage tank or water heater is located at an elevation above the fixture outlets in the hot water system, or if the storage tank or water heater is bottom fed, a vacuum relief valve as listed in Appendix A, Table A ("~~Approved Standards for Plumbing Appliances/Appurtenances/Devices~~"); shall be installed on the storage tank or heater.
- g) Multiple Temperature Hot Water Systems. Such systems shall be provided with thermostatic mixing valves to properly control the desired temperatures.
- ~~h) Shower Compartments and Shower Bath Combinations. All shower compartments and shower bath combinations shall be provided with an automatic safety water mixing device to prevent sudden unanticipated changes in water temperature or excessive water temperatures. The automatic safety water mixing device shall be either thermostatic, pressure balance, or combination controlled, in accordance with ANSI/ASSE 1016-1990, and designed with a maximum handle rotation limit/stop, adjusted to a maximum setting of one hundred fifteen (115) degrees F. at the time of installation. The temperature of mixed water provided to multi-shower units or gang showers shall be controlled by a master automatic safety water mixing device or the mixed water temperature for such showers shall be individually regulated by automatic safety mixing valves for each shower unit. A hot water heater thermostat shall not be an acceptable alternative water temperature control device. (See Section 890.690(b).)~~

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

SUBPART J: DRAINAGE SYSTEM

Section 890.1320 Drainage System Installation

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- a) Drain – Filled Ground. A building drain installed in filled ground shall be of cast iron, copper Type "K", or non-metallic Schedule 40 or heavier. Except for cast iron, such drains shall be installed on a continuous supporting system.
- b) Existing Drain and Sewer Installation. Existing drain, waste, vent and sewer may be used in the renovation of the plumbing system of an existing structure if they are in serviceable condition and the materials conform with Appendix A, Table A, "Approved Building Drainage/Vent Pipe" and "Approved Materials for Building Sewer".
- c) Freezing. No soil or waste pipe shall be installed or permitted outside of a building or in an exterior wall unless provisions are made to protect such piping from freezing. This does not prohibit a soil or waste pipe from extending from a manufactured or mobile home unit to an approved point of discharge, provided such waste line is protected from freezing.
- d) Dead Ends. Dead ends shall be avoided in a drainage system, except where necessary to extend the system to install a cleanout in an accessible location. A dead end intended for future connection (extension) which is more than 2 two (2) feet above a floor or more than 10 ten (10) feet horizontally from the nearest vented connection must have a vented connection to the outside atmosphere. (See Appendix J: Illustration A.)
- e) Horizontal Drainage Piping. Horizontal drainage piping shall be installed at a uniform grade.
- f) Small Piping. Horizontal drainage piping of 3 three (3) inches diameter or less shall be installed with a grade of at least 1/4 one-fourth (1/4) inch per foot.
- g) Large Piping. Horizontal drainage piping larger than 3 three (3) inches but less than 8 eight (8) inches in diameter shall be installed with a grade of at least 1/8 one-eighth (1/8) inch per foot. For piping 8 larger than eight (8) inches or larger in diameter, the grade is determined by the number of drainage fixture units connected to the drain pipe. (See Appendix A: Table G.)
- h) Minimum Velocity. Where conditions do not permit building drains to be installed with a grade as great as that specified in subsections (f) and (g) of this Section, a lesser grade may be used provided the computed velocity will not be less than 2 two (2) feet per second.

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- i) Changes in Direction. Changes in direction shall be made in drainage piping by the use of 45° ~~45-degree~~ wyes, long sweeps, short sweeps, quarter, fifth, sixth, eighth, or sixteenth bends, or by a combination of these fittings. Single and double sanitary tees and short sweep quarter bends shall be used in drainage lines only where the direction of flow is from the horizontal to the vertical and may be used for making necessary vertical offsets between the ceiling and floor above. (See Appendix J: Illustrations B, C and D.) Exception: A short sweep drainage quarter bend of less than 3 ~~three (3)~~ inches diameter and placed in a horizontal to horizontal position for a stack vent arm may be used to receive grey water.
- j) No fittings having a hub in the direction opposite to flow, or tee branch, shall be used as a drainage fitting. No running threads, bands, or saddles shall be used in the drainage system. No drainage or vent pipe or fitting shall be drilled or tapped.
- k) No fitting, connection, device or method of installation shall be used which obstructs or retards the flow of water, waste, or air in the drainage or venting system by an amount greater than the normal frictional resistance to flow. The enlargement of a 3 ~~three (3)~~ inch closet bend or stub to 4 ~~four (4)~~ inches shall not be considered an obstruction if it is necessary to increase the bend or stub at the floor line to 4 ~~four (4)~~ inches in diameter in order to accommodate the water closet outlet.
- l) Fixture Connections. Branch wastes and fittings for circuit vented fixtures shall be installed so that the fixture drain enters the side of the branch drain. (See subsection (i) of this Section and Appendix J: Illustration E.)
- m) Back-to-Back Fixtures. Back-to-back fixtures shall be installed with fittings that will prevent mixing of the discharge prior to a change in direction of flow of the discharge from each fixture, or shall be installed with fittings especially designed to eliminate throw-over or backflow of the discharge from one fixture to the other fixture.
- n) Location of Drains. All building drains, branches of building drains, building sewers or any sanitary sewers shall be located at least 50 feet from a well or buried suction line; except where cast iron pipe with mechanical or compression joints or Schedule 40 PVC pipe with solvent weld and ~~watertight water tight~~ joints is used for the building sewer, then such drains shall be located at least 10 ~~ten (10)~~ feet from a well or buried suction line.

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- o) Backwater valves may be installed in the building storm drain or the building drain to prevent backflow into the building, where backflow of storm water or sewage could occur. Backwater valves may be installed in the branches of the building drain that are below grade. Backwater valves, when fully opened, shall have a capacity of at least that of the pipes in which they are installed. Backwater valves shall be installed to be accessible. (See Appendix E: Illustration F.) All backwater valves shall conform to ASME/ANSI A112.14.1-1975(R1990). All bearing parts of backwater valves shall be made of corrosion resistant material.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.1360 Sanitary Wastes Below Sewer

- a) Sanitary Wastes Below Sewer
- 1) Sanitary wastes which cannot be discharged by gravity flow shall be discharged into a gas-tight, covered and vented sump from which the waste shall be lifted and discharged into a sanitary waste drain by automatic pumping equipment. (See Appendix J: Illustrations K and L.)
 - 2) Sumps and ejectors handling sub-soil drainage and footing drains shall not receive any sewage. Sumps and ejectors handling sewage shall not receive subsoil drainage and footing drains.
- b) Design. Sump and pumping equipment shall be designed and installed to discharge, during the pumping cycle, all contents accumulated in the sump except for sump contents that must remain in the sump for the continued proper operation of the pumping equipment (e.g., contents needed to submerge or prime the pump) according to the manufacturer's recommendations.
- c) Sub-Drainage. The system of drainage piping below the building drain level shall be installed and vented in the same manner as that of the gravity drainage system.
- d) Duplex Equipment. Sumps receiving the discharge of more than 6 ~~six (6)~~ water closets or 60 D.F.U.s shall be provided with duplex pumping equipment.
- e) Vent Sizes. Building sump vents shall be sized in accordance with Appendix A: Table K.
- f) Connections. No direct connection of a steam exhaust, blowoff, or drip pipe shall

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be made with the building drainage system waste water. When steam exhaust, blowoff or drip pipes are discharged into the building drainage system, they shall not exceed a temperature of ~~180°~~180 degrees F. When higher temperatures exist, cooling methods shall be provided to reduce the temperature to ~~180°~~180 degrees F or less.

g) Elevator Pits

- 1) Drains connected directly to sewers shall not be installed in elevator pits.
- 2) All discharges from elevator sumps shall indirectly discharge to the sanitary sewer or storm drain.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.1370 Floor Drains

- a) Required. Any building or structure in which plumbing fixtures or piping is installed in or is installed under a concrete floor to accommodate fixtures on the level of the concrete floor or concrete over a crawl space shall have at least ~~one~~ one (1) trapped and vented floor drain. When plumbing fixtures are installed on the level immediately above a concrete crawl space, at least one trapped and vented floor drain shall be installed. Additional floor drains shall be required if the installation of fixtures and appurtenances requires the use of floor drains. In a multi-family dwelling, each unit shall have a floor drain if fixtures and appurtenances installed therein require the use of a floor drain.
 - 1) Underground floor drains connected to a building drain or a building sub-drain within ~~4~~ four (4) feet of a stack shall be individually vented. All other floor drains shall be vented as required by Appendix A, Table I.
 - 2) Each floor drain shall be connected to a sanitary waste drain, except those drains receiving only clear water discharges which may be connected to the sub-soil drainage system. ~~Any sump or hub drain for receiving clear water waste shall extend two (2) inches above the floor, and all indirect clear water waste lines shall be above the floor level. Any floor drain level with the floor shall discharge to a sanitary waste drain. (See Appendix A: Tables F and I.)~~
 - 3) Any sump or hub drain for receiving clear water waste shall extend 2

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inches above the floor, and all indirect clear water waste lines shall be above the floor level. Any floor drain level with the floor shall discharge to a sanitary waste drain. (See Appendix A: Tables F and I.)

- 43) At least one ~~one (1)~~ floor drain shall be located in every restroom having a masonry or concrete floor except those for private use.
- 54) In hospitals and nursing homes, floor drains will not be required in toilet/bath facilities serving 4 ~~four (4)~~ or fewer individual residents where access to the facilities is direct from no more than 2 ~~two~~ resident rooms. Toilet/bath facilities in hospitals and nursing homes serving rooms with greater than 4 ~~four~~ residents or consisting of multiple toilets, lavatories, etc., are required to have floor drains.
- b) Size. Each floor drain shall be sized for its intended use and the surface area that it drains. Any floor drain or drain trap installed below a basement floor or underground shall be no less than 2 ~~two (2)~~ inches in diameter.
- c) Accessibility. Floor drains shall connect into traps, shall be accessible and readily cleaned, and shall be located so that they are easily visible.
- d) Provision for Evaporation. Floor drain seals subject to evaporation shall be of the deep seal type, shall be fed by means of a priming device designed for that purpose, or shall be filled with vegetable oil.
- e) Floor Drains in Food Establishments. If floor drains are installed in coolers, freezers, refrigerated holding areas, dressing rooms or processing rooms in any food (meat, milk, vegetable, fruit) establishment, they shall meet the following requirements:
- 1) Floor drains shall have a minimum inside diameter of 4 ~~four (4)~~ inches and be of metallic construction.
 - 2) Drainage lines from water closets and urinals shall not be connected with any other sanitary drainage lines having floor drains located in the above places within the building.
 - 3) Floor drains must be indirectly discharged to the drainage system, or a backwater valve that conforms with the requirements of Section 890.550(b), (c), (d) and (e) shall be installed.

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- 4) Floor drains shall comply with the requirements of subsections (b), (c), and (d) of this Section.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

SUBPART K: VENTS AND VENTING

Section 890.1500 Installation of Wet Venting

- a) Single Bathroom Groups. A single bathroom group of fixtures may be installed with the drain from an individually vented lavatory or ~~a kitchen sink~~, ~~or combination fixture~~ or a kitchen sink serving as a wet vent for a bathtub or shower and for the water closet, provided that:
 - 1) Not more than ~~4 four (4)~~ drainage fixture units drain into a 2 two (2)-inch diameter wet vent; and
 - 2) The horizontal branch shall be a minimum of 2 two (2)-inches and connect to the stack at the same level as the water closet drain. It may also connect to the water closet bend. (See Appendix K: Illustration S.)
- b) Double Bathroom Groups. Bathroom groups back-to-back on the top floor consisting of 2 two (2) lavatories and 2 two (2) bathtubs or showers may be installed on the same horizontal branch with a common vent for the lavatories and with no individual vent for bathtubs or showers, provided the wet vent is 2 two (2) inches in diameter, and the length of the fixture drain conforms to Appendix A: Table E. (See Appendix K: Illustration T.)
- c) Multi-story Bathroom Groups. On the lower floors of a multi-story building, the waste pipe from one or 2 one (1) or two (2) lavatories may be used as a wet vent for one or 2 one (1) or two (2) bathtubs or showers, provided that:
 - 1) The wet vent and its extension to the vent stack is 2 two (2)-inches in diameter;
 - 2) Each water closet below the top floor is ~~individually~~ back-vented; and
 - 3) The vent stack is sized as given in Appendix A: Table J. (See Appendix K: Illustrations U and V.)

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(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.1520 Circuit and Loop Venting

- a) Battery Venting. A soil or waste branch to which ~~2 two (2)~~ but not more than ~~8 eight (8)~~ floor outlets, ~~8 eight (8)~~ water closets, ~~8 eight (8)~~ pedestal urinals, ~~8 eight (8)~~ shower stalls or ~~8 eight (8)~~ floor drains are connected in battery, may be vented by a circuit vent which shall take off from in front of the last fixture connection. Blowout type fixtures are prohibited. In addition, lower floor branches serving more than ~~3 three (3)~~ water closets shall be provided with a relief vent taken off in front of the first fixture connection. The horizontal branch for its full length to the farthest fixture opening shall be uniformly sized based on the total drainage fixture load as listed in Appendix A: Tables G, H and L. ~~When lavatories or similar fixtures discharge above such branches, each vertical branch shall be provided with a continuous vent.~~ (See Appendix K: Illustration Y.)
- b) Dual Branches. When parallel horizontal branches serve a total of ~~8 eight (8)~~ water closets (4 on each branch), each branch shall be provided with a relief vent at a point between the ~~2 two~~ water closets most distant from the soil stack. The horizontal branch for its full length to the farthest fixture opening shall be uniformly sized based on the total drainage fixture load as listed in Appendix A: Tables G, H and L. In addition, intermediate floor branches shall be provided with a relief vent taken off in front of the first fixture connection. When traps other than water closets discharge above the horizontal branch, each such trap shall be provided with a continuous vent. (See Appendix K: Illustration Z.)
- c) Vent Connections. When the circuit or relief vent connections are taken off the horizontal branch, the vent branch connection shall be taken off vertically from the top of the horizontal branch. (See Appendix K: Illustration AA.)
- d) Fixtures Back-to-Back in Battery. When fixtures are connected to ~~one one (1)~~ horizontal branch through a double ~~wye "Y"~~, a sanitary cross in a vertical position, or a manufactured fixture carrier, a common vent for each ~~2 two (2)~~ fixtures back-to-back shall be provided. (See Appendix K: Illustration BB.)
- e) Fixture Connections. Branch wastes and fittings for circuit vented fixtures shall be installed so that the fixture drain enters the side of the branch drain. (See Section 890.1320(i) and Appendix K: Illustrations Y and CC.)

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- f) Circuit and Loop Vented Fixtures. When circuit and loop vented fixtures are installed in a multi-story building, a relief vent shall be provided at the base connection into the horizontal. This is done by connecting the vent stack, full-size, into or near the base of the soil stack, or by connecting the vent stack directly into the horizontal branch near the soil stack. The vent shall be carried full size. (See Appendix K: Illustration DD.)

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.1580 Size and Length of Vents

- a) Size of Water Closet Vents. A water closet shall have at least a ~~2 two (2)~~ inch vent.
- b) Size of Individual Vents. The diameter of an individual vent shall be at least ~~1¼ one and one quarter (1¼)~~ inches or and at least ~~½ one half (½)~~ the diameter of the drain to which it connects, whichever is greater.
- c) Size of Relief Vents. The diameter of a relief vent shall be at least ~~½ one half (½)~~ the diameter of the soil or waste branch to which it is connected.
- d) Size of Circuit Vents. The diameter of a circuit vent shall be at least ~~½ one half (½)~~ the diameter of the horizontal soil or waste branch or the diameter of the vent stack, whichever is smaller. (See Appendix A: Table L.)
- e) Size of Vent Piping. The size of vent piping shall be determined based upon its length and the total number of drainage fixture units connected thereto as provided in Appendix A: Table K. No more than 20 percent of the maximum developed length as determined from Table K may be installed in the horizontal position. Vent piping serving floor drains shall be installed in such a manner as to minimize horizontal vent distances.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.1590 Combination Waste and Vent (Floor and Hub Drains Only)

Combination Waste and Vent. A combination waste and vent is permitted only where structural conditions preclude conventional plumbing. Appurtenances delivering large quantities or surges of water shall not be discharged to a combination waste and vent.

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- a) The waste piping and trap in a combination waste and an end vented (both ends) system shall be a minimum of ~~4 four (4)~~ inch diameter and in accordance with Appendix A, Tables G and H. The waste piping and trap shall be at least ~~2 two~~ pipe increments larger than the pipe size required by Appendix A, Tables G and H, and at least ~~2 two~~ pipe increments larger than any fixture/appurtenance discharge tail piece. Only one floor drain shall be connected to each branch of a combination waste and vent.
- b) A branch more than 15 feet in length shall be separately end vented. The minimum area of any vent installed in a combination waste and vent system shall be ~~1/2 one-half (1/2)~~ the area of the drain pipe served.
- c) Sinks, lavatories and other fixtures that are roughed-in above the floor shall not be permitted on a combination waste and vent system.
- d) Long mains shall be provided with additional relief vents located at intervals of every one hundred feet. (See Appendix K: Illustration FF.)

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.1600 Special Venting for Island Fixtures

- a) Traps for island sinks and similar equipment shall be roughed-in above the floor and shall be vented by extending the vent as high as possible, but at least the drainboard height and then returning it downward and connecting it to the horizontal sink drain immediately down stream from the vertical fixture drain. Back-to-back island vented fixtures shall meet the requirements of Section 890.1460.
- b) The returned vent shall be connected to the horizontal drain through a wye-branch fitting and shall be provided with a vent taken off the vertical fixture vent by means of a wye-branch immediately below the floor and extending to the nearest partition and then through the roof to the outside atmosphere or may be connected to other vents at a point at least ~~6 six (6)~~ inches above the flood level rim of the fixture served. Drainage fittings shall be used on all parts of the vent below the floor level and a minimum grade of ~~1/4 one-quarter (1/4)~~ inch per foot back to the drain shall be maintained. The returned bend used under the drainboard shall be a one-piece fitting or assembly of a ~~45° degree~~, a ~~90° degree~~, and a ~~45° degree~~ elbow in the order named. (See Section 890.1340 and Appendix K: Illustration GG.)

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(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

SUBPART L: PLUMBING SYSTEMS/CORRECTIONAL FACILITIES

Section 890.1720 Water Closets

- a) All water closets shall either be of stainless steel (Type 304) construction, including framework, reinforcing and interior piping, or be vitreous china complying with ASME/ANSI A 112.19.2M-1990.
- b) If stainless steel water closets are used, they shall comply with the following:
 - 1) The bowl and flushing rim shall not be less than 14 gauge.
 - 2) The water closet shall have a minimum of a ~~3~~^{three (3)} inch diameter, fully enclosed stainless steel P-trap and shall pass a ~~2 1/8~~^{two and five eighths (2 5/8)} inch diameter ball.
 - 3) All welds shall be ground smooth, and exterior surfaces polished.
 - 4) Integral contoured seats that are self-draining and crevice-free shall be a part of the water closet.
- c) All water closets shall have push button flush valves.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

Section 890.1740 Combination Lavatory/Toilet

- a) The cabinet shall be of stainless steel (Type 304) with a minimum of 12 gauge for the cabinet and 14 gauge for the top.
- b) The cabinet top shall have a backsplash.
- c) The lavatory shall include adjustable control valves on the hot and cold, self-closing filler valve with a maximum ~~1/2 one half (1/2)~~ gpm flow control and a combination penal filler/bubbler spout. A maximum of ~~115° 115 degrees~~ F temperature is allowed.

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- d) The lavatory drain shall not have a mechanical air vent attached.
- e) Supply inlets to the lavatory shall have screw driver stops, gate or globe valves.
- f) The water closet shall have no less than a 3 ~~three (3)~~ inch diameter, fully enclosed stainless steel toilet P-trap and shall pass a 2¹/₈ ~~two and five eighths (2⁵/₈)~~ inch diameter ball.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

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Section 890.APPENDIX A Plumbing Materials, Equipment, Use Restrictions and Applicable Standards

Abbreviations used in Appendix A, Table A, refer to the following agencies or organizations:

- 1) ANSI – American National Standards Institute;
1819 L Street, N.W., Washington, DC 20036.
- 2) ARI – Air Conditioning and Refrigeration Institute;
1501 Wilson Boulevard, Arlington, Virginia 22209.
- 3) ASHRAE – American Society of Heating, Refrigerating and Air Conditioning
Engineers, Inc.; 1791 Tullie Circle, NE, Atlanta, Georgia 30329-2305.
- 4) ASME – American Society of Mechanical Engineers;
Three Park Avenue, New York, New York 10016-5990.
- 5) ASSE – American Society of Sanitary Engineering;
901 Canterbury Road, Suite A, Westlake, Ohio 44145-9201.
- 6) ASTM – American Society for Testing and Materials;
1916 Race Street, Philadelphia, Pennsylvania 19103-1187.
- 7) AWWA – American Water Works Association;
6666 West Quincy Avenue, Denver, Colorado 80235.
- 8) CISPI – Cast Iron Soil Pipe Institute;
Suite 419, 5959 Shallowford Road, Chattanooga, Tennessee 37421.
- 9) FM – Factory Mutual Standard; 1151 Boston-Providence Turnpike,
P.O. Box 9102, Norwood, Massachusetts 02062.
- 10) NSF (National Sanitation Foundation) International; 789 Dixboro Road, Ann
Arbor, Michigan 48105.
- 11) PDI – Plumbing and Drainage Institute; 45 Bristol Drive, Suite 101, South Easton,
Massachusetts 02375.
- 12) UL – Underwriter Laboratories, Inc.;
333 Pfingsten Road, Northbrook, Illinois 60062.

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- 1) ASSE – American Society of Sanitary Engineering;
901 Canterbury Road, Suite A, Westlake, Ohio 44145-9201.
- 2) CSA (Canadian Standards Association) International;
8501 E. Pleasant Valley Road, Cleveland, Ohio 44131-5575.
- 3) IAPMO – International Association of Plumbing and Mechanical Officials;
20001 South Walnut Drive, Walnut, California 91789-2825.
- 4) ICC – International Code Council; 5203 Leesburg Pike, Suite 600, Falls Church,
Virginia 22041.

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- 5) Intertek Testing Services NA, Inc.;
3933 U.S. Route 11, P.O. Box 2040, Cortland, New York 13045-0950.
- 6) NSF (National Sanitation Foundation) International;
789 Dixboro Road, Ann Arbor, Michigan 48105.
- 7) PDI – Plumbing and Drainage Institute;
45 Bristol Drive, Suite 101, South Easton, Massachusetts 02375.
- 8) Truesdail Laboratories, Inc.;
14201 Franklin Avenue, Tustin, California 92680.
- 9) UL – Underwriter Laboratories, Inc.;
333 Pfingsten Road, Northbrook, Illinois 60062.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

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Section 890.APPENDIX A Plumbing Materials, Equipment, Use Restrictions and Applicable Standards**Section 890.TABLE A Approved Materials and Standards**

All materials must meet at least one of the approved standards listed.

Approved Building Drainage/Vent Pipe

1)	Acrylonitrile Butadiene Styrene (ABS) Pipe	ASTM D 2661- 1997A 1987 ASTM F 628- 1997 1988 <u>CSA B181.1 in B1800-1999</u>
	Joints	ASTM D 2235- 1996a 1988 <u>CSA B602-1999</u>
	Solvent Cement ¹	ASTM D 2235- 1996a 1988 <u>CSA B181.1 in B1800-1999</u>
2)	Brass Pipe	ASTM B 43- 1998 1988
3)	Cast Iron Pipe	ASTM A 74- 1998 1987 ASTM A 888- 1998e1 1991 ASTM C 564- 1997 1988 CISPI 301- 1999 1990 <u>CSA B70-1997</u>
4)	Copper/Copper Alloy Pipe	ASTM B 42- 1996 1988 ASTM B 302- 1998 1988
5)	Copper/Copper Alloy Tubing (K-L-M or DWV) ²	ASTM B 75- 1997 1986 ASTM B 88- 1996 1988 ASTM B 251- 1997 1988 ASTM B 306- 1996 1988
6)	Galvanized Steel Pipe ²	ASTM A 53- 1998 1988 ASTM A 120-1984
7)	Glass Fiber Borosilicate Pipe ³	ASTM C 1053- 1995 1985
8)	High Silicon Content Cast Iron Pipe ³	ASTM A 377-1984 <u>CSA B70-1997</u>

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9)	Polypropylene Pipe ³	ASTM F 492- 1995 1985 <u>CSA B137.1-1999 in B137</u>
1044	Polyvinyl Chloride (PVC) Pipe and Fittings	ASTM D 2665- 1996 1988 ASTM D 2949-1987 <u>CSA B137.2-1999 in B137</u> <u>CSA B181.2-1999 in B137</u>
1142	Polyvinyl Chloride (PVC) Pipe with Cellular Core ⁴ Joints Primer Solvent Cement ¹	ASTM F891- 1996 1990 ASTM D 2855- 1996 1983 ASTM F 656- 1996 1988 ASTM D 2564- 1996 1988
1243	Polyvinylidene Fluoride ³	ASTM D 3222-1988
1314	Solder	ASTM B 32- 1993 1989
14)	<u>Stainless Steel – types 304 and 316L</u>	<u>ASME/ANSI A112.3.1-199</u>
15)	<u>Stainless Steel Butt Weld Fittings</u>	<u>ASTM A774.A403</u>
16)	<u>Stainless Steel Flanges</u>	<u>ASTM A-240</u>
17)	<u>Steel</u>	<u>ASME B 16.9-1993</u> <u>ASME B 16.11-1997</u> <u>ASME B 16.28-1994</u>

Agency Notes:

¹Solvent cement must be handled in accordance with ASTM F 402-~~1993~~1988.

²Type M copper tubing, DWV copper tubing, and galvanized steel pipe are approved for above-ground uses only.

³Approved for corrosive waste or corrosive soil conditions.

⁴PVC pipe with cellular core is approved only for gravity drainage and venting. ~~It is not approved for pressurized drain, waste or venting applications.~~

Approved Materials for Building Sewer

1)	Acrylonitrile Butadiene Styrene (ABS) Pipe	ASTM D 2661- 1997A 1987
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	Joints	ASTM D 2751- 1996a 1988 ASTM F 628- 1997 1988 <u>CSA B181.1-1999 in B1800</u> ASTM D 2235- 1996a 1988 <u>CSA B602-1999</u>
	Solvent Cement ¹	ASTM D 2235- 1996a 1988 <u>CSA B181.1-1999 in B1800</u>
2)	Asbestos Cement Pipe	ASTM C 428- 1997 1981 <u>CSA B127.1-1999</u> <u>CSA B127.2-M1977 (R1997)</u>
3)	Bituminized Fiber Pipe	ASTM D 1861-1988 ASTM D 1862-1988
34)	Cast Iron Soil Pipe/Fittings	ASTM A 74- 1998 1987 <u>CSA B70-1997</u>
	Hubless Soil Pipe	CISPI 301- 1999 1990 CISPI 310- 1997 1990 <u>CSA B70-1997</u>
	Rubber Gaskets	ASTM C 564- 1997 1989 <u>CSA B70-1997</u> <u>CSA B602-1999</u>
45)	Copper/Copper Alloy Tubing	ASTM <u>BA 88-1996</u> 1986
56)	Concrete Pipe	ASTM C 14- 1995 1988 ASTM C 76- 1995 1988 <u>CSA B602-1999</u>
67)	Polyvinyl Chloride (PVC) Pipe	<u>ASTM F 1866-1998</u> ASTM D 2665- 1998 1988 ASTM D 2949- 1998 1987 ASTM D 3034- 1998 1988 <u>CSA B182.1-1999 in B1800</u> <u>CSA B182.2-1999 in B1800</u> <u>CSA B182.4-1999 in B1800</u> <u>CSA B181.2-1999 in B1800</u>
	Joints	ASTM D 2855- 1996 1983 <u>CSA B602-1999</u>
	Primer	ASTM F 656- 1996a 1988

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	Solvent Cement ¹	ASTM D 2564- 1996a 1988 <u>CSA B181.2-1999 in B1800</u>
7)	<u>Polyvinyl Chloride (PVC) Pipe with Cellular Core²</u> <u>Joints</u> <u>Primer</u> <u>Solvent Cement¹</u>	<u>ASTM F 891-1996</u> <u>ASTM D 2855-1996</u> <u>ASTM F 656-1996</u> <u>ASTM D 2564-1996</u>
8)	Vitrified Clay Pipe ² Pressurized by a Pump or Ejector is Prohibited	ASTM C 4- 1998 1981 ASTM C 700- 1997 1988
9)	Solder	ASTM B 32- 1996 1989

Agency Note:

¹Solvent cement must be handled in accordance with ASTM F 402-1988.

²PVC pipe with cellular core and vitrified clay pipe are approved only for gravity drainage.

Approved Materials for Water Service Pipe

1)	Acrylonitrile Butadiene Styrene (ABS) Pipe ² Joints Solvent Cement ¹	ASTM D 1527- 1996a 1988 ASTM D 2282- 1996a 1988 ASTM D 2235- 1996a 1988 ASTM D 2235- 1996a 1988
2)	Brass Pipe ²	ASTM B 43- 1998 1988
3)	Cast Iron (ductile iron) ² Water Pipe	ASTM A 377-1984 <u>CSA B70-1997</u>
4)	Chlorinated Polyvinyl Chloride (CPVC) Pipe ² Joints Solvent Cement (Orange) ¹	ASTM D 2846- 1997M 1988 ASTM F 441- 1997 1988 ASTM F 442- 1997 1988 <u>CSA B137.6-1999 in B137</u> ASTM D 2846- 1997M 1988 <u>CSA B137.6-1999 in B137</u> ASTM F 493- 1997 1988 <u>CSA B137.6-1999 in B137</u>

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|-----|---|--|--|
| 5) | Copper/Copper Alloy Pipe ^{2,3} | ASTM B 42- 1996 1988
ASTM B 302- 1998 1988 | |
| 6) | Copper/Copper Alloy Tubing ^{2,3} | ASTM B 88- 1996 1988 | |
| 7) | Galvanized Steel Pipe ² | ASTM A 53- 1998 1988
ASTM A 120-1984 | |
| 8) | Poly Butylene (PB) Pipe/Tubing ² | ASTM D 2662- 1996a 1988
ASTM D 2666- 1996a 1988
ASTM D 3309- 1997a 1988
<u>CSA B137.7-1999 in B137</u>
<u>CSA B137.8-1999 in B137</u> | |
| 9) | Polyethylene (PE) Pipe ² | ASTM D 2239- 1996a 1988
<u>CSA B137.1-1999 in B 137</u> | |
| 10) | Polyethylene (PE) Tubing ² | ASTM D 2737- 1996a 1988
<u>CSA B137.1-1999 in B137</u> | |
| 11) | Polyvinyl Chloride (PVC) Pipe ² | ASTM D 1785- 1996b 1988
ASTM D 2241- 1996b 1988
ASTM D 2672- 1996a 1988
<u>CSA B137.3-1999 in B137</u> | |
| | Joints | ASTM D 2855- 1996 1983
<u>CSA B137.2-1999 in B137</u>
<u>CSA B137.3-1999 in B137</u> | |
| | Primer
Solvent Cement ¹ | ASTM F 656- 1996a 1988
ASTM D 2564- 1996a 1988
<u>CSA B137.3-1999 in B137</u> | |
| 12) | Welded Copper Water Tube ² | ASTM B 447 WK, WL, and WM-
<u>1997</u> 1989 | |
| 13) | Solder | ASTM B 32- 1996 1989 | |

Agency Note:

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¹Solvent cement must be handled in accordance with ASTM F 402-1988.

²Water service pipe must meet the appropriate NSF standard for potable water.

³Type K or L copper may be installed underground.

Approved Materials for Water Distribution Pipe

- | | | |
|----|--|---|
| 1) | Brass Pipe ² | ASTM B 43- 1998 1988 |
| 2) | Chlorinated Polyvinyl Chloride ² (CPVC) Pipe/Tubing | ASTM D 2846- 1997 1988
ASTM F 441- 1997 ³ 1988
ASTM F 442- 1997 ³ 1988
<u>CSA B137.6-1999 in B137</u>
ASTM D 2846- 1997 M1988
<u>CSA B137.6-1999 in B137</u>
Solvent Cement (Orange) ¹
ASTM F 493- 1997 1988
<u>CSA B137.6-1999 in B137</u> |
| | Joints | |
| 3) | Copper/Copper Alloy Pipe ² | ASTM B 42- 1996 1988
ASTM B 302- 1998 1988 |
| 4) | Copper/Copper Alloy Tubing ² | ASTM B 88- 1996 1988 |
| 5) | Cross Linked Polyethylene ² | ASTM F 876- 2000 1990
ASTM F 877- 2000 1989
<u>CSA B137.5-1999 in B137</u> |
| 6) | Galvanized Steel Pipe ² | ASTM A 53- 1998 1988
ASTM A 120-1984 |
| 7) | Poly Butylene (PB) Pipe/Tubing ² | ASTM D 3309- 1997 a1988
<u>CSA B137.7-1999 in B137</u>
<u>CSA B137.8-1999 in B137</u> |
| 8) | <u>Polyvinyl Chloride (PVC) Pipe^{2,3}</u> | <u>ASTM D 1785-1996b</u>
<u>ASTM D 2241-1996b</u>
<u>ASTM D 2672-1996a</u>
<u>CSA B137.3-1999 in B137</u>
Joints
<u>ASTM D 2855-1996</u>
<u>CSA B137.2-1999 in B137</u> |

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	<u>Primer</u> <u>Solvent Cement</u> ¹	<u>CSA B137.3-1999 in B137</u> <u>ASTM F 656-1996a</u> <u>ASTM D 2564-1996a</u> <u>CSA B137.3-1999 in B137</u>
<u>98)</u>	Welded Copper Water Tube ²	ASTM B 447 WK, WL, and WM- <u>1997+1989</u>
<u>109)</u>	Solder	ASTM B 32- <u>1996+1989</u>

Agency Notes:

¹Solvent cement must be handled in accordance with ASTM F 402-1988.

~~²Cross Linked Polyethylene is approved only for above ground use.~~

²Water distribution pipe must meet the appropriate NSF standard for potable water.

³Use for cold or tempered water only.

**Approved Materials and Standards for Plumbing
Fixtures and Fixture Fittings**

1)	Bathtub Liners (plexiglass/ABS or acrylic/plastic)	ANSI Z124.8-1990
2)	Bathtubs, Plastic	ANSI Z124.1- <u>1995+1987</u> and ANSI Z124.1a & b- <u>1995+1990</u> <u>CSA B45.5-1999 in B45</u>
3)	Bidets	ASME/ANSI A112.19.2M- <u>1998+1990</u> <u>CSA B45-1999</u>
4)	Enameled Cast Iron Plumbing Fixtures	ASME/ANSI A112.19.1M- <u>1994+1987</u> <u>CSA B45.2 -1999 in B45</u>
5)	Fittings: Plumbing Fixture Fittings (metering valves, faucets, etc.) Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs and Whirlpool Bathtub Appliances	ASME/ANSI A112.18.1M- <u>2000+1989</u> <u>CSA B125-2001</u> ASME/ANSI A112.19.78M- <u>1995+1987</u> <u>CSA C22.2 No. 218.1-M1989</u> <u>CSA C22.2 No. 218.2-1993</u>
6)	Floor Drains	ASME/ANSI A112.21.1M-98 (R1990)

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	<u>CSA B79-1994 (R2000)</u>
7) Flushometer Bowls Flushometers	ASME/ANSI A112.19.2M- 1998 <u>1990</u> <u>CSA B125-2001</u> ANSI/ASSE 1037-1990 <u>CSA B125-2001</u>
8) Grease Interceptors	PDI / <u>ASME/ANSI A112.14.3-</u> <u>2000(G101)-1985</u>
9) Low Consumption (1.6 gpf) Water Closets ¹	ASME/ANSI A112.19.2M- 1998 <u>1990</u> <u>CSA B45.1-1999 in B45</u> <u>CSA B45.4-1999 in B45</u>
10) Plastic Lavatory	ANSI Z124.3a- 1995 <u>1990</u> <u>CSA B45-1999</u>
11) Plastic Shower Receptors/Shower Stalls	ANSI Z124.2a- 1995 <u>1990</u> <u>CSA B45-1999</u>
12) Plastic Water Closets Bowls/Tanks	ANSI Z124.4- 1996 <u>1986</u> and ANSI Z124.4a- 1996 <u>1990</u> <u>CSA B45.5-1999 in B45</u>
13) Porcelain Enameled Formed Steel Plumbing Fixtures, including Bathtub Liners	ASME/ANSI A112.19.4M- 1994 <u>1984</u> <u>CSA B45.3-1999 in B45</u>
14) Stainless Steel Plumbing Fixtures (Residential)	ASME/ANSI A112.19.3M- 1996 <u>1987</u> <u>CSA B45.4-1999 in B45</u>
15) Vitreous China Plumbing Fixtures	ASME/ANSI A112.19.2M- 1998 <u>1990</u> <u>CSA B45.1-1999 in B45</u>
16) Whirlpool Bathtub Appliances	ASME/ANSI A112.19.7M- 1995 <u>1987</u> <u>CSA C22.2 No. 0-M1991</u> <u>CSA C22.2 No. 14-1995</u> <u>CSA C22.2 No. 100-1995</u> <u>CSA C22.2 No. 218.2-1993</u> <u>CSA B45-1999</u> <u>CSA B45.10-2001</u>

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[CSA B125-2001](#)[CSA B137-1999](#)

Agency Notes:

The water pressure at each fixture installation shall meet the manufacturer's minimum recommended level for the fixture.

**Approved Standards for Plumbing
Appliances/Appurtenances/Devices**

- | | | |
|----|--|--|
| 1) | Anti-Backflow Freezeless Wall Hydrants | ANSI/ASSE 1019- 1997 1978
<u>CSA B125-2001</u> |
| 2) | Anti-Scald Control Valve | ANSI/ASSE 1016- 1996 1990
<u>CSA B125-2001</u> |
| 3) | Anti-siphon Self Drawing Frost Proof Sillcock | ANSI/ASSE 1019- 1997 1978
<u>CSA B125-2001</u> |
| 4) | Automatic Ice Making Equipment | NSF Std. #12- 1993 1987
<u>CSA C22.2 No. 120-M1991</u> |
| 5) | Automatic Storage Type Water Heater Less Than
75,000 BTU/HR | ASHRAE 90A-1980/
ANSI Z21.10.1a- 1994 1991
<u>CSA 4.1-M1998</u>
<u>CSA 4.1a-2000</u> |
| 6) | Back Water Valves | ASME/ANSI A112.14.1- 1998 1986
<u>CSA B181.1-1999 in B1800</u>
<u>CSA B181.2-1999 in B1800</u>
<u>CSA B182.1-1999 in B1800</u>
<u>CSA B70-1997</u> |
| 7) | Circulating Tank, Instantaneous | ANSI Z21.10.1a- 1994 1991 /UL 499
<u>CSA 4.1-M1998</u>
<u>CSA 4.3 M1998</u>
<u>CSA 4.9-2000</u>
<u>CSA B140.12-1976</u>
<u>CSA C22.2 No. 110-1994</u> |

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| 8) | Circulating Tank, Instantaneous, Automatic | ANSI Z21.10.3a-1990/UL 174-1977
CSA 4.1-M1998
CSA 4.3-M1998
CSA 4.9-2000
CSA B140.12-1976
C22.2 No. 110-1994 |
| 9) | Detergent/Chemical Feeders for Commercial Use | ANSI/ASSE 1055-1997NSF Std. #29-1987
CSA C22.2 No. 0-M1991
CSA C22.2 No. 0.4-M1982
CSA C22.2 No. 68-1992
CSA C22.2 No. 142-M1997 |
| 10) | Dishwashing Machine (Commercial) | ANSI/ASSE 1004-1990
CSA C22.2 No. 0-M1991
CSA C22.2 No. 0.4-M1982
CSA C22.2 No. 168-M1981 |
| 11) | Dishwashing Machine (Residential) | ANSI/ASSE 1006- 1989 1986
CSA C22.2 No. 167-1997 |
| 12) | Diverters for Residential – Anti-Siphon | ASSE 1025-1978
CSA B125-2001 |
| 13) | Double Check Detector Assembly | ANSI/ASSE 1048- 1995 1990
CSA B64-2001 |
| 14) | Double Check With Atmospheric Vent | ASSE 1012- 1995 1978
CSA B64-2001 |
| 15) | Double Check Valve Assembly | ASSE 1015- 1999 1988
CSA B64-2001 |
| 16) | Drinking Fountains | ARI 1010-1985 or
ASME A112.19.2M- 1998 1990
CSA B45-1999 |

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|-----|---|---|--|
| 17) | Drinking Water Treatment Units – Health Effects | NSF Std. #53- <u>1999a1982</u> | |
| 18) | Drinking Water Treatment Units – Aesthetic Effects | NSF Std. #42- <u>19991982</u> | |
| 19) | Drinking Water Treatment Chemicals | NSF Std. #60- <u>19991986</u> | |
| 20) | Dual Check Valve | ANSI/ASSE 1024- <u>19981990</u>
<u>CSA B64-2001</u> | |
| 21) | Dual Check Valve (Carbonated Beverage) (Relief Port Required) | ASSE <u>10221032-19961980</u>
<u>CSA B64-2001</u> | |
| 22) | Food Waste Disposal (Commercial) | ANSI/ASSE 1009-1990
<u>CSA C22.2 Nos. 0-M1991</u>
<u>CSA C22.2 No. 68-1992</u> | |
| 23) | Food Waste Disposal (Residential) | ASSE 1008- <u>19891986</u>
<u>CSA C22.2 Nos. 0-M1991</u>
<u>CSA C22.2 No. 68-1992</u> | |
| 24) | Gas Water Heater Above 75,000 BTU | ANSI Z21.10.3a-1990/AGA
<u>CSA 4.3-M1998</u> | |
| 25) | Gas Water Heater 75,000 BTU or Less | ANSI Z21.10.1a-1991 AGA
<u>CSA 4.1-M1998</u> | |
| 26) | Gas Water Heater (Continuous Use) | ANSI Z21.10.1a-1991
<u>CSA 4.1-M1998</u> | |
| 27) | Gas Water Heater – Space Heating | ANSI Z21.10.1a-1991
<u>CSA 4.1-M1998</u> | |
| 28) | Grease Interceptors | PDI-G 101-1985 | |
| 29) | Handheld Showers | ASSE 1014-1990
<u>CSA B125.-2001</u> | |
| 30) | Home Laundry Equipment | ASSE 1007- <u>19921986</u>
<u>CSA C22.2 No. 0-M1991</u> | |

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		<u>CSA C22.2 No. 0.4M-1982</u>	
		<u>CSA C22.2 No. 53-1968</u>	
		<u>CSA C22.2 No. 169-1997</u>	
31)	Hot Water Dispensers-Electrical	ANSI/ASSE 1023-1979	
		<u>CSA C22.2 No. 64-M1991</u>	
32)	Hot Water Generating/Heat Recovery Equipment	NSF Std. #5- <u>1992+1983</u>	
33)	Ice Makers	UL 563-1975	
		<u>CSA B45-1999</u>	
		<u>CSA C22.2 No. 0-M1991</u>	
		<u>CSA C22.2 No. 0.4M-1982</u>	
		<u>CSA C22.2 No. 63-1993</u>	
		<u>CSA C22.2 No. 120-M1991</u>	
<u>34)</u>	<u>Individual Pressure Balancing</u>	<u>ASSE 1066-1997</u>	
	<u>In-line valves for individuals fixture fittings</u>	<u>CSA B125-2001</u>	
<u>3534)</u>	Mixing Valves	ANSI/ASSE 1016- 1996+1990	
	Individual Thermostatic Pressure Balancing and Combination Control Valves	<u>CSA B125-2001</u>	
	Temperature Actuated Mixing Valves, Domestic Use	<u>ANSI/ASSE 1017-1999+1986</u>	
		<u>CSA B125-2001</u>	
<u>3635)</u>	Oil Fired Water Heaters	UL 732-1975/ASME 1975	
		<u>CSA B140.0-M1987</u>	
		<u>CSA B140.12-1976</u>	
		<u>CSA C22.2 No. 0-M1991</u>	
		<u>CSA C22.2 No. 3-M1988</u>	
<u>3736)</u>	Pressure Relief Valve	ANSI Z21.22-1986	
		<u>CSA 4.4-M1999</u>	
		<u>CSA 4.4a-2000</u>	
		<u>CSA 4.4b-2001</u>	
<u>3837)</u>	Pressurized Flushing Device	ANSI/ASSE 1037-1990	
		<u>CSA B125-2001</u>	

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3938)	Reduced Pressure Detector Assembly	ANSI/ASSE 1047- 1999 1990 CSA B64-2001
4039)	Reduced Pressure Principle Backflow Preventer	ASSE 1013- 1999 1988 CSA B64-2001
4140)	Refuse Compactors/Compactor System	NSF Std. #13- 1992 1987 CSA C22.2 No. 0-M1991 CSA C22.2 No. 68-1992
4241)	Relief Valves For Hot Water System	ANSI Z21.22-1986 CSA 4.4-M1999 CSA 4.4a-2000 CSA 4.4b-2001
4342)	Reverse Osmosis Drinking Water Treatment System	NSF Std. #58- 1999 1986
4443)	Spray Type Dishwashing Machine for Commercial Use	NSF Std. #3- 1996 1989 CSA C22.2 No. 0-M1991 CSA C22.2 No. 0.4-M1982 CSA C22.2 No. 53-1968 CSA 22.2 No. 168-M1981
4544)	Trap Seal Primer Valve	ASSE 1018-1986 CSA B125-2001
4645)	Vacuum Breakers, Anti-siphon	ANSI/ASSE 1001-1990 CSA B64-2001
4746)	Vacuum Breakers Hose Connection	ANSI/ASSE 1011- 1995 1993 CSA B64-2001
4847)	Vacuum Breaker (Laboratory Faucet)	ANSI/ASSE 1035- 1995 1984 CSA B64-2001
4948)	Vacuum Breakers Pressure Type	ASSE 1020- 1997 1989 CSA B64-2001

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<u>5049</u>)	Vacuum Relief Valve	ANSI Z21.22-1986 <u>CSA B64-2001</u>
<u>5150</u>)	Vending Machine for Food/Beverage	NSF Std. #25- <u>1997</u> 1987 <u>CSA 22.2 No. 0-M1991</u> <u>CSA C22.2 No. 120-M1991</u> <u>CSA C22.2 No. 128-1995</u>
<u>5254</u>)	Water Closet Tank Ball Cock	ASSE 1002- <u>1999</u> 1986 <u>CSA B125-2001</u>
<u>5352</u>)	Water Hammer Arresters	ASSE 1010- <u>1998</u> 1982 <u>CSA B125-2001</u>
<u>5453</u>)	Water Heater Drain Valve	ASSE 1005-1986 <u>CSA B125-2001</u>
<u>5554</u>)	Water Pressure Reducing Valves (Domestic)	ANSI/ASSE 1003- <u>1995</u> 1982 <u>CSA B356-2000</u>

Approved Standards for Fittings

1)	Cast Iron Threaded Drainage Fittings	ASME/ANSI B16.12-1991
2)	Cast Copper Alloy Solder Pressure Fittings	ANSI B16.18- <u>1994</u> 1984
3)	Cast Copper Alloy Solder Drainage Fitting (DWV)	ANSI B16.23- <u>1992</u> 1984
4)	Copper Fittings	ASME B16.15- <u>1994</u> 1985 ANSI B16.18- <u>1994</u> 1984 ASME/ANSI B16.22- <u>1995</u> 1989 ANSI B16.23- <u>1992</u> 1984 ASME/ANSI B16.26-1988 ASME/ANSI B16.29- <u>1994</u> 1986 ASME/ANSI B16.32-1984
5)	Forged Steel Fittings, Socket, Welded, Threaded	ASME/ANSI B16.11- <u>1997</u> 1991
6)	Gray Iron/Ductile Iron	AWWA C 110- <u>1998</u> 1987 AWWA C 151- <u>1996</u> 1986

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| 7) | Malleable Iron | ASME/ANSI B 16.3- 1992 <u>1985</u> |
| 8) | Plastic | ASTM D 2466- 1997 <u>1988</u>
ASTM D 2467- 1996a <u>1988</u>
ASTM D 2468- 1996a <u>1988</u>
ASTM D 2564- 1996a <u>1988</u>
ASTM D F409- 1998 <u>1988</u>
ASTM D F438- 1997 <u>1988</u>
ASTM D F439- 1997 <u>1988</u>
<u>CSA B137.3-1999 in B137</u>
<u>CSA B181.2-1999 in B1800</u>
<u>CSA B182.1-1999 in B1800</u>
<u>CSA B182.2-1999 in B1800</u>
<u>CSA B125-2001</u>
<u>CSA B137.6-1999 in B137</u>
<u>CSA B137.6-1999 in B137</u> |
| 9) | Plumbing Fixture Fittings (Metering valves, faucets, etc.) | ASME/ANSI A112.18.1M-
1996 <u>1989</u>
<u>CSA B125-2001</u> |
| 10) | Steel | ASME/ANSI B 16.9- 1993 <u>1986</u>
ASME/ANSI B 16.11- 1997 <u>1991</u>
ASME/ANSI B 16.28- 1994 <u>1986</u> |
| 11) | Wrought Copper/Bronze Solder Pressure Fitting | ASME/ANSI B 16.22- 1995 <u>1989</u> |
| 12) | Wrought Copper and Wrought Copper Alloy Solder (Drainage Fittings) | ASME/ANSI B16.29- 1994 <u>1986</u>
ASME/ANSI B16.22- 1995 <u>1989</u> |
| 13) | Wrought Steel Buttwelding Fittings | ASME/ANSI B16.9- 1993 <u>1986</u> |
| 14) | Wrought Steel Buttwelding Short Radius Ells | ASME/ANSI B16.28- 1994 <u>1986</u> |

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

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Section 890.APPENDIX A Plumbing Materials, Equipment, Use Restrictions and Applicable Standards**Section 890.TABLE B Minimum Number of Plumbing Fixtures**

Type of Building	All Facilities for Employee Use		Single Dwelling or Unit of Multiple Dwelling; Condo. or Apartment; or Hotel/Motel Unit
	Male	Female	
Water closets (Fixtures per person)	For 1-5 Total Employees See Section 890.810(b)(1)		1 per dwelling or unit
	1: 1-15	1: 1-15	
	2: 16-35	2: 16-35	
	3: 36-55	3: 36-55	
	4: 56-80	4: 56-80	
	5: 81-110	5: 81-110	
	Over 110, add 1 fixture per restroom for each additional 40 males/females. (See Footnote #1)		
Urinals	See footnote #2	See footnote #2	None
Lavatories ³ (Fixtures per person)	1: 1-15	1: 1-15	1 per dwelling or unit
	2: 16-35	2: 16-35	
	3: 36-60	3: 36-60	
	Over 60, add 1 fixture per restroom for each additional 45 males/females.		
Bathtubs/Showers	1 per 10 ⁷ (If Required)	1 per 10 ⁷	1 per dwelling or unit
Drinking fountains ⁴ (Fixtures per person)		1 per 75	None
Other Fixtures ⁵		None	1 Double Kitchen Sink; <u>or</u> <u>1 Single Bowl – 24" x 21"</u> <u>x 6½" minimum</u>

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1 Laundry Tray or 1
Automatic Laundry
Washing Machine
connection for each 4
units⁵ |

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Type of Building	Dormitories		Assembly Places: Sports Arenas, Stadiums, Convention Halls, Etc.	
	Male	Female	Male	Female
Water Closet (Fixtures per person)	1 per 10 Add 1 fixture for each additional 25 males over 10; and 1 for each additional 20 females over 8.	1 per 8	1: 1-100 2: 101-200 3: 201-400 4: 400-800	2: 1-100 3: 101-150 4: 151-200 5: 201-300 6: 301-400 7: 401-500 8: 501-650 9: 651-800 Over 800, add 1 fixture for each additional 700 males and 1 for each 200 females. See Footnote #1
Urinals (Fixtures per person)	1 per 25 Over 150, add 1 fixture for each 50 males added; over 400, add 1 for each 200 males added. ²	See Footnote #2	1: 1-100 2: 101-200 3: 201-400 4: 401-600	See Footnote #2 Over 600, add 1 fixture for each additional 250 persons.
Lavatories ³ (Fixtures per person)	1 per 12 Over 12, add 1 fixture for each additional 20 males and 1 for each 15 females.	1 per 12	1: 1-200 2: 201-400 3: 401-750	1: 1-200 2: 201-400 3: 401-750 Over 750, add 1 fixture per restroom for each added 400 males/females.
Bathtubs, Showers (Fixtures per person)		1 per 8 For females, add 1 bathtub per 30; over 150, add 1 per 50.	None	

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Type of Building	Dormitories		Assembly Places: Sports Arenas, Stadiums, Convention Halls, Etc.	
	Male	Female	Male	Female
Drinking Fountains ⁴ (Fixtures per person)	1 per 75		<u>1 per each set of male and female public restrooms</u> 1:1-100 Over 100, add 1 for each added 150; over 1000 add 1 for each added 500; over 5000, add 1 for each added 1000.	
Other Fixtures (Fixtures per person)	1 Service Sink per floor		1 Service Sink per floor	

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Type of Building	Assembly Places: Theaters, Auditoriums, Other Facilities for Spectator Events				Mercantile Units, Malls, Stores, Etc.			
	Male		Female		Male		Female	
Water Closet (Fixtures per person)	1:	1-100	2:	1-100	1:	1-100	1:	1-50
	2:	101-200	3:	101-150	2:	101-200	2:	51-100
							2:	1-100
	3:	201-400	4:	151-200	3:	201-400	3:	101-150
	4:	401-400- 800	5:	201-300	4:	401-400- 800	4:	151-250
			6:	301-400			5:	251-350
			7:	401-500			6:	351-500
			8:	501-650			7:	501-650
			9:	651-800			8:	651-800
		Over 800, add 1 fixture for each additional 400 males and 1 for each 170 females. See Footnote #1			Over 800, add 1 fixture for each additional 500 males and 1 for each 175 females. See Footnote #1			
Urinals (Fixtures per person)	1:	1-100	See Footnote #2		1:	51- 200	See Footnote #2	
	2:	101-200			2:	201-400		
	3:	201-400			3:	401-600		
	4:	401-600			4:	601-800		
		Over 600, add 1 fixture for each additional 300 males.			Over 800, and 1 fixture for each additional 300.			
Lavatories ³ (Fixtures per person)	1:	1-200	1:1-200		1:	1-200	1:	1-200
	2:	201-400	2:201-400		2:	201-400	2:	201-400
	3:	401-750	3:401-750		3:	401-750	3:	401-750
		Over 750, add 1 fixture per restroom for each added 400 males/females.			Over 750, add 1 fixture per restroom for each added 350 males/females.			
Drinking Fountains ⁴	1:	1-100			1:	1-100		

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(Fixtures per person)	Over 100, add 1 for each added 500+50 ; over 1000, add 1 for each added 500; over 5000, add 1 for each added 1000.	Over 100, add 1 for each added 500+50 ; over 1000, add 1 for each added 500; over 5000, add 1 for each added 1000.
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Other Fixtures (Fixtures per person)	1 Service Sink per Floor	1 Service Sink per Floor
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Type of Building	Worship Places and Funeral Homes		Businesses Selling Motor Fuel to the Public ¹⁰	
	Male (See Footnote #1)	Female	Male	Female
Water Closets (Fixtures per person)	1 per 250	1 per 125	1 per station	1 per station
Urinals (Fixtures per person)	1 per 250	See Footnote #2		None
Lavatories ³ (Fixtures per person)	1 per 125	1 per 125	1 per station	1 per station
Other Fixtures (Fixtures per person)	1 Service Sink			None

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Type of Building	Office Buildings/Public Buildings		<u>Food Service Establishments</u> Restaurants, Pubs, Lounges, Nightclubs, and Places Serving Food or Liquid to be Consumed on the Premises ⁸	
	Male	Female	Male	Female
Water Closet (Fixtures per person)	1: 1-15 2: 16-35 3: 36-55 4: 56-80 5: 81-110 Over 110, add 1 fixture per restroom for each additional 40 males/females. See Footnote #1	1: 1-15 2: 16-35 3: 36-55 4: 56-80 5: 81-110	1: 1-100 2: 101-300 Over 300, add 1 fixture for each additional 200 males and 1 fixture per each 100 females. See Footnotes #1.	1: 1-50 2: 51-100 3: 101-150 4: 151-300
Urinals (Fixtures per person)	See Footnote #2		1: 1-150 Over 150, add 1 fixture for each added 150 males.	See Footnote #2
Lavatories ³ (Fixtures per person)	1: 1-15 2: 16-35 3: 36-60 4: 61-90 5: 91-125 Over 125, add 1 fixture per restroom for each additional 45 males/females. See Footnote #1	1: 1-15 2: 16-35 3: 36-60 4: 61-90 5: 91-125	1: 1-100 2: 101-200 3: 201-400 Over 400, add 1 fixture per each additional restroom for each additional 200 males/females. See Footnotes #1 and #6	1: 1-100 2: 101-200 3: 201-400
Drinking Fountains ⁴ (Fixtures per person)	1 per 75		<u>See Footnote #12</u> None	
Other Fixtures	1 Service Sink per floor <u>on which</u>		1 Service Sink and 1 3-	

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

(Fixtures per person)

restrooms are located

Compartment Sink as required by |
77 Ill. Adm. Code 750
See Footnote #6

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NOTICE OF ADOPTED AMENDMENTS

Type of Building	Schools-Student Use: Nursery , Elementary		Schools-Student Use: Secondary, Colleges, Universities, Adult Centers, Etc.etc.	
	Male	Female	Male	Female
Water Closets (Fixtures per person)	1: 1-20 2: 21-50 Over 50, add 1 fixture per restroom for each additional 50 persons. See Footnote #1	1: 1-20 2: 21-50	1 per 40 See Footnote #1	1 per 20 See Footnote #1
Urinals (Fixtures per person)	See Footnote #2	See Footnote #2	1 per 40 See Footnote #235	See Footnote #2
Lavatories ³ (Fixtures per person)	1: 1-25 2: 26-50 Over 50, add 1 fixture per restroom for each additional 50 persons. See Footnote #1	1: 1-25 2: 26-50	1 per 40 1 per exercise room	1 per 40
Drinking Fountains ⁴ (Fixtures per person)		1 per 75		1 per 75
Other Fixtures (Fixtures per person)		1 Service Sink per floor		1 Service Sink per floor

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Type of Building	Day Care, <u>Nursery and Preschool</u> Centers <u>Toddlers 16-36 Months Excludes Infants</u> <u>(0-15 Months) (All Ages)</u>
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	Male	Female
Water Closets (Fixtures per person)	1: 1-10	1: 1-10
	2: 11-25	2: 11-25
	3: 26-50	3: 26-50
	4: 51-75	4: 51-75
	5: 76-100	5: 76-100
	6: 101-125	6: 101-125
	7: 126-150	7: 126-150
	8: 151-175	8: 151-175

Over 175: Add a fixture per restroom for each additional 50 males/females.

See Footnotes #1 and #11 ~~Footnote #1~~

Urinals (Fixtures per person)	See Footnote #2	See Footnote #2
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Lavatories ³ (Fixtures per person)	1: 1-10	1: 1-10
	2: 11-25	2: 11-25
	3: 26-50	3: 26-50
	4: 51-75	4: 51-75
	5: 76-100	5: 76-100
	6: 101-125	6: 101-125
	7: 126-150	7: 126-150
	8: 151-175	8: 151-175

Over 175: Add a fixture per restroom for each additional 50 males/females.

See Footnotes #1 and #11 ~~Footnote #1~~

Drinking Fountains ⁴ (Fixtures per person)	1 per 75
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Other Fixtures	1 Service Sink Per Facility
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DEPARTMENT OF PUBLIC HEALTH
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Type of Building	Hospital Individual Room	Hospitals Ward Room
Water Closets (Fixtures per person)	1 per room	1 per 8 patients
Urinals (Fixtures per person)	None	None
Lavatories ³ (Fixtures per person)	1 per room	1 per 8 patients
Bathtubs, Showers (Fixtures per person)	1 per room	1 per 8 patients
Drinking Fountains ⁴ (Fixtures per person)	None	1 per 75
Other Fixtures (Fixtures per person)	1 Service Sink per floor	1 Service Sink per floor

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NOTICE OF ADOPTED AMENDMENTS

Type of Building	Institutional – Other than Hospitals or Penal Institutions (on each floor)		Penal Institutions For Prisoner Use Cell or Dormitories
	Male	Female	
Water Closets (Fixtures per person)	1 per 25	1 per 20	1 per cell 1 per 8 in a dormitory
Urinals (Fixtures per person)	1 per 50 (#2)	See Footnote #2	None
Lavatories ³ (Fixtures per person)	1 per 10	1 per 10	1 per cell 1 per 8 prisoners in a dormitory
Bathtubs, Showers (Fixtures per person)	1 per 8	1 per 8	1 per 8 prisoners
Drinking Fountains ⁴ (Fixtures per person)		1 per 75	1 per 75 prisoners
Other Fixtures (Fixtures per person)	1 Service Sink per floor		1 Service Sink per floor

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NOTICE OF ADOPTED AMENDMENTS

Instructions/Footnotes For Table B

The numbers of fixtures required for employees are included in the numbers shown in Table B for all building types/uses except Hospital Rooms, Penal Institutions, and Other Institutions. The entry in Table B entitled "All Facilities for Employee Use" shall be used to determine the minimum number of fixtures required for employees in hospitals, penal/other institutions, and all other buildings/facilities that do not appear in Table B.

Questions concerning the minimum numbers of fixtures required for building types not listed in Appendix A, Table B, shall be referred to the Department in writing prior to construction for a decision concerning the minimum numbers (and types) of plumbing fixtures required.

Footnotes:

1. The figures shown are the minimum number of fixtures required for the number of persons indicated or any fraction thereof. Based on the total occupant load determined, the number of fixtures shall be calculated assuming ~~fifty (50)~~ percent of the occupants are male and ~~fifty (50)~~ percent are female. The total male/female occupants shall be calculated first; then the number of fixtures for each (males/females) shall be determined from the appropriate table.
2. Urinals may be substituted for water closets for males, not to exceed ~~one-half (1/2)~~ of the required total number of water closets. Comparable fixtures for females may be substituted for water closets for females, not to exceed ~~one-half (1/2)~~ of the required total number of water closets.
3. 18 lineal inches of wash sink or 18 inches of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one lavatory.
4. Whenever a drinking fountain is required by this code, bottled drinking water or a water dispensing faucet (water station) may be substituted for a drinking fountain, provided ~~drinking water is it is readily~~ accessible to the public. When bottled drinking water is provided in lieu of a drinking fountain, the bottled water used must be commercially sealed in accordance with the Illinois "~~Bottled Water Act" (Ill. Rev. State. 1991, ch. 111½, par 121.100 et seq.)~~ [815 ILCS 310] or must comply with the Department's "~~Public Area Sanitary Practice Code"~~ (77 Ill. Adm. Code 895).
5. The kitchen sink and laundry tray or connection for the washer are not required for the hotel/motel unit.

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NOTICE OF ADOPTED AMENDMENTS

6. In addition to providing separate handwashing facilities in the kitchen for employees, all food service establishments ~~restaurants~~ shall provide a minimum of one ~~one (1)~~ service/utility sink and one three-compartment sink to sanitize dishes and eating utensils; however, a mechanical dishwasher may be substituted for a 3~~three~~-compartment sink to sanitize dishes and utensils. (See 77 Ill. Adm. Code 750.)
7. When bathtubs/showers are required for employees by OSHA requirements, collective bargaining agreements, etc., they shall be provided at the rate of one~~1~~ per 10 employees.
8. Food Service Establishments ~~Restaurants~~ with no more than 10 ~~ten (10)~~ combined employees and seats (for patrons) at any one time need not provide public restrooms, provided the employee restrooms are ~~restroom(s) is (are)~~ accessible and made available to the public.
9. Bed and Breakfast facilities with more than 5 ~~five~~ sleeping rooms shall meet the minimum requirements of this Part for Hotel/Motel units. Bed and Breakfast facilities with 5 or fewer sleeping rooms, in conformance with the Bed and Breakfast Act [50 ILCS 820] P.A. 85-0399, need not provide individual restrooms for each sleeping room.
10. Businesses which sell motor fuel but do not have any employees working as attendants are not required to provide public restrooms.
11. In Day Care Centers providing restroom training facilities for occupants ages 3 and younger where continuous adult supervision is provided, restrooms are not required to be separated into facilities for males and females, and are allowed to contain multiple lavatories and water closets as required by this Part. Public restrooms shall be required for everyone over the age of 3 separate from the restroom training facilities as required by this Part.
12. Drinking water shall be provided in accordance with Section 890.720(f).

(Source: Amended at 28 Ill. Reg. _____, effective February 18, 2004)

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NOTICE OF ADOPTED AMENDMENTS

Section 890.APPENDIX A Plumbing Materials, Equipment, Use Restrictions and Applicable Standards**Section 890.TABLE E Drainage Fixture Units (D.F.U.) Per Fixture Group**

Type of Fixture	D.F.U./Fixture (Load)	Minimum Size of Trap ² (inches)
Bathroom groups:		
1 tank water closet, 1 lavatory with 1¼ inch trap and 1 bathtub ¹ or shower stall	7	1¼
1 water closet with flush valve, 1 lavatory with 1¼ inch trap and 1 bathtub or shower ¹	11	
Bathtub (with or without overhead shower) ¹	2	1½
Bathtub ¹	3	2
Bidet	2	1½
Clothes washer, automatic	3	2
Dental unit or cuspidor	1	1¼
Drinking fountain	½	1
Dishwasher ² , domestic	2	1½
Floor drains	See Appendix A, Table F	2
Lavatories:		
Lavatory	1	1¼
Lavatory	2	1½
Lavatory, barber, beauty parlor	2	1½
Lavatory, dental	1	1¼

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Lavatory, surgeon's	2	1½
Laundry tray (1 or 2 compartments)	2	1½
Type of Fixture	D.F.U./Fixture (Load)	Minimum Size of Trap ² (inches)
Shower stall	3	2
Showers (group) per head ²	3	2
Sinks:		
Combination sink and tray	3	1½
Combination sink and tray with food-disposal unit	4 Separate Traps	1½
Flushing rim (with valve)	8	3
Kitchen sink, domestic	2	1½
Kitchen sink, domestic, with food-waste grinder	3 Separate Traps	1½
Pot, scullery, etc. ²	4	1½
Service (P trap)	3	3
Service (P trap)	2	2
Surgeon's	3	1½
Wash sink ² (circular or multiple), each set of faucets	2	1½
Urinals:		
Urinal, pedestal, siphon jet, blowout	8	2
Urinal stall	<u>34</u>	2
Urinal, wall integral trap	<u>34</u>	2

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Urinal, wall P trap, exposed	<u>24</u>	1½	
Water closets:			
Tank operated	4	3	
Valve-operated	8	3	

¹A shower head over a bathtub does not increase the fixture value.

²See Appendix A: Table F and Section 890.1330(b) for method of determining unit values of fixtures not listed in this Table or for rating of devices with intermittent flows.

(Source: Amended at 28 Ill. Reg. 4215, effective February 18, 2004)

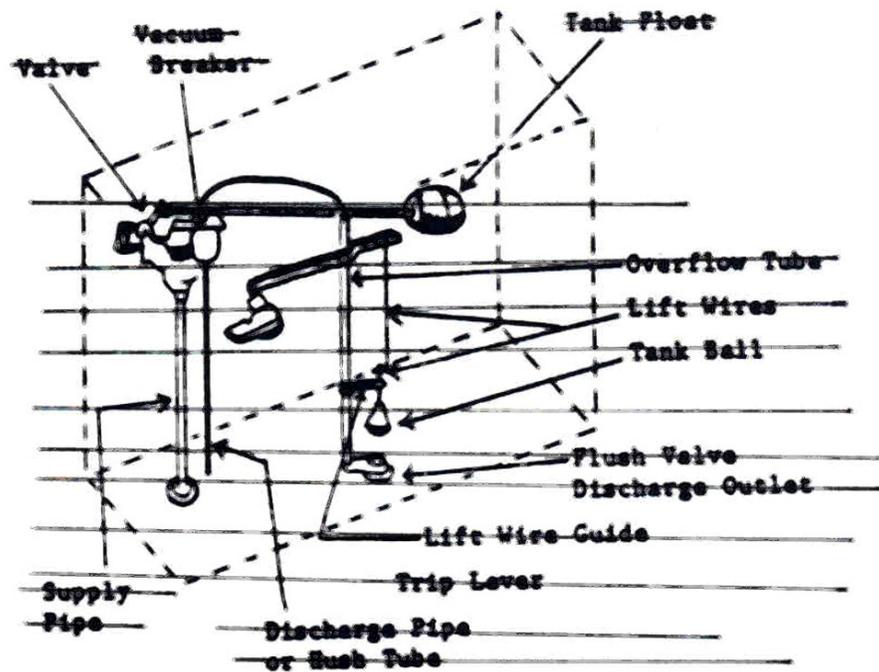
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 890.APPENDIX B Illustrations for Subpart A

Section 890.ILLUSTRATION N Flush Valve (Repealed)

(Referenced in Section 890.120, Definition of "Flush Valve".)



(Source: Repealed at 28 Ill. Reg. 4215, effective February 18, 2004)

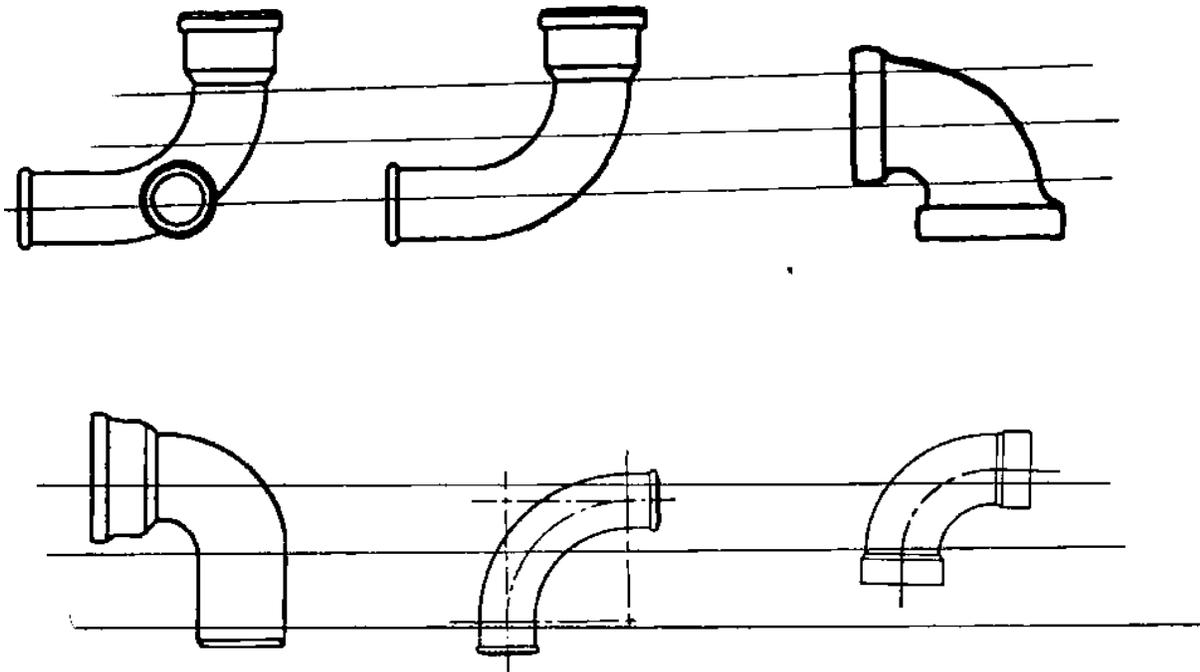
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 890.APPENDIX B Illustrations for Subpart A

Section 890.ILLUSTRATION R Quarter Bend (Repealed)

(Referenced in Section 890.120, Definition of "Quarter Bend".)



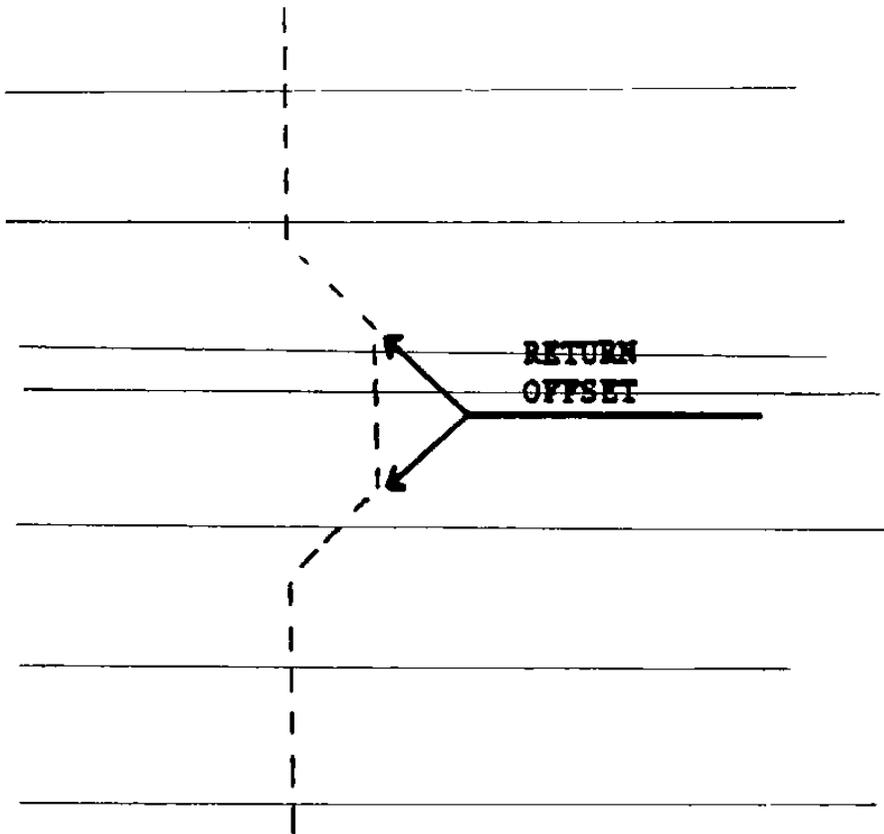
(Source: Repealed at 28 Ill. Reg. 4215, effective February 18, 2004)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 890.APPENDIX B Illustrations for Subpart A

Section 890.ILLUSTRATION T Return Offset (Repealed)

~~(Referenced in Section 890.120, Definition of "Return Offset".)~~



(Source: Repealed at 28 Ill. Reg. 4215, effective February 18, 2004)

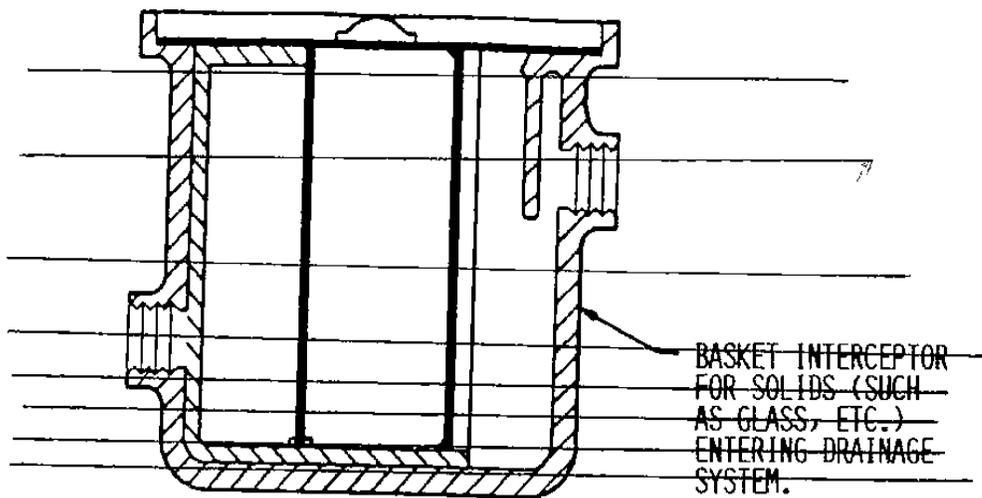
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 890.APPENDIX E Illustrations for Subpart E

Section 890.ILLUSTRATION D Interceptors for Bottling Plants (Repealed)

(Referenced in Section 890.530)



(Source: Repealed at 28 Ill. Reg. 4215, effective February 18, 2004)

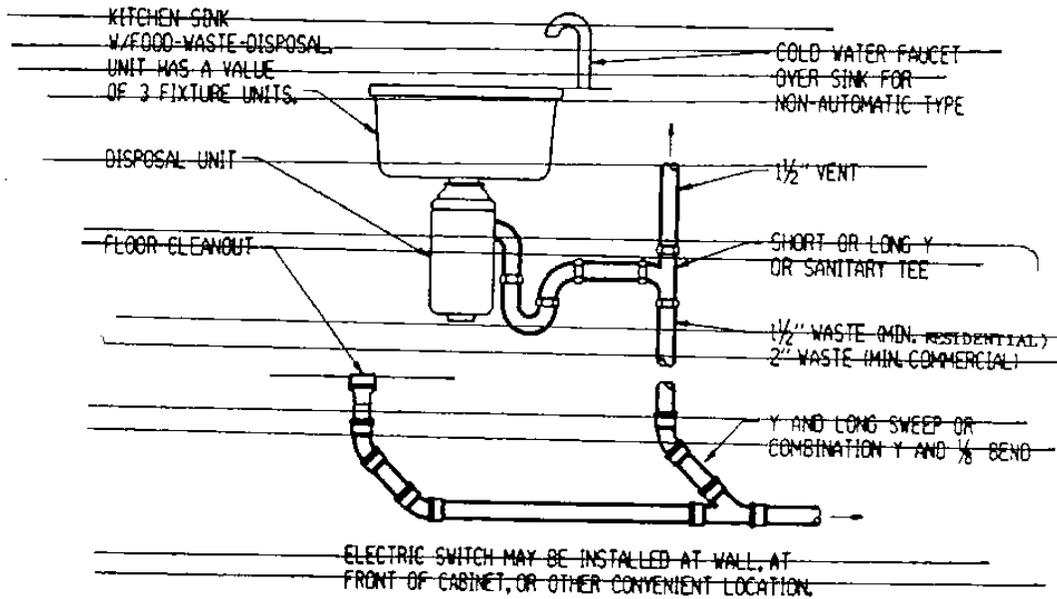
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 890.APPENDIX F Illustrations for Subpart F

Section 890.ILLUSTRATION C Commercial Type Grinder #1 **Repealed**

(Referenced in Section 890.710(b))



(Source: Repealed at 28 Ill. Reg. 4215, effective February 18, 2004)

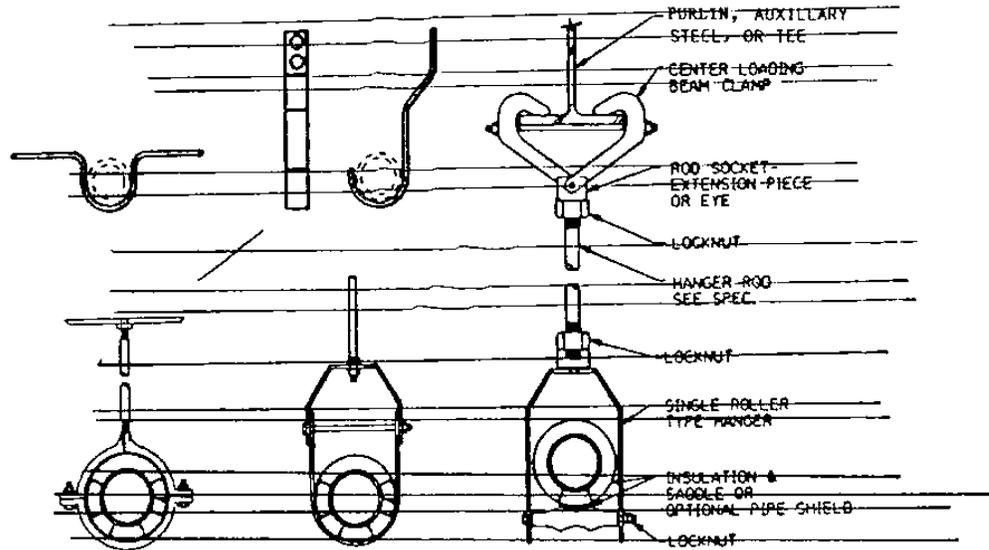
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 890.APPENDIX G Illustrations for Subpart G

Section 890.ILLUSTRATION C Horizontal Piping Support **Repealed**

(Referenced in Section 890.930(a))



(Source: Repealed at 28 Ill. Reg. 4215, effective February 18, 2004)

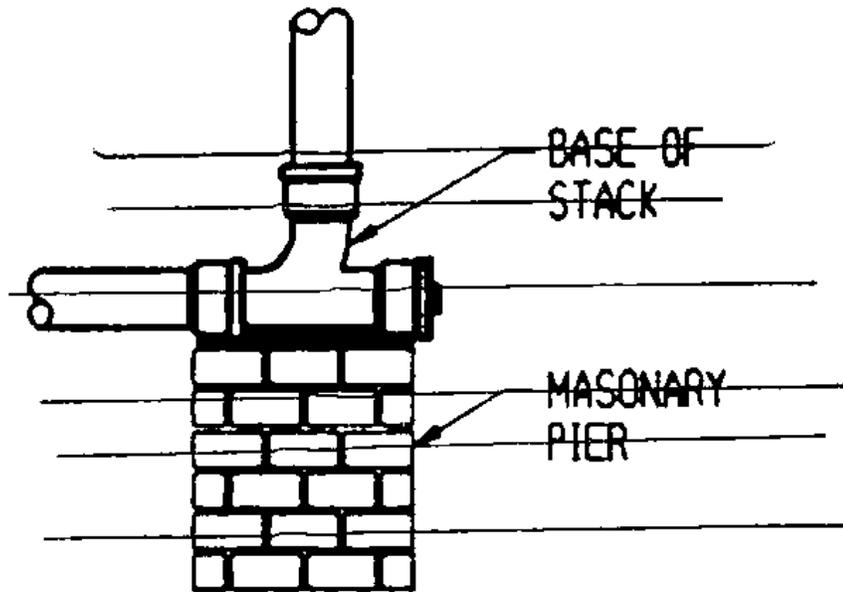
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 890.APPENDIX G Illustration for Subpart G

Section 890.ILLUSTRATION D Cast Iron Soil Support Stack (Repealed)

~~(Referenced in Section 890.930(b))~~



(Source: Repealed at 28 Ill. Reg. 4215, effective February 18, 2004)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Senior Citizens and Disabled Persons Prescription Drug Discount Program
- 2) Code Citation: 80 Ill. Adm. Code 2151
- 3)

<u>Section Numbers</u> :	<u>Emergency Action</u> :
2151.10	New Section
2151.20	New Section
2151.30	New Section
2151.40	New Section
2151.50	New Section
2151.60	New Section
2151.70	New Section
2151.80	New Section
2151.90	New Section
2151.100	New Section
2151.110	New Section
2151.120	New Section
- 4) Statutory Authority: [320 ILCS 55] (Public Act 93-18)
- 5) Effective Date of Rules: February 20, 2004
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking has no earlier effective date specified.
- 7) Date Filed with the Index Department: February 20, 2004
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The law became effective on January 1, 2004 and needs to be implemented sooner than the general rulemaking process would allow.
- 10) A Complete Description of the Subjects and Issues Involved: Senior citizens and disabled persons are being disproportionately impacted by the high cost of prescription drugs. The Senior Citizens and Disabled Persons Prescription Drug Discount Program has been implemented to offer assistance to the citizens in reducing their prescription drug costs.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY RULES

- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking will not create a State mandate for units of local government.
- 13) Information and questions regarding this rulemaking shall be directed to:

Paul Solitto
Department of Central Management Services
201 E. Madison
Springfield IL 62794-9208
217/785-8675

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY RULES

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE F: EMPLOYEE INSURANCE

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2151

SENIOR CITIZENS AND DISABLED PERSONS

PRESCRIPTION DRUG DISCOUNT PROGRAM

SUBPART A: PURPOSE AND DEFINITIONS

Section

2151.10 Purpose

EMERGENCY

2151.20 Definitions

EMERGENCY

SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

2151.30 Eligibility

EMERGENCY

2151.40 Enrollment Fee

EMERGENCY

2151.50 Other Administrative Responsibilities of the Department

EMERGENCY

SUBPART C: RESPONSIBILITIES OF THE PROGRAM ADMINISTRATOR

2151.60 Eligibility Determination

EMERGENCY

2151.70 Enrollment

EMERGENCY

2151.80 Re-enrollment

EMERGENCY

2151.90 Other Administrative Responsibilities

EMERGENCY

2151.100 Termination of Program Administrator

EMERGENCY

SUBPART D: FUNDING

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY RULES

2151.110 Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund
EMERGENCY

SUBPART E: DISCOUNTS

2151.120 Discounts
EMERGENCY

AUTHORITY: Implementing, and authorized by Section 45 of, the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act [320 ILCS 55].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 4379, effective February 20, 2004.

SUBPART A: PURPOSE AND DEFINITIONS

Section 2151.10 Purpose
EMERGENCY

This Part implements the Senior Citizens and Disabled Persons Prescription Drug Discount Program, also known as the Illinois Rx Buying Club, to enable Illinois senior citizens and disabled persons to purchase prescription drugs at discounted prices.

Section 2151.20 Definitions
EMERGENCY

The following terms have the following meanings:

"Act" means the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act [320 ILCS 55].

"Authorized Pharmacy" means any pharmacy registered in this State under the Pharmacy Practice Act of 1987 and approved by the Department or its Program Administrator.

"AWP" or "Average Wholesale Price" means the amount determined from the latest publication of the Red Book, a universally subscribed pharmacist reference guide annually published by the Hearst Corporation. AWP may also be derived electronically from the drug pricing database synonymous with the latest publication of the Red Book and furnished in the National Drug Data File (NDDF) by First Data Bank (FDB), a service of the Hearst Corporation.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY RULES

“Cardholder” means an eligible senior or eligible disabled person who has enrolled in the program.

“Citizen” means a resident of the State of Illinois.

“Department” or “CMS” means the Department of Central Management Services.

“Director” means the Director of Central Management Services.

“Drug Manufacturer” means any entity that is located within or outside Illinois that is engaged in:

the production, preparation, propagation, compounding, conversion, or processing of prescription drug products covered under the program, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; or

the packaging, repackaging, leveling, labeling, or distribution of prescription drug products covered under the program

and that elects to provide prescription drugs either directly or under contract with any entity providing prescription drug services on behalf of the State of Illinois. Drug manufacturer, however, does not include a wholesale distributor of drugs or a retail pharmacy licensed under Illinois law.

“Eligible Disabled Person” means a resident of Illinois who is disabled under a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335] or is eligible to receive disability under the Federal Social Security Act.

“Eligible Enrollee” means an eligible senior and/or eligible disabled person.

“Eligible Senior” means a resident of Illinois who is 65 years of age or older.

“Participating Pharmacy” means a pharmacy that has entered into a contract with the Program Administrator to participate in this program.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY RULES

"Prescription Drug" means any prescribed drug that may be legally dispensed by an authorized pharmacy.

"Program" means the Illinois Rx Buying Club created under the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act.

"Program Administrator" means the entity that is chosen by the Department to administer the program.

SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

Section 2151.30 Eligibility**EMERGENCY**

Eligibility is limited to citizens of Illinois who are:

- a) Disabled and under a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] and/or is eligible to receive disability under the Federal Social Security Act; or
- b) 65 years of age and older; or
- c) Eligible for pharmaceutical assistance under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (PAP).

Section 2151.40 Enrollment Fee**EMERGENCY**

To participate in the program, an approved applicant must pay \$25 upon enrollment and annually thereafter (Section 35(a) of the Act). The enrollment fee for persons eligible through PAP is waived (Section 35(c) of the Act).

Section 2151.50 Other Administrative Responsibilities of the Department**EMERGENCY**

- a) The Department may enter into contracts with outside vendors, pursuant to Section 25 of the Act, and agreements with State agencies under which those entities will exercise various recordkeeping and other administrative functions.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY RULES

- b) The Department will reimburse the Program Administrator for the cost of cardholder enrollment, pursuant to the contract entered into by the Department and the Program Administrator.
- c) The Department will, in cooperation with the Program Administrator, establish procedures for properly contracting for pharmacy services and validating compliance of authorized pharmacies with the Act and this Part.
- d) The Department shall report to the Governor and the General Assembly by March 1 of each year on the administration of the program.

SUBPART C: RESPONSIBILITIES OF THE PROGRAM ADMINISTRATOR

**Section 2151.60 Eligibility Determination
EMERGENCY**

The Program Administrator shall obtain the necessary enrollment information from applicants and shall verify eligibility. Eligibility shall be determined within 30 days after receipt of the application.

**Section 2151.70 Enrollment
EMERGENCY**

The Program Administrator shall:

- a) Enroll eligible applicants into the program.
- b) Distribute the identification card to the eligible enrollee.
- c) Enroll persons participating in PAP, through an electronic file provided by the Department of Revenue or any subsequent State agency responsible for the administration of PAP.
- d) Collect and deposit enrollment fees into the Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund.

**Section 2151.80 Re-enrollment
EMERGENCY**

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY RULES

- a) The period of enrollment in the program is one year. Cardholders must re-enroll each year by their one-year anniversary date or enrollment is terminated.
- b) Any person eligible for PAP is automatically enrolled in the program and is not required to re-enroll annually. Enrollment of these persons is automatically terminated if the person is no longer eligible under PAP.

Section 2151.90 Other Administrative Responsibilities

- a) The Program Administrator shall contract with pharmacies electing to participate in the Illinois Rx Buying Club.
- b) The discounts to a cardholder shall be no less than, but may be greater than:
 - 1) AWP minus 12% for brand name drug products and, for a period of 6 months following release, newly release generic drug products; and
 - 2) AWP minus 35% for all other generic drug products.
- c) The dispensing fees shall be no greater than, but may be less than:
 - 1) \$3.50 per prescription for brand name drug products, single-source drug products, and, for a period of 6 months after their release, newly released generic drug products; and
 - 2) \$4.25 per prescription for all other generic drug products.
- d) Subject to funds available through rebate agreements negotiated by the Department or the Program Administrator and drug manufacturers, a participating pharmacy shall be reimbursed any difference between the contracted discount rate agreed to by the participating pharmacy and the actual amount paid by the cardholder. Nothing in this subsection precludes a participating pharmacy from knowingly and voluntarily accepting a contract rate that provides the eligible cardholder with lower out-of-pocket costs than those set forth in the Act. All discounts negotiated with a participating pharmacy greater than the minimum discount set forth in subsection (b) shall be given, in its entirety, directly to the cardholder at the point of sale.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY RULES

- e) The Program Administrator is responsible for providing reports to the Department regarding enrollment participation, prescription costs, savings, pharmacy participation, and any other reports deemed necessary by the Department.
- f) The Program Administrator is responsible for providing customer service to cardholders.

**Section 2151.100 Termination of Program Administrator
EMERGENCY**

The contract with the Program Administrator may be terminated by the Director, with cause, upon 30 days written notice or, without cause, upon at least 120 days written notice.

SUBPART D: FUNDING

**Section 2151.110 Senior Citizens and Disabled Persons Prescription Drug Discount
Program Fund
EMERGENCY**

The Program Administrator shall collect and deposit enrollment fees into the Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund. The Department shall separately account for enrollment fees deposited into the Fund.

SUBPART E: DISCOUNTS

**Section 2151.120 Discounts
EMERGENCY**

- a) The Program Administrator shall electronically communicate prescription drug discount information to the participating pharmacy.
- b) The Program Administrator shall ensure and guarantee that a cardholder will be charged no more than the rate agreed to in the contract.
- c) Any manufacturer or group purchasing organization rebate used to provide a discount greater than the agreed to pharmacy rate to the cardholder shall be reimbursed to the participating pharmacy subject to availability of funds.
- d) The cardholder shall receive the greatest discount available through the participating pharmacy at the point of sale. The total amount paid by the available

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY RULES

cardholder for any prescription drug under this program shall not exceed the usual and customary charge for the prescription.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Bow and Arrow
- 2) Code Citation: 17 Ill. Adm. Code 670
- 3) Register Citation to Notice of Proposed Amendments: 28 Ill. Reg. 1973; February 6, 2004
- 4) Date, Time and Location of Public Hearing:

Friday, March 26, 2004
1:00 p.m.
Artisans Building
Illinois State Fairgrounds
Springfield IL 62706
- 5) Other Pertinent Information:

Individuals who are unable to attend the public hearings but wish to comment on the Proposed Amendments should submit written comments by March 22, 2004 to:

Jack Price
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
Telephone: 217/782-1809
Fax: 217/785-2438

All comments received will be fully considered by the agency.

DEPARTMENT OF PUBLIC AID

AGENCY RESPONSE TO JOINT COMMITTEE
RECOMMENDATION ON PROPOSED RULEMAKING

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill Adm. Code 140
- 3) Section Number: 140.492 Proposed Action: Amendment
- 4) Date Originally Published in the Illinois Register: September 19, 2003 (27 Ill. Reg. 14776)
- 5) JCAR Statement of Recommendation on Proposed Rulemaking Published in the Illinois Register: January 30, 2004 (27 Ill. Reg. 1803)
- 6) Summary of Action Taken by the Agency: At its meeting on January 14, 2004, the Joint Committee on Administrative Rules considered the above-cited proposed rulemaking and issued a recommendation that the Department "...again amend this Part in the near future to put in place standards for determining the 'necessity of ensuring service availability' and how rate adjustments will be made."

The Department is working with providers and through an internal workgroup to reform the non-emergency transportation (NET) system with the goals of ensuring access for clients, improving efficiency and reimbursement equity, and providing cost containment strategies. The Department intends to include the recommended criteria and standards in a future amendment to 89 Ill. Adm. Code 140.492 when review of the NET system has been completed.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of the Part: Licensing Standards for Child Care Institutions and Maternity Centers

Code Citation: 89 Ill. Adm. Code 404

<u>Section Numbers:</u>	404.2	404.9	404.25	404.38	
		404.4	404.11	404.28	404.47
		404.5	404.12	404.31	404.49
		404.6	404.18	404.33	404.50
		404.7	404.22	404.37	

Date Originally Published in the Illinois Register: 4/4/03
27 Ill. Reg. 5592

At its meeting on February 18, 2004, the Joint Committee on Administrative Rules objected to the Department of Children and Family Services rulemaking titled Licensing Standards for Child Care Institutions and Maternity Centers (89 Ill. Adm. Code 404; 27 Ill. Reg. 5592) because the Department is relying on Section 10-65(d) of the Illinois Administrative Procedure Act that allows a licensee's existing license to continue in full force and effect until a final decision is made on the renewal application, rather than the more specific and more recently adopted provision in Section 5(d) of the Child Care Act of 1969 that allows the license to continue for up to 30 days pending DCFS' final decision, with a 30 day extension for good cause shown.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYOBJECTION TO AND SUSPENSION OF EMERGENCY RULES

DEPARTMENT OF PROFESSIONAL REGULATION

Heading of the Part: Professional Boxing Act

Code Citation: 68 Ill. Adm. Code 1370

Section Numbers: 1370.315

Date Related Proposed Rulemaking Published
in Illinois Register: 1/30/04
28 Ill. Reg. 1647

Date Emergency Rule Published in the
Illinois Register: 1/30/04
28 Ill. Reg. 1760

At its meeting on February 18, 2004, the Joint Committee on Administrative Rules voted to object to and suspend the above emergency rulemaking, and to notify the Secretary of State of the suspension of the emergency rulemaking. The Committee found that the continued enforcement of this rulemaking would constitute a serious threat to the public interest and welfare. The reasons for the suspension are as follows:

This emergency rule contains insufficient standards to be applied by the Department in determining that an event that purports to be a kickboxing event is actually an ultimate fighting event. 225 ILCS 105/6 specifically exempts amateur and professional kickboxing events from the Department's authority to ban ultimate fighting events. The emergency rule specifically names Toughman competitions as ultimate fighting exhibitions, while the holders of the copyright on that title claim the events it conducts in Illinois are kickboxing events conducted under the rules and regulations of an incorporated kickboxing sanctioning body. If DPR is going to reject a claim of exemption under Section 6, the emergency rules should include standards for making that determination.

The suspended emergency rules may not be enforced by the Department of Professional Regulation for any reason, nor may the Department file with the Secretary of State any rule having substantially the same purpose and effect as these suspended rules for at least 180 days following receipt of this certification and statement by the Secretary of State.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

OBJECTION AND FILING PROHIBITION

ILLINOIS COMMERCE COMMISSION

Heading of the Part: Relocation Towing

Code Citation: 92 Ill. Adm. Code 1710

Section Numbers: 1710.170

Date Originally Published in the Illinois Register: 5/30/03
27 Ill. Reg. 8600

At its meeting on February 18, 2004, the Joint Committee on Administrative Rules voted to object to Section 1710.170 of the above proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of that Section would constitute a serious threat to the public interest, safety or welfare. The reason for the objection and prohibition is as follows:

JCAR objects to, and prohibits the filing of, Section 1710.170 of the Illinois Commerce Commission's rulemaking titled Relocation Towing (92 Ill. Adm. Code 1710; 27 Ill. Reg. 8600) because increasing from \$5 to \$7.50 the amount a commercial relocater of trespassing vehicles is charged for filing relocation tow record forms and relocation tow record numbers, regardless of whether the relocater is reimbursed for the tow, may create an undue economic burden on these businesses, which may result in a decrease in the number of relocators and an increase in the number of abandoned vehicles, thereby threatening the public interest and welfare.

The prohibited portion of the proposed rule may not be filed with the Secretary of State or enforced by the Illinois Commerce Commission for any reason for 180 days following receipt of this certification and statement by the Secretary of State.

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 February 17, 2004 through February 23, 2004 and have been scheduled for review by the Committee at its March 23, 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>
4/4/04	<u>Department of State Police</u> , Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds (20 Ill. Adm. Code 1286)	12/26/03 27 Ill. Reg. 19154	3/23/04
4/7/04	<u>Department of Insurance</u> , Managed Care Dental Plans (50 Ill. Adm. Code 5425)	10/10/03 27 Ill. Reg. 15682	3/23/04

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against BancGroup Mortgage Corp., License No. 4371 of Palos Hills, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 16, 2004.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against Core One Mortgage, Inc., License No. 5762 of Park Ridge, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 20, 2004.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against Elizabeth Fay Mortgage, License No. 5799 of Chesterfield, MO, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 20, 2004.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against Illinois Mortgage Corporation, License No. 3119 of Arlington Heights, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 20, 2004.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against Marquee Financial Services, LLC, License No. 6462 of Skokie, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 20, 2004.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against MidAmerica Mortgage & Financial Services, Ltd, License No. 5038 of North Riverside, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 20, 2004.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,500 against Mortgage 1 Network, Inc., License No. 6362 of Chicago, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 23, 2004.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against Prime Mortgage BancShares, Inc., License No. 5598 of Chicago, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 16, 2004.

PROCLAMATION

2004-25**African-American Veterans Recognition Day**

WHEREAS, despite the great challenges they have encountered, African-American men and women have made lasting contributions to the United States Armed Forces by serving in every war, and have made the ultimate sacrifice for this nation; and

WHEREAS, certain African-American groups such as the Company E, 4th United States Colored Infantry, Tuskegee Airmen, Montford Point Marines, 24th Regiment, 555th Airborne Battalion, 761st Tank Battalion, and the Golden Thirteen have become historical icons in military history; and

WHEREAS, African-American men and women continue to serve their country with pride and make great achievements in the Armed Forces and in civilian capacity everyday; and

WHEREAS, the State of Illinois is proud to participate in the "Salute to African-American Veterans" on February 21, 2004, to acknowledge the numerous accomplishments made by these brave men and women who have served their country through military service:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 21, 2004 as AFRICAN-AMERICAN VETERANS RECOGNITION DAY in Illinois, and encourage all citizens to honor those veterans who have courageously served their country.

Issued by the Governor February 19, 2004.

Filed by the Secretary of State February 20, 2004.

2004-26**Illinois Arts Week**

WHEREAS, arts are the embodiment of all things beautiful and entertaining in the world, and helping to preserve our cultural heritage; and

WHEREAS, arts summon the talents and creativity of all citizens, while inspiring lifelong learning; and

WHEREAS, the Illinois Arts Council encourages the development of the arts throughout the State; and

WHEREAS, the Illinois Arts Council receives funds, provided annually by the Illinois State Legislature and the National Endowment for the Arts, which help to develop the state's public arts policy, promoting culturally diverse programs, and approving grant expenditures; and

WHEREAS, Illinois Arts Week showcases art exhibits and classes throughout the State of Illinois for all of its citizens to participate and enjoy the festivities; and

WHEREAS, the Illinois Arts Council is committed to the cultural, educational, and economical growth of the diverse people and communities of our State through support and encouragement of arts:

PROCLAMATION

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 3-9, 2004 as ILLINOIS ARTS WEEK in Illinois, and encourage all citizens to take part in recognizing all of the artists that make our State a more beautiful and entertaining place to live.

Issued by the Governor February 19, 2004.

Filed by the Secretary of State February 20, 2004.

2004-27

Illinois TRIO Day

WHEREAS, the federal TRIO Programs were established and funded by the federal government in 1965 to inspire and aid students to higher educational goals; and

WHEREAS, TRIO programs in Illinois received over 30 million dollars in federal funding for educational opportunity services in 2002; and

WHEREAS, TRIO programs have provided various support services that enhance the prospects of educational excellence for the participants of the programs; and

WHEREAS, a large majority of United States citizens need developmental course work, tutoring and counseling to succeed in secondary school and in postsecondary freshman-level courses because of their various backgrounds and aspirations; and

WHEREAS, Illinois has 108 TRIO Projects including Upward Bound programs, an Educational Opportunity Center, a Student Support Service, and numerous others serving 30,106 residents located throughout the State on college campuses and in community agencies:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 28, 2004 as ILLINOIS TRIO DAY in Illinois, and encourage all citizens to recognize the positive impact these programs have on our educational system.

Issued by the Governor February 19, 2004.

Filed by the Secretary of State February 20, 2004.

ILLINOIS ADMINISTRATIVE CODE

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