

# 2004

# ILLINOIS

# REGISTER

RULES  
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AGENCIES



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## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Fiscal Year for Annual Reports (General Order 35)
- 2) Code Citation: 83 Ill. Adm. Code 210
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
210.10	Amendment
210.20	New Section
210.30	New Section
- 4) Statutory Authority: Implementing Section 5-109 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-109 and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates statutory references, makes provision for the electronic distribution of annual report forms, and reiterates statutory filing instructions.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 04-0331, with:

Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield IL 62701  
(217)782-7434

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will affect any small municipalities or not for profit corporations that are also jurisdictional entities.
  - B) Reporting, bookkeeping or other procedures required for compliance: Filing procedures
  - C) Types of professional skills necessary for compliance: Managerial and accounting
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: PROVISIONS APPLICABLE TO  
MORE THAN ONE KIND OF UTILITYPART 210  
~~FISCAL YEAR FOR~~ ANNUAL REPORTS  
(~~GENERAL ORDER 35~~)

## Section

210.10 Fiscal Year for Annual Reports

[210.20 Annual Report Forms](#)[210.30 Filing Instructions](#)

AUTHORITY: Implementing Section 5-109 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-109 and 10-101].

SOURCE: Adopted January 4, 1917; codified at 8 Ill. Reg. 7599; amended at 8 Ill. Reg. 19357, effective October 1, 1984; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 210.10 Fiscal Year for Annual Reports**

All public utilities, as that term is defined in Section [3-105 of the Public Utilities Act \(Act\) \[220 ILCS 5/3-105\]](#)~~40.3 of "An Act concerning public utilities," (Ill. Rev. Stat. 1983, ch. 111<sup>2</sup>/<sub>3</sub>, par. 1 et seq.), and all telecommunications carriers, as that term is defined in Section 13-202 of the Act [220 ILCS 5/13-202]~~ shall report on a calendar year basis, ending on December 31 of each year, for purposes of the annual reports required [by Section 5-109 of the Act \[220 ILCS 5/5-109\]](#).~~in Section 19 of "An Act concerning public utilities."~~

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

**Section 210.20 Annual Report Forms**

- a) [The Illinois Commerce Commission \(Commission\) shall notify each public utility or telecommunications carrier by United States mail in December of each calendar year that an annual report shall be submitted to the Commission with instructions on how to obtain the form. Such form can be provided electronically to public utilities or telecommunication carriers.](#)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- b) Any public utility or telecommunications carrier that requires a printed copy of the annual report form to be filed by that entity shall request the printed copy by contacting the Chief Clerk of the Commission in accordance with instructions provided by the Commission in the annual mailing required by subsection (a).

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

**Section 210.30 Filing Instructions**

- a) Pursuant to Section 5-109 of the Act, a completed annual report form shall be filed with the Commission at its Springfield office within three months after the end of the year for which the report is made. [220 ILCS 5/5-109]
- b) The annual report form shall be filed in accordance with the instructions on the form.

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Sewer Discharge Criteria
- 2) Code citation: 35 Ill. Adm. Code 307
- 3)
 

<u>Section numbers:</u>	<u>Proposed Action:</u>
307.4701	Amend
307.4702	Amend
307.4703	Amend
307.4704	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 13, 13.3, and 27
- 5) A complete description of the subjects and issues involved: The following briefly describes the subjects and issues involved in the larger rulemaking of which the amendments to Part 307 are a single segment. Also affected is 35 Ill. Adm. Code 310, which is covered by a separate notice in this issue of the *Illinois Register*. A comprehensive description is contained in the Board's opinion and order of April 15, 2004, proposing amendments in docket R04-18 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

The R04-18 proceeding updates Parts 307 and 310 of the Illinois wastewater pretreatment rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) which appeared in the Federal Register during the period July 1, 2003 through December 31, 2003. During this period, USEPA amended its regulations as follows:

<u>Federal Action</u>	<u>Summary</u>
July 21, 2003 (68 Fed. Reg. 43272)	New methods for microbiological analysis of water and wastewater.
September 19, 2003 (68 Fed. Reg. 54934)	Corrections to the July 21, 2003 approval of new methods.
December 22, 2003 (68 Fed. Reg. 71014)	Amended discharge limitations and pretreatment standards for the centralized waste treatment point source discharge category.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Specifically, the segment of the amendments involved in Part 307 implements the federal December 22, 2003 amendments to the pretreatment standards for the centralized waste treatment point source discharge category.

Tables appear in the Board's opinion and order of April 15, 2004 in docket R04-18 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the opinion and order.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Will these proposed amendments replace any emergency amendments currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date?: No
- 8) Do these proposed amendments contain incorporations by reference? Yes. The current amendments to Part 307 update existing incorporations by reference. The amendments update the versions of 40 CFR 437.15, 437.16, 437.25, 437.26, 437.35, 437.36, 437.46, and 437.47 incorporated by reference in Sections 307.4701 through 307.4704 to include the December 22, 2003 federal amendments.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R04-18 and be addressed to:

Ms. Dorothy M. Gunn, Clerk

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago IL 60601

Please direct inquiries to the following person and reference Docket R04-18:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago IL 60601  
Phone: 312-814-6924  
E-mail: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works.
  - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
  - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.
- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARDPART 307  
SEWER DISCHARGE CRITERIA

## SUBPART A: GENERAL PROVISIONS

Section	
307.101	Preamble (Renumbered)
307.102	General Requirements (Renumbered)
307.103	Mercury (Renumbered)
307.104	Cyanide (STORET number 00720) (Renumbered)
307.105	Pretreatment Requirements (Repealed)
307.1001	Preamble
307.1002	Definitions
307.1003	Test Procedures for Measurement
307.1005	Toxic Pollutants

## SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

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307.1103	Cyanide

## SUBPART F: DAIRY PRODUCTS PROCESSING

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## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 307.1511 Condensed Whey
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## SUBPART G: GRAIN MILLS

## Section

- 307.1601 Corn Wet Milling
- 307.1602 Corn Dry Milling
- 307.1603 Normal Wheat Flour Milling
- 307.1604 Bulgur Wheat Flour Milling
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- 307.1700 General Provisions
- 307.1701 Apple Juice
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- 307.1703 Citrus Products
- 307.1704 Frozen Potato Products
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## SUBPART I: CANNED AND PRESERVED SEAFOOD

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- 307.1801 Farm-Raised Catfish
- 307.1815 Fish Meal Processing Subcategory

## SUBPART J: SUGAR PROCESSING

## Section

- 307.1901 Beet Sugar Processing

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 307.1902 Crystalline Cane Sugar Refining
- 307.1903 Liquid Cane Sugar Refining

SUBPART K: TEXTILE MILLS

- Section
- 307.2000 General Provisions
- 307.2001 Wool Scouring
- 307.2002 Wool Finishing
- 307.2003 Low Water Use Processing
- 307.2004 Woven Fabric Finishing
- 307.2005 Knit Fabric Finishing
- 307.2006 Carpet Finishing
- 307.2007 Stock and Yarn Finishing
- 307.2008 Nonwoven Manufacturing
- 307.2009 Felted Fabric Processing

SUBPART L: CEMENT MANUFACTURING

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- 307.2102 Leaching
- 307.2103 Materials Storage Piles Runoff

SUBPART M: CONCENTRATED ANIMAL FEEDING OPERATIONS

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## POLLUTION CONTROL BOARD

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## POLLUTION CONTROL BOARD

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## POLLUTION CONTROL BOARD

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## POLLUTION CONTROL BOARD

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## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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- 307.3914 Insulation Board
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- 307.3916 Wood Furniture and Fixture Production with Water Wash Spray Booths or with Laundry Facilities

## SUBPART BE: PULP, PAPER, AND PAPERBOARD

## Section

- 307.4000 General Provisions
- 307.4001 Dissolving Kraft
- 307.4002 Bleached Papergrade Kraft and Soda
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- 307.4004 Dissolving Sulfite
- 307.4005 Papergrade Sulfite
- 307.4006 Semi-Chemical
- 307.4007 Mechanical Pulp
- 307.4008 Non-Wood Chemical Pulp
- 307.4009 Secondary Fiber Deink

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307.4010	Secondary Fiber Non-Deink
307.4011	Fine and Lightweight Papers from Purchased Pulp
307.4012	Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp
307.4013	Groundwood-Thermo-Mechanical (Repealed)
307.4014	Groundwood-CMN Papers (Repealed)
307.4015	Groundwood-Fine Papers (Repealed)
307.4016	Soda (Repealed)
307.4017	Deink (Repealed)
307.4018	Nonintegrated-Fine Papers (Repealed)
307.4019	Nonintegrated-Tissue Papers (Repealed)
307.4020	Tissue From Wastepaper (Repealed)
307.4021	Papergrade Sulfite (Drum Wash) (Repealed)
307.4022	Unbleached Kraft and Semi-Chemical (Repealed)
307.4023	Wastepaper-Molded Products (Repealed)
307.4024	Nonintegrated-Lightweight Papers (Repealed)
307.4025	Nonintegrated-Filter and Nonwoven Papers (Repealed)
307.4026	Nonintegrated-Paperboard (Repealed)

## SUBPART BF: BUILDERS' PAPER AND BOARD MILLS

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307.4101	Builder's Paper and Roofing Felt (Repealed)

## SUBPART BG: MEAT PRODUCTS

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307.4201	Simple Slaughterhouse
307.4202	Complex Slaughterhouse
307.4203	Low-Processing Packinghouse
307.4204	High-Processing Packinghouse
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307.4206	Meat Cutter
307.4207	Sausage and Luncheon Meats Processor
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## SUBPART BH: METAL FINISHING

Section

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- 307.4300 General Provisions
- 307.4301 Metal Finishing

## SUBPART BL: CENTRALIZED WASTE TREATMENT

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- 307.4701 Metals Treatment and Recovery
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## SUBPART BN: PHARMACEUTICAL MANUFACTURING

- Section
- 307.4900 General Provisions
- 307.4901 Fermentation Products
- 307.4902 Extraction Products
- 307.4903 Chemical Synthesis Products
- 307.4904 Mixing/Compounding and Formulation
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## SUBPART BQ: TRANSPORTATION EQUIPMENT CLEANING

- Section
- 307.5200 General Provisions
- 307.5201 Tank Trucks and Intermodal Tank Containers Transporting Chemical and Petroleum Cargos
- 307.5202 Rail Tank Cars Transporting Chemical and Petroleum Cargos
- 307.5203 Tank Barges and Ocean/Sea Tankers Transporting Chemical and Petroleum Cargos
- 307.5204 Tanks Transporting Food Grade Cargos

## SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

- Section
- 307.5301 Asphalt Emulsion
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SUBPART BS: WASTE COMBUSTORS

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307.5401 Commercial Hazardous Waste Combustor

SUBPART BT: LANDFILLS

Section  
307.5500 General Provisions  
307.5501 RCRA Subtitle C Hazardous Waste Landfill  
307.5502 RCRA Subtitle D Non-Hazardous Waste Landfill

SUBPART BU: PAINT FORMULATING

Section  
307.5601 Oil-Base Solvent Wash Paint

SUBPART BV: INK FORMULATING

Section  
307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section  
307.6500 General Provisions  
307.6501 Organic Pesticide Chemicals Manufacturing  
307.6502 Metallo-Organic Pesticides Chemicals Manufacturing  
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SUBPART CG: CARBON BLACK MANUFACTURING

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307.6801 Carbon Black Furnace Process  
307.6802 Carbon Black Thermal Process  
307.6803 Carbon Black Channel Process  
307.6804 Carbon Black Lamp Process

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SUBPART CJ: BATTERY MANUFACTURING

Section

- 307.7100 General Provisions
- 307.7101 Cadmium
- 307.7102 Calcium
- 307.7103 Lead
- 307.7104 Leclanche
- 307.7105 Lithium
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- 307.7107 Zinc

SUBPART CL: PLASTICS MOLDING AND FORMING

Section

- 307.7300 General Provisions
- 307.7301 Contact Cooling and Heating Water
- 307.7302 Cleaning Water
- 307.7303 Finishing Water

SUBPART CM: METAL MOLDING AND CASTING

Section

- 307.7400 General Provisions
- 307.7401 Aluminum Casting
- 307.7402 Copper Casting
- 307.7403 Ferrous Casting
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SUBPART CN: COIL COATING

Section

- 307.7500 General Provisions
- 307.7501 Steel Basis Material
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- 307.7503 Aluminum Basis Material
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SUBPART CO: PORCELAIN ENAMELING

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## Section

307.7600	General Provisions
307.7601	Steel Basis Material
307.7602	Cast Iron Basis Material
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## SUBPART CP: ALUMINUM FORMING

## Section

307.7700	General Provisions
307.7701	Rolling With Neat Oils
307.7702	Rolling With Emulsions
307.7703	Extrusion
307.7704	Forging
307.7705	Drawing With Neat Oils
307.7706	Drawing With Emulsions or Soaps

## SUBPART CQ: COPPER FORMING

## Section

307.7800	General Provisions
307.7801	Copper Forming
307.7802	Beryllium Copper Forming

## SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

## Section

307.7901	Semiconductor
307.7902	Electronic Crystals
307.7903	Cathode Ray Tube
307.7904	Luminescent Materials

## SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

## Section

307.8100	General Provisions
307.8101	Lead-Tin-Bismuth Forming
307.8102	Magnesium Forming
307.8103	Nickel-Cobalt Forming

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307.8104	Precious Metals Forming
307.8105	Refractory Metals Forming
307.8106	Titanium Forming
307.8107	Uranium Forming
307.8108	Zinc Forming
307.8109	Zirconium-Hafnium Forming
307.8110	Metal Powders

## 307.APPENDIX A References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 7.2, 13, and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 Ill. Reg. 11640, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1735, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10867, effective August 14, 2001; amended in R03-13 at 27 Ill. Reg. 15095, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3076, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART BL: CENTRALIZED WASTE TREATMENT

**Section 307.4701 Metals Treatment and Recovery**

- a) Applicability. This Section applies to that portion of the discharge of wastewater from a centralized waste treatment facility that results from the treatment of, or

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recovery of metals from, both metal-bearing wastes received from off-site and other centralized waste treatment wastewater associated with the treatment of, or recovery of metal-bearing wastes. The Board incorporates by reference 40 CFR 437.10 (2003). This incorporation includes no later amendments or editions.

- b) Specialized definitions. None.
- c) Existing sources.
  - 1) The Board incorporates by reference 40 CFR 437.15 (2003), [as amended at 68 Fed. Reg. 71014 \(December 22, 2003\)](#). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources.
  - 1) The Board incorporates by reference 40 CFR 437.16 (2003), [as amended at 68 Fed. Reg. 71014 \(December 22, 2003\)](#). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

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

**Section 307.4702 Oils Treatment and Recovery**

- a) Applicability. This Section applies to that portion of the discharge of wastewater from a centralized waste treatment facility that results from the treatment of, or recovery of oil from both oily wastes received from, off-site and other centralized waste treatment wastewater associated with the treatment of, or recovery of, oily wastes. The Board incorporates by reference 40 CFR 437.20 (2003). This incorporation includes no later amendments or editions.
- b) Specialized definitions. None.

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- c) Existing sources.
- 1) The Board incorporates by reference 40 CFR 437.25 (2003), [as amended at 68 Fed. Reg. 71014 \(December 22, 2003\)](#). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources.
- 1) The Board incorporates by reference 40 CFR 437.26 (2003), [as amended at 68 Fed. Reg. 71014 \(December 22, 2003\)](#). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

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

**Section 307.4703 Organics Treatment and Recovery**

- a) Applicability. This Section applies to that portion of the discharge of wastewater from a centralized waste treatment facility that results from the treatment of, or recovery of organic material from both organic wastes received from off-site and other centralized waste treatment wastewater associated with the treatment of, or recovery of, organic wastes. The Board incorporates by reference 40 CFR 437.30 (2003). This incorporation includes no later amendments or editions.
- b) Specialized definitions. None.
- c) Existing sources.
- 1) The Board incorporates by reference 40 CFR 437.35 (2003), [as amended at 68 Fed. Reg. 71014 \(December 22, 2003\)](#). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference

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in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources.
- 1) The Board incorporates by reference 40 CFR 437.36 (2003), [as amended at 68 Fed. Reg. 71014 \(December 22, 2003\)](#). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

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

**Section 307.4704 Multiple Waste Streams**

- a) Applicability. Facilities that treat wastes subject to more than one of the previous Sections in this Subpart BL must comply with either the provisions of this Section or the applicable provisions of Section 307.4701, 307.4702, or 307.4703. This Section applies to that portion of the discharge of wastewater from a centralized waste treatment facility that results from mixing any combination of treated or untreated waste otherwise subject to Section 307.4701, 307.4702, or 307.4703. The Board incorporates by reference 40 CFR 437.40 (2003). This incorporation includes no later amendments or editions.
- b) Specialized definitions. None.
- c) Existing sources.
- 1) The Board incorporates by reference 40 CFR 437.46 (2003), [as amended at 68 Fed. Reg. 71014 \(December 22, 2003\)](#). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources.

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- 1) The Board incorporates by reference 40 CFR 437.47 (2003), [as amended at 68 Fed. Reg. 71014 \(December 22, 2003\)](#). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

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

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- 1) Heading of the Part: Pretreatment Programs
- 2) Code citation: 35 Ill. Adm. Code 310
- 3) 

<u>Section number</u>	<u>Proposed Action</u>
310.107	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 13, 13.3, and 27
- 5) A complete description of the subjects and issues involved: The amendments to Part 310 are a single segment of a larger rulemaking that also affects 35 Ill. Adm. Code 307, which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the larger rulemaking is in this *Illinois Register* only in the answer to question 5 in the Notice of Proposed Amendments for 35 Ill. Adm. Code 307. A comprehensive description is contained in the Board's opinion and order of April 15, 2004, proposing amendments in docket R04-18 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

Specifically, the segment of the amendments involved in Part 310 implements the federal July 21, 2003 new methods for microbiological analysis of water and wastewater and the September 19, 2003 corrections to the July 21, 2003 new methods. Further, the Board uses this opportunity to update the incorporation of two federal statutes by reference to include the latest versions of those statutes. Those two statutes are the Clean Water Act and the Resource Conservation and Recovery Act.

Tables appear in the Board's opinion and order of April 15, 2004 in docket R04-18 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the opinion and order.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

## POLLUTION CONTROL BOARD

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- 6) Will this amendment replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?: No
- 8) Does this amendment contain incorporations by reference? Yes. The current amendments to Part 310 update existing incorporations by reference. The amendments update the version of 40 CFR 136 incorporated by reference in Section 310.107(b) to include the July 21, 2003 federal amendments and September 19, 2003 corrections. Also updated are the versions of the federal Clean Water Act and the federal Resource Conservation and Recovery Act referenced in Section 310.107(c).
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R04-18 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Please direct inquiries to the following person and reference Docket R04-18:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
Phone: 312-814-6924  
E-mail: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

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Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works.
  - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
  - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.
- 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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NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

PART 310  
PRETREATMENT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section	
310.101	Applicability
310.102	Objectives
310.103	Federal Law
310.104	State Law
310.105	Confidentiality
310.107	Incorporations by Reference
310.110	Definitions
310.111	New Source

SUBPART B: PRETREATMENT STANDARDS

Section	
310.201	General Prohibitions
310.202	Specific Prohibitions
310.210	Specific Limits Developed by POTW
310.211	Local Limits
310.220	Categorical Standards
310.221	Category Determination Request
310.222	Deadline for Compliance with Categorical Standards
310.230	Concentration and Mass Limits
310.232	Dilution
310.233	Combined Waste Stream Formula

SUBPART C: REMOVAL CREDITS

Section	
310.301	Special Definitions
310.302	Authority
310.303	Conditions for Authorization to Grant Removal Credits
310.310	Calculation of Revised Discharge Limits

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310.311	Demonstration of Consistent Removal
310.312	Provisional Credits
310.320	Compensation for Overflow
310.330	Exception to POTW Pretreatment Program
310.340	Application for Removal Credits Authorization
310.341	Agency Review
310.343	Assistance of POTW
310.350	Continuation of Authorization
310.351	Modification or Withdrawal of Removal Credits

## SUBPART D: PRETREATMENT PERMITS

Section	
310.400	Preamble
310.401	Pretreatment Permits
310.402	Time to Apply
310.403	Imminent Endangerment
310.410	Application
310.411	Certification of Capacity
310.412	Signatures
310.413	Site Visit
310.414	Completeness
310.415	Time Limits
310.420	Standard for Issuance
310.421	Final Action
310.430	Conditions
310.431	Duration of Permits
310.432	Schedules of Compliance
310.441	Effect of a Permit
310.442	Modification
310.443	Revocation
310.444	Appeal

## SUBPART E: POTW PRETREATMENT PROGRAMS

Section	
310.501	Pretreatment Programs Required
310.502	Deadline for Program Approval
310.503	Incorporation of Approved Programs in Permits
310.504	Incorporation of Compliance Schedules in Permits

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310.505	Reissuance or Modification of Permits
310.510	Pretreatment Program Requirements
310.521	Program Approval
310.522	Contents of Program Submission
310.524	Content of Removal Allowance Submission
310.531	Agency Action
310.532	Defective Submission
310.533	Water Quality Management
310.541	Deadline for Review
310.542	Public Notice and Hearing
310.543	Agency Decision
310.544	USEPA Objection
310.545	Notice of Decision
310.546	Public Access to Submission
310.547	Appeal

## SUBPART F: REPORTING REQUIREMENTS

Section	
310.601	Definition of Control Authority
310.602	Baseline Report
310.603	Compliance Schedule
310.604	Report on Compliance with Deadline
310.605	Periodic Reports on Compliance
310.606	Notice of Potential Problems
310.610	Monitoring and Analysis
310.611	Requirements for Non-Categorical Standard Users
310.612	Annual POTW Reports
310.613	Notification of Changed Discharge
310.621	Compliance Schedule for POTWs
310.631	Signatory Requirements for Industrial User Reports
310.632	Signatory Requirements for POTW Reports
310.633	Fraud and False Statements
310.634	Recordkeeping Requirements
310.635	Notification of Discharge of Hazardous Waste

## SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

Section	
310.701	Definition of Requester
310.702	Purpose and Scope

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310.703	Criteria
310.704	Fundamentally Different Factors
310.705	Factors that are Not Fundamentally Different
310.706	More Stringent State Law
310.711	Application Deadline
310.712	Contents of FDF Request
310.713	Deficient Requests
310.714	Public Notice
310.721	Agency Review of FDF Requests
310.722	USEPA Review of FDF Requests

## SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

Section	
310.801	Net/Gross Calculation by USEPA

## SUBPART I: UPSETS

Section	
310.901	Definition
310.902	Effect of an Upset
310.903	Conditions Necessary for an Upset
310.904	Burden of Proof
310.905	Reviewability of Claims of Upset
310.906	User Responsibility in Case of Upset

## SUBPART J: BYPASS

Section	
310.910	Definitions
310.911	Bypass Not Violating Applicable Pretreatment Standards or Requirements
310.912	Notice
310.913	Prohibition of Bypass

## SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

Section	
310.920	General
310.921	Substantial Modifications Defined
310.922	Approval Procedures for Substantial Modifications

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- 310.923 Approval Procedures for Non-Substantial Modifications  
310.924 Incorporation of Modifications into the Permit

## SUBPART L: FEDERAL PROJECT XL AGREEMENTS

## Section

- 310.930 Federally Approved Pretreatment Program Reinvention Pilot Projects Under Project XL

**AUTHORITY:** Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

**SOURCE:** Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22 Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective July 12, 1999; amended in R00-7 at 24 Ill. Reg. 2372, effective January 26, 2000; amended in R00-15 at 24 Ill. Reg. 11633, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1322, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10860, effective August 14, 2001; amended in R02-3 at 26 Ill. Reg. 4008, effective February 28, 2002; amended in R02-9 at 26 Ill. Reg. 4653, effective March 18, 2002; amended in R03-13 at 27 Ill. Reg. 15137, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3390, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 310.107 Incorporations by Reference**

- a) The following publications are incorporated by reference:
- 1) The consent decree in NRDC v. Costle, 1978 WL 23471, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978).
  - 2) Standard Industrial Classification Manual (1987) (document no. PB87-100012), available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

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- b) The following provisions of the Code of Federal Regulations are incorporated by reference:

40 CFR 2.302 (2003)

40 CFR 25 (2003)

40 CFR 122, Appendix D, Tables II and III (2003)

40 CFR 128.140(b) (1977)

40 CFR 136 (~~2003~~)(~~2002~~), as amended at [68 Fed. Reg. 43272 \(July 21, 2003\)](#) and [68 Fed. Reg. 54934 \(September 19, 2003\)](#)~~67 Fed. Reg. 65220 (October 23, 2002)~~, [67 Fed. Reg. 65876 \(October 29, 2002\)](#), and [67 Fed. Reg. 69952 \(November 19, 2002\)](#).

40 CFR 403 (2003)

40 CFR 403, Appendix D (2003)

- c) The following federal statutes are incorporated by reference:

1) Section 1001 of federal Crimes and Criminal Procedure (18 USC 1001 (2000))

2) The federal Clean Water Act (33 USC 1251 et seq. (~~2000~~)(~~1994~~)) as amended through [November 7, 2000](#)~~October 31, 1994~~

3) Subtitles C and D of the federal Resource Conservation and Recovery Act (42 USC 6901 et seq. (~~2000~~)(~~1994~~)) as amended through March 26, 1996

- d) This Part incorporates no future editions or amendments.

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

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act
- 2) Code Citation: 68 Ill. Adm. Code 1485
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1485.10	New Section
1485.20	New Section
1485.30	New Section
1485.40	New Section
1485.50	New Section
1485.60	New Section
1485.70	New Section
1485.80	New Section
1485.90	New Section
- 4) Statutory Authority: Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act [225 ILCS 130].
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 93-280, effective July 1, 2004, provides for registration of surgical assistants and surgical technologists by the Department of Professional Regulation. When adopted, these rules will allow the Department to begin accepting and processing applications for registration.  
  
Sections 1485.10, 1485.20 and 1485.30 set forth the application process and requirements for surgical assistants and surgical technologists. The rules also set forth procedures for renewal of a registration and under what circumstances the Director of the Department may grant variances to these rules. Fees for certification and renewal, as well as general processing fees, are set forth in Section 1485.80.
- 6) Do these proposed Rules replace any emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other proposed Rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no effect on local governments.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

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

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of surgical assistants or surgical technologists.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: Training as a surgical assistant or surgical technologist is necessary for registration.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

## TITLE 68: PROFESSIONS AND OCCUPATIONS

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

## PART 1485

REGISTERED SURGICAL ASSISTANT AND  
REGISTERED SURGICAL TECHNOLOGIST TITLE PROTECTION ACT

## Section

1485.10	Application for Registration as a Surgical Assistant
1485.20	Application for Registration as a Surgical Technologist
1485.30	Endorsement
1485.40	Supervision
1485.50	Renewal
1485.60	Inactive Status
1485.70	Restoration
1485.80	Fees
1485.90	Granting Variances

AUTHORITY: Implementing the Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act [225 ILCS 130] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1485.10 Application for Registration as a Surgical Assistant**

An applicant for registration as a surgical assistant shall file an application on forms supplied by the Department, together with:

- a) Certification of completion from a medical education program approved by the Department, or has graduated from a United States Military Program that emphasizes surgical assisting;
- b) A complete work history since completion of the medical education program;
- c) Documentation that the applicant has passed a national certifying examination from the National Surgical Assistant Association on the Certification of Surgical

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

Assistants; the Liaison Council on Certification for Surgical Technologists as a certified first assistant; or the American Board of Surgical Assistants;

- d) Proof of current certification by one of the following certifying bodies:
  - 1) National Surgical Assistant Association for the certification of surgical assistants;
  - 2) Liaison Council on Certification for the Surgical Technologist as a certified first assistant; or
  - 3) American Board of Surgical Assistants;
- e) If the applicant has ever been licensed/registered in another state or territory of the United States (jurisdiction), certification, on forms provided by the Department, from the jurisdiction applicant was originally licensed and the jurisdictione applicant predominantly practices and is currently licensed, stating:
  - 1) The time during which the applicant was registered in that jurisdiction, including the date of original issuance of the license; and
  - 2) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- f) The required fee as specified in Section 1485.80.

**Section 1485.20 Application for Registration as a Surgical Technologist**

An applicant for registration as a surgical technologist shall file an application on forms supplied by the Department, together with:

- a) Proof of completion of a surgical technologist program approved by the Department;
- b) A complete work history since completion of a surgical technologist program;
- c) Proof of current certification and successful completion of the Surgical Technologist National Certification Examination provided by the Liaison Council on Certification for the Surgical Technologist or its successor agency;

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

- d) If the applicant has ever been licensed/registered in another state or territory of the United States, certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and the jurisdiction in which the applicant predominantly practices and is currently licensed, stating:
  - 1) The time during which the applicant was registered in that jurisdiction, including the date of original issuance of the license; and
  - 2) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- e) The required fee as specified in Section 1485.80.

**Section 1485.30 Endorsement**

- a) An applicant seeking registration in Illinois who is licensed/registered under the laws of another jurisdiction shall file an application with the Department, on forms provided by the Department, that includes:
  - 1) For Surgical Assistant
    - A) Certification of completion from a medical education program approved by the Department or graduation from a United States Military Program that emphasizes surgical assisting;
    - B) A complete work history since completion of a surgical assistant program;
    - C) Verification of successful completion of a national certifying examination set forth in Section 1485.10(c).
    - D) Current certification by one of the following organizations:
      - i) National Surgical Assistant Association on Certification of Surgical Assistants;
      - ii) Liaison Council on Certification for the Surgical Technologist as a certified first assistant; or
      - iii) American Board of Surgical Assistants.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

- E) The required fee set forth in Section 1485.80.
- 2) For Surgical Technologist
  - A) Proof of completion of a surgical technologist program approved by the Department;
  - B) A complete work history since completion of a surgical technologist program;
  - C) Successful completion of the surgical technologist national certification examination provided by the Liaison Council on Certification for the Surgical Technologist or its successor agency;
  - D) Current certification from the Liaison Council on Certification for the Surgical Technologist or its successor agency and proof that the applicant has met the requirements set forth for certification; and
  - E) The required fee set forth in Section 1485.80.
- b) Certification from the state or territory of the United States in which the applicant was originally licensed, and the states in which the applicant is currently licensed, stating:
  - 1) The time during which the applicant was licensed/registered in that jurisdiction;
  - 2) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- c) The Department shall either issue a registration by endorsement to the applicant or notify him/her of the reasons for the denial of the application.

**Section 1485.40 Supervision**

*“Direct supervision” means supervision by an operating physician, licensed podiatrist, or licensed dentist who is physically present and who personally directs delegated acts and remains available to personally respond to an emergency until the patient is released from the operating room. A registered professional nurse may also provide direct supervision within the scope of*

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

*his or her license. A registered surgical assistant or registered surgical technologist shall perform duties as assigned. (Section 10 of the Act)*

**Section 1485.50 Renewal**

- a) Every certification of registration issued under the Act shall expire on April 30 of each even numbered year. The holder of a certification of registration may renew such registration during the month preceding the expiration date by paying the required fee.
- b) It is the responsibility of each registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew a registration or pay the renewal fee.

**Section 1485.60 Inactive Status**

- a) A registered surgical assistant or surgical technologist who notifies the Department in writing may place his or her registration on inactive status and shall be excused from paying renewal fees until he or she notifies the Department in writing of the intention to resume active practice.
- b) Any registered surgical assistant or surgical technologist seeking restoration of a registration that has been on inactive status for 5 years or less shall pay the current renewal fee specified in Section 1485.80 and have the certification of registration restored in accordance with Section 1485.70.

**Section 1485.70 Restoration**

- a) Any surgical assistant or surgical technologist whose registration has been expired for 5 years or less may have the registration restored by paying all lapsed renewal fees as required by Section 1485.80.
- b) A surgical assistant or surgical technologist who is seeking restoration of a registration that has been inactive for 5 years or less shall have the registration restored upon payment of the current renewal fee.
- c) A surgical assistant or surgical technologist seeking restoration of a registration that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the fee required in Section 1485.80, and show proof of one of the following:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

- 1) Proof of current certification from one of the following:
  - A) National Surgical Assistant Association for the certification of surgical assistants;
  - B) Liaison Council on Certification for the Surgical Technologist; or
  - C) American Board of Surgical Assistants;
- 2) Sworn evidence of active practice in another jurisdiction;
- 3) An affidavit attesting to military service as provided in Section 60 of the Act; or
- 4) Proof of passage of an examination set forth in Section 1485.10(a)(3) and Section 1485.20(a)(3) during the 24 months preceding application for restoration.

**Section 1485.80 Fees**

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

- a) **Application Fees**  
The fee for application for registration as a surgical assistant or surgical technologist is \$100.
- b) **Renewal Fees**  
The fee for the renewal of a registration shall be calculated at the rate of \$62.50 per year.
- c) **General Fees**
  - 1) The fee for the restoration of a registration other than from inactive status is \$20 plus payment of all lapsed renewal fees.
  - 2) The fee for the issuance of a duplicate registration, for the issuance of a replacement registration for a registration that has been lost or destroyed or for the issuance of a registration with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate registration is issued.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

- 3) The fee for a certification of a registrant's record for any purpose is \$20.
- 4) The fee for a wall certificate showing registration shall be the actual cost of producing the certificate.

**Section 1485.90 Granting Variances**

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

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

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.540                      Proposed Action:  
New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and section 1115 of the Social Security Act, Family Planning Research and Demonstration Waiver
- 5) Complete Description of the Subjects and Issues Involved: This proposed rulemaking describes the eligibility criteria for participation in the Illinois Healthy Women Program, a new waiver program approved by the Centers for Medicare and Medicaid Services under the Family Planning Research and Demonstration Waiver, section 1115 of the Social Security Act. The Illinois Healthy Women Program will provide services for a targeted population of women who are 19 through 44 years of age, and who are no longer eligible for coverage by the Medical Assistance Program. In addition to a description of the eligible population, the proposed rulemaking includes information on the coverage period, redeterminations of eligibility and conditions under which coverage will cease. Related amendments are being proposed at 89 Ill. Adm. Code 140.486 that describe the medical and family planning services available to eligible women under the Illinois Healthy Women Program.
- 6) Will these proposed amendments replace emergency amendments currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.378	New Section	April 2, 2004 (28 Ill. Reg. 5606)
120.379	Amendment	April 2, 2004 (28 Ill. Reg. 5606)
120.387	Amendment	April 2, 2004 (28 Ill. Reg. 5606)
120.530	Amendment	February 27, 2004 (28 Ill. Reg. 3685)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

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

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

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

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: January 2004

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page 6610:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.486                      Proposed Action:  
New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and section 1115 of the Social Security Act, Family Planning Research and Demonstration Waiver
- 5) Complete Description of the Subjects and Issues Involved: These new provisions regarding the Illinois Healthy Women Program describe the medical coverage available through a waiver program approved by the Centers for Medicare and Medicaid Services under the Family Planning Research and Demonstration Waiver, section 1115 of the Social Security Act. The Illinois Healthy Women Program will provide necessary family planning services for a targeted population of women who are 19 through 44 years of age, and who are no longer eligible for coverage by the Medical Assistance Program. Companion amendments are also being filed at 89 Ill. Adm. Code 120.540 describing the eligibility requirements for the new Program. The Department anticipates that these family planning services will result in a cost savings due to a reduced number of unplanned pregnancies.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.19	Amendment	January 23, 2004 (28 Ill. Reg. 1330)
140.80	Amendment	April 9, 2004 (28 Ill. Reg. 5748)
140.82	Amendment	April 9, 2004 (28 Ill. Reg. 5748)
140.84	Amendment	April 9, 2004 (28 Ill. Reg. 5748)
140.491	Amendment	March 26, 2004 (28 Ill. Reg. 5167)
140.645	Amendment	February 27, 2004 (28 Ill. Reg. 3700)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

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

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

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

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: January 2004

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page.6622:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
250.2442	New Section
250.2443	New Section
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) Effective date of amendments: April 15, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notices of Proposal was published in Illinois Register: August 8, 2003; 27 Ill. Reg. 13345
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version: The following changes were made in response to comments received during the First Notice or public comment period:
  1. In the Table of Contents, “(Repealed)” was added after Sections 250.530, 250.540, and 250.550.
  2. In the Table of Contents, “250.1035 Domestic Violence Standards” was added.
  3. The following material was added in the Table of Contents:

“250.APPENDIX A	Codes and Standards (Repealed)
250.EXHIBIT A	Codes (Repealed)
250.EXHIBIT B	Standards (Repealed)
250.EXHIBIT C	Addresses of Sources (Repealed)”
  4. In the Table of Contents, “(Repealed)” was added after Table C.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

5. In the Table of Contents, “Relationships and Ventilation of Certain Hospital Areas (Repealed)” was added after Table D.
6. In the Main Source Note, “emergency expired May 29, 1996;” was added after “effective January 1, 1996 . . . days;”; “emergency expired May 31, 1996;” was deleted.
7. In the Main Source Note, “amended at” was added before “22 Ill. Reg. 9342”.
8. In the Main Source Note, “3341” was changed to “3241” in the entry for February 15, 2001.
9. In Section 250.2442(c), “Section 8(g) of the Act” was changed to “Section 8(g) of the Act”
10. In Section 250.2442(c)(3), “Act or this Part” was changed to “Act or this Part”.
11. In Section 250.2442(d)(1), “under” was deleted; “or less” was added after “\$99,999.99”.
12. In Section 250.2442(d)(2), (3), (4), and (5), “.00” was deleted.
13. In Section 250.2442(d)(6), “or to . . . security” was changed to Roman type.
14. In Section 250.2443(a), (b)(6), (c) and (e), “Administration” was changed to “Administrative”.
15. In Section 250.2443(b)(4), “in institutional design and building code analysis” was changed to roman type.

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

1. In the Table of Contents, the heading for Subpart V, “/OR” was added after “AND” to reflect text currently on file.
2. In the next-to-last line of Section 250.2442(b), the comma after “Act” was deleted.
3. Subsection 250.2442(c)(2) was underlined.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

4. In subsection 250.2442(d)(5), “.00” was deleted.
5. In subsection 250.2442(d)(6), “homeland security” was underlined.
6. In the first line of subsection 250.2442(f), “only pay” was changed to “pay only”.
7. In the third line of subsection 250.2442(h), the equals sign was changed to an apostrophe.

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

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect?  
No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of the amendments: The Hospital Licensing Requirements are being amended to implement Public Act 92-563 (effective June 24, 2002) and Public Act 92-0803 (effective August 16, 2002). Public Act 92-563 amended the Hospital Licensing Act to remove the specific fee amounts for architectural review and to authorize the Department to establish fees by rule. Public Act 92-803 amended the Civil Administrative Code of Illinois to require the Director of Public Health to appoint an advisory committee to advise the Department and to conduct informal dispute resolution concerning the application of building codes for new and existing construction and related Department rules and standards under the Hospital Licensing Act. It also amended the Hospital Licensing Act and the Illinois Building Commission Act to establish a formal dispute resolution procedure for disputes involving approval or disapproval of drawings and specifications.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Susan Meister  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

E-mail: [rules@idph.state.il.us](mailto: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 b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section

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

SUBPART B: ADMINISTRATION AND PLANNING

Section

- 250.210 The Governing Board
- 250.220 Accounting
- 250.230 Planning
- 250.240 Admission and Discharge
- 250.250 Visiting Rules
- 250.260 Patients' Rights
- 250.265 Language Assistance Services
- 250.270 Manuals of Procedure
- 250.280 Agreement with Designated Organ Procurement Agencies

SUBPART C: THE MEDICAL STAFF

Section

- 250.310 Organization
- 250.315 House Staff Members
- 250.320 Admission and Supervision of Patients
- 250.330 Orders for Medications and Treatments
- 250.340 Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- Section
- 250.410 Organization
- 250.420 Personnel Records
- 250.430 Duty Assignments
- 250.435 Health Care Worker Background Check
- 250.440 Education Programs
- 250.450 Personnel Health Requirements
- 250.460 Benefits

SUBPART E: LABORATORY

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

SUBPART F: RADIOLOGICAL SERVICES

- Section
- 250.610 General Diagnostic Procedures and Treatments
- 250.620 Radioactive Isotopes
- 250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

- Section
- 250.710 Classification of Emergency Services
- 250.720 General Requirements
- 250.725 Notification of Emergency Personnel
- 250.730 Community or Areawide Planning
- 250.740 Disaster and Mass Casualty Program
- 250.750 Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

- Section
- 250.810 Applicability of Other Parts of These Requirements
- 250.820 General

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

250.830	Classifications of Restorative and Rehabilitation Services
250.840	General Requirements for all Classifications
250.850	Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860	Medical Direction
250.870	Nursing Care
250.880	Additional Allied Health Services

## SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section	
250.910	Nursing Services
250.920	Organizational Plan
250.930	Role in hospital planning
250.940	Job descriptions
250.950	Nursing committees
250.960	Specialized nursing services
250.970	Nursing Care Plans
250.980	Nursing Records and Reports
250.990	Unusual Incidents
250.1000	Meetings
250.1010	Education Programs
250.1020	Licensure
250.1030	Policies and Procedures
250.1035	Domestic Violence Standards
250.1040	Patient Care Units
250.1050	Equipment for Bedside Care
250.1060	Drug Services on Patient Unit
250.1070	Care of Patients
250.1075	Use of Restraints
250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control

## SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section	
250.1210	Surgery
250.1220	Surgery Staff
250.1230	Policies & Procedures
250.1240	Surgical Privileges
250.1250	Surgical Emergency Care

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

250.1260	Operating Room Register and Records
250.1270	Surgical Patients
250.1280	Equipment
250.1290	Safety
250.1300	Operating Room
250.1305	Visitors in Operating Room
250.1310	Cleaning of Operating Room
250.1320	Postoperative Recovery Facilities

## SUBPART K: ANESTHESIA SERVICES

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250.1410	Anesthesia Service

## SUBPART L: RECORDS AND REPORTS

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250.1630	Menus and Nutritional Adequacy
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250.1660	Therapeutic (Modified) Diets
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250.1680	Sanitation

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250.1710	Housekeeping
250.1720	Garbage, Refuse and Solid Waste Handling and Disposal
250.1730	Insect and Rodent Control
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SUBPART O: MATERNITY AND NEONATAL SERVICE

Section

- 250.1810 Applicability of other Parts of these regulations
- 250.1820 Maternity and Neonatal Service (Perinatal Service)
- 250.1830 General Requirements for all Maternity Departments
- 250.1840 Discharge of Newborn Infants from Hospital
- 250.1850 Rooming-In Care of Mother and Infant
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SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section

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

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Section

- 250.2010 Definition
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Section

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

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250.2210	Applicability of other Parts of these Regulations
250.2220	Establishment of a Psychiatric Service
250.2230	The Medical Staff
250.2240	Nursing Service
250.2250	Allied Health Personnel
250.2260	Staff and Personnel Development and Training
250.2270	Admission, Transfer and Discharge Procedures
250.2280	Care of Patients
250.2290	Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
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## SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

## Section

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

## SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

## Section

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

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250.2680 Electrical Requirements

## SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

## Section

250.2710 Special Care and/or Special Service Units

250.2720 Day Care for Mildly Ill Children

## SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

## Section

250.2810 Applicability of Other Parts of These Requirements

250.2820 Establishment of an Alcoholism and Intoxication Treatment Service

250.2830 Classification and Definitions of Service and Programs

250.2840 General Requirements for all Hospital Alcoholism Program Classifications

250.2850 The Medical and Professional Staff

250.2860 Medical Records

250.2870 Referral

250.2880 Client Legal and Human Rights

250.APPENDIX A Codes and Standards (Repealed)

250.EXHIBIT A Codes (Repealed)

250.EXHIBIT B Standards (Repealed)

250.EXHIBIT C Addresses of Sources (Repealed)

250.ILLUSTRATION A Seismic Zone Map

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

250.TABLE B Sound Transmission Limitations in General Hospitals

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

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

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

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

250.TABLE G Insulation/Building Perimeter

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

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

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1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 27 Ill. Reg. 6579, effective April 15, 2004.

## SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

**Section 250.2442 Fees**

- a) *Before commencing construction of new facilities or specified types of alteration or additions to an existing hospital involving major construction with an estimated cost greater than \$100,000, architectural plans and specifications therefor shall be submitted to the Department for review and approval. A hospital may submit architectural drawings and specifications for other*

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construction projects for Department review according to subsection (b) that shall not be subject to fees under subsection (d). Review of drawings and specifications shall be conducted by an employee of the Department meeting the qualifications established by the Department of Central Management Services class specifications for such an individual's position or by a person contracting with the Department who meets those class specifications. Final approval of the plans and specifications for compliance with design and construction standards shall be obtained from the Department before the alteration, addition, or new construction is begun. (Section 8(a) of the Act) For the purposes of this Section, "major construction" means changes that affect the structural integrity of the building, that change functional operations, that affect fire and life safety, and that add beds or facilities over those for which the hospital is licensed.

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

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

c) The Department shall provide written approval for occupancy pursuant to Section 8(g) of the Act and shall not issue a violation to a facility as a result of a licensure or complaint survey based upon the facility's physical structure if:

- 1) The Department reviewed and approved or deemed approved the drawings and specifications for compliance with design and construction standards;
- 2) The construction, major alteration, or addition was built as submitted;
- 3) The Act or this Part has not been amended since the original approval; and
- 4) The conditions at the facility indicate that there is a reasonable degree of safety provided for the patients. (Section 8(c) of the Act)

d) The Department shall charge the following fees in connection with its review conducted before June 30, 2004 under this Section:

- 1) If the estimated dollar value of the project is \$99,999.99 or less, no fee is required.
- 2) If the estimated dollar value of the project is between \$100,000 and \$499,999.99, no fee is required.
- 3) If the estimated dollar value of the project is between \$500,000 and \$999,999.99 the fee shall be the greater of \$6,000 or 0.96% of that value.
- 4) If the estimated dollar value of the project is between \$1,000,000 and \$4,999,999.99 the fee shall be the greater of \$9,600 or 0.22% of that value.
- 5) If the estimated dollar value of the project is \$5,000,000 or more, the fee shall be the greater of \$11,000 or 0.11% of that value, but shall not exceed \$40,000.

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

(Source: Added at 28 Ill. Reg. 6579, effective April 15, 2004)

**Section 250.2443 Advisory Committee**

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

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equipment, and systems (heating, cooling, electrical, ventilation, plumbing, water, sewer, and solid waste disposal), and fire and safety. (Section 2310-560(b) of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois)

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

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Civil Administrative Code of Illinois) Payment shall be made through the Health Facility Plan Review Fund.

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

(Source: Added at 27 Ill. Reg. 6579, effective April 15, 2004)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Race Track Operators and Their Duties
- 2) Code Citation: 11 Ill. Adm. Code 1305
- 3) Section Number: 1305.380      Adopted Action: Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Amendment: April 19, 2004
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of this adopted amendment, including any material incorporated by reference, is available for public inspection at the IRB Central Office, 100 West Randolph, Suite 11-100, Chicago, Illinois, during the hours of 9:00 a.m. to 5:00 p.m.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 7218 – 4/18/03.
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version:

1305.380(b) – Gave examples of goods and services

Added 1305.380(c) – Gave the provision authorizing the Board to change prices charged for wagering products its own subsection and gave examples of wagering products.

Added 1305.380(d) – Added a subsection reflecting that portion of the Horse Racing Act allowing IRB to disapprove of any business practices by organization licensees if the practices are detrimental to the public interest and specified that disapproval must be based on industry standards or opposition from the public or interested parties.
- 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
- 14) Are there any other amendments pending on this Part? Yes

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<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1305.320	Repeal	28 Ill. Reg. 6025; April 16, 2004

- 15) Summary and purpose of amendment: This rulemaking is a result of an amendment to Section 20.1 of the Illinois Horse Racing Act that allows an organization licensee to determine prices charged for goods and services and for wagering products. This rulemaking establishes written notification and a filing requirement.

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

Mickey Ezzo  
IRB, James Thompson Center  
100 W. Randolph St., Suite 11-100  
Chicago IL 60601

312/814-5017

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1305  
RACE TRACK OPERATORS AND THEIR DUTIES

Section	
1305.10	Definition of Race Track Operator
1305.20	Application
1305.30	Time for Filing Applications
1305.40	Conditions of License
1305.45	Lease of Race Track (Repealed)
1305.50	Written Disclosure
1305.55	Written Disclosure for Corporations
1305.60	Notice of Changes
1305.70	Political Contributions
1305.80	Termination of License
1305.90	Wagering On Races Conducted off of Premises
1305.100	Reciprocal Suspensions
1305.110	Horse Ambulance
1305.120	Ambulance of Racing Strip (Repealed)
1305.130	First Aid Station (Repealed)
1305.140	Medical Services
1305.150	Illinois Racing Board Office
1305.170	Moving Office (Repealed)
1305.180	<del>Judges</del> Judge's Stand
1305.190	Driver's Bench
1305.200	Stabling of Horses
1305.220	Stall Numbers and Distance Poles
1305.230	Licensed Outrider
1305.240	Drinking Fountains and Rest Rooms
1305.250	Telephones
1305.260	Broadcasting and Telecasting
1305.270	Pest Control
1305.280	Alcohol Sales
1305.290	Track Lights
1305.300	Fire Prevention
1305.310	Backstretch Paging System
1305.320	Admissions

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1305.330	Inspection Report
1305.340	Lottery Events at Race Tracks
1305.350	Off-Track Betting Agencies of Other States
1305.370	Reporting of Horsemen's Purse Account
1305.380	Notification of Change <a href="#">in Hours of Operation</a>

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); amended October 9, 1973, filed October 19, 1973; amended October 25, 1973, filed December 17, 1973; amended February 15, 1974, filed February 28, 1974; amended October 25, 1974, filed November 7, 1974; added May 9, 1975, filed May 15, 1975; amended August 21, 1976, filed August 21, 1976, filed August 30, 1976; amended at 2 Ill. Reg. 27, p. 275, effective July 10, 1978; amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; codified at 5 Ill. Reg. 10923; amended at 6 Ill. Reg. 11063, effective September 1, 1982; amended at 9 Ill. Reg. 9165, effective May 30, 1985; amended at 14 Ill. Reg. 17661, effective October 16, 1990; amended at 14 Ill. Reg. 20052, effective December 4, 1990; amended at 17 Ill. Reg. 3034, effective February 23, 1993; emergency amendment at 23 Ill. Reg. 7776, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13939, effective November 2, 1999; amended at 28 Ill. Reg. 6596, effective April 19, 2004.

**Section 1305.380 Notification of Change [in Hours of Operation](#)**

- a) Each organization licensee shall have the authority to change its hours of operation if the hours are different than provided in the licensee's racing dates application subject to notification to the Board. The notification shall be made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change of hours of operation.
- b) [Each organization licensee shall have the authority to change prices charged for goods and services subject to notification to the Board. Goods and services shall include, but not be limited to, admission prices, parking fees and official racing programs and shall exclude food, beverages and merchandise. The notification shall be made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change.](#)
- c) [Each organization licensee shall have the authority to change prices charged for wagering products \(subject to Sections 26 and 26.2 of the Act\) subject to notification to the Board. Wagering products shall include, but not be limited to, take-out or retention rates and minimum wager amounts. The notification shall be](#)

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made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change.

- d) *The Board may disapprove of any business practices by organization licensees identified in subsection (a), (b) or (c) if the Executive Director finds that such practices are detrimental to the public interest based upon industry standards (e.g., a national survey of comparable race tracks) or opposition from the public or interested parties. [230 ILCS 5/20.1]*

(Source: Amended at 28 Ill. Reg. 6596, effective April 19, 2004)

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## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: License and Applications; Association Licenses
- 2) Code Citation: 11 Ill. Adm. Code 1407
- 3) Section Number: 1407.52      Adopted Action: Repealed
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Amendment: April 19, 2004
- 6) Does this amendment 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 by reference, is available for public inspection at the IRB Central Office, 100 West Randolph, Suite 11-100, Chicago, Illinois, during the hours of 9:00 a.m. to 5:00 p.m..
- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 7222 – 4/18/03.
- 10) Has JCAR issued a Statement of Objection to this amendment? 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 agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendment: This Section is being repealed due to an amendment to Section 20.1 of the Illinois Horse Racing Act that permits organization licensees to determine prices charged for goods and services.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mickey Ezzo  
IRB, James Thompson Center  
100 W. Randolph St., Suite 11-100

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Chicago IL 60601

312/814-5017

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING

PART 1407  
LICENSES AND APPLICATIONS; ASSOCIATION LICENSES  
(THOROUGHBRED)

## Section

1407.10	Application for Association License
1407.13	Application Deadline
1407.16	Formal Acceptance
1407.18	Application Withdrawal
1407.20	Enforce Rules and Regulations
1407.24	Notice of Changes
1407.28	Lease of Race Track ( <del>Repealed</del> )
1407.40	Minimum Purse Required for License
1407.50	Amount of Purse
1407.52	Admissions ( <del>Repealed</del> )
1407.53	Inspection Report
1407.54	Licensed Concessionaire
1407.56	Lottery Events at Race Tracks
1407.58	Off-Track Betting Agencies of Other States
1407.59	Reporting of Horsemen's Purse Account

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended October 9, 1973, filed October 19, 1973; amended October 25, 1973, filed December 17, 1973; amended January 11, 1974, filed January 21, 1974; amended October 25, 1974, filed November 7, 1974; amended May 9, 1975, filed May 15, 1975; amended August 21, 1976, filed August 30, 1976; codified at 5 Ill. Reg. 10968; amended at 6 Ill. Reg. 11063, effective September 1, 1982; amended at 28 Ill. Reg. 6601, effective April 19, 2004.

**Section 1407.52 Admissions (~~Repealed~~)**

~~No operator shall charge any price for admission to any part of the race track enclosure at which its meeting is conducted or for any goods or services offered for sale by it unless such price has been approved by the Board.~~

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(Source: Repealed at 28 Ill. Reg. 6601, effective April 19, 2004)

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## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Regulations for Meetings (Throughbred)
- 2) Code Citation: 11 Ill. Adm. Code 1424
- 3) Section Number: 1424.360      Adopted Action: Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Amendment: April 19, 2004
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of this adopted amendment, including any material incorporated by reference, is available for public inspection at the IRB Central Office, 100 West Randolph, Suite 11-100, Chicago, Illinois, during the hours of 9:00 a.m. to 5:00 p.m.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 7226 – 4/18/03.
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version:

1424.360(b) – Gave examples of goods and services

Added 1424.360(c) – Gave the provision authorizing the Board to change prices charged for wagering products its own subsection and gave examples of wagering products.

Added 1424.360(d) – Added a subsection reflecting that portion of the Horse Racing Act allowing IRB to disapprove of any business practices by organization licensees if the practices are detrimental to the public interest and specified that disapproval must be based on industry standards or opposition from the public or interested parties.
- 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 an emergency amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? No

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and purpose of amendment: This rulemaking is a result of an amendment to Section 20.1 of the Illinois Horse Racing Act that allows an organization licensee to determine prices charged for goods and services and for wagering products. This rulemaking establishes written notification and a filing requirement.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mickey Ezzo  
IRB, James Thompson Center  
100 W. Randolph St., Suite 11-100  
Chicago IL 60601

312/814-5071

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING

PART 1424  
REGULATIONS FOR MEETINGS  
(THOROUGHBRED)

Section	
1424.10	Illinois Racing Board Right of Entry
1424.20	Office for Racing Board
1424.25	Moving Offices (Repealed)
1424.40	Inspections and Searches
1424.45	Investigative Authority
1424.50	Allocation of Stalls
1424.55	AGID (Coggins) Test
1424.60	Distance Poles
1424.70	Arrivals, Departures and Stabling
1424.80	Departure Slips
1424.90	Horse Ambulance
1424.100	Races Per Day (Repealed)
1424.110	Extra Races
1424.120	Clockers
1424.125	Outriders
1424.140	Safety Rails
1424.150	Backstretch Paging System
1424.160	Camera
1424.170	<a href="#">Emergency</a> Medical Services
1424.175	Manned Ambulance (Repealed)
1424.180	Policing of Premises
1424.190	Stable Area Security
1424.200	Stable Area Security
1424.210	Security Reports
1424.220	Night Patrol
1424.230	Telephones
1424.240	Calls Through Switchboard (Repealed)
1424.250	Races for Illinois Horses
1424.260	Breeder Awards
1424.270	<a href="#">Admission</a> <del>Admissions</del> to Parts of Premises
1424.280	Stable Areas Fenced
1424.290	Merchandise Selling

## ILLINOIS RACING BOARD

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1424.300	Tip Sheets
1424.310	Alcoholic Beverages
1424.320	Jockey Quarters
1424.330	Water Supply and Washrooms
1424.340	Drug Vendors
1424.350	Seven Day Rule
1424.353	Penalty for Violation of Rules
1424.355	Stall Availability Prior to Meet
1424.360	Notification of Change <a href="#">in Hours of Operation</a>

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); added October 25, 1973, filed November 26, 1973; added August 8, 1973; amended February 15, 1974, filed February 28, 1974; amended April 11, 1974, filed April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended June 19, 1976, filed June 25, 1976; amended December 9, 1977, filed December 29, 1977; amended at 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10996; amended at 8 Ill. Reg. 12460, effective June 27, 1984; amended at 9 Ill. Reg. 9166, effective May 30, 1985; amended at 14 Ill. Reg. 20545, effective December 7, 1990; amended at 16 Ill. Reg. 7493, effective April 24, 1992; amended at 16 Ill. Reg. 11193, effective June 25, 1992; amended at 17 Ill. Reg. 3038, effective February 23, 1993; emergency amendment at 23 Ill. Reg. 7779, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13943, effective November 2, 1999; amended at 28 Ill. Reg. 6609, effective April 18, 2004.

**Section 1424.360 Notification of Change [in Hours of Operation](#)**

- a) Each organization licensee shall have the authority to change its hours of operation if the hours are different than provided in the licensee's racing dates application subject to notification to the Board. The notification shall be made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change of hours of operation.
- b) Each organization licensee shall have the authority to change prices charged for goods and services subject to notification to the Board. Goods and services shall include, but not be limited to, admission prices, parking fees and official racing programs and shall exclude food, beverages, and merchandise. The notification shall be made in writing and submitted to the Board's central office at least 30

## ILLINOIS RACING BOARD

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days prior to the anticipated change.

- c) Each organization licensee shall have the authority to change prices charged for wagering products (subject to Sections 26 and 26.2 of the Act) subject to notification to the Board. Wagering products shall include, but not be limited to, take-out or retention rates and minimum wager amounts. The notification shall be made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change.
- d) The Board may disapprove of any business practices by organization licensees identified in subsection (a), (b) or (c) if the Executive Director finds that such practices are detrimental to the public interest based upon industry standards (e.g., a national survey of comparable race tracks) or opposition from the public or interested parties. [230 ILCS 5/20.1]

(Source: Amended at 28 Ill. Reg. 6605, effective April 19, 2004)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.540                      Emergency Action:  
New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and section 1115 of the Social Security Act, Family Planning Research and Demonstration Waiver
- 5) Effective Date: April 19, 2004
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: April 16, 2004
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments are being filed pursuant to the approval of a waiver program, The Illinois Healthy Women Program, by the Centers for Medicare and Medicaid Services under the Family Planning Research and Demonstration Waiver, section 1115 of the Social Security Act. The Illinois Healthy Women Program will provide necessary family planning services for a targeted population of women who are 19 through 44 years of age, and who are no longer eligible for coverage by the Medical Assistance Program. Immediate implementation of these amendments on eligibility criteria is necessary to ensure access by eligible women to essential family planning services.
- 10) Complete Description of the Subjects and Issues Involved: This emergency rulemaking describes the eligibility criteria for participation in the Illinois Healthy Women Program, a new waiver program approved by the Centers for Medicare and Medicaid Services under the Family Planning Research and Demonstration Waiver, section 1115 of the Social Security Act. The Illinois Healthy Women Program will provide services for a targeted population of women who are 19 through 44 years of age, and who are no longer eligible for coverage by the Medical Assistance Program. In addition to a description of the eligible population, the rulemaking includes information on the coverage period, redeterminations of eligibility and conditions under which coverage will cease. Related

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## NOTICE OF EMERGENCY AMENDMENT

emergency amendments are also being filed at 89 Ill. Adm. Code 140.486 that describe the medical and family planning services available to eligible women under the Illinois Healthy Women Program.

- 11) Are there any other amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.378	New Section	April 2, 2004 (28 Ill. Reg. 5606)
120.379	Amendment	April 2, 2004 (28 Ill. Reg. 5606)
120.387	Amendment	April 2, 2004 (28 Ill. Reg. 5606)
120.530	Amendment	February 27, 2004 (28 Ill. Reg. 3685)

- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.

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

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

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

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## NOTICE OF EMERGENCY AMENDMENT

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

## SUBPART A: GENERAL PROVISIONS

## Section

120.1 Incorporation by Reference

## SUBPART B: ASSISTANCE STANDARDS

## Section

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

## SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

## Section

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

## DEPARTMENT OF PUBLIC AID

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## SUBPART D: MEDICARE PREMIUMS

## Section

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

## SUBPART E: RECIPIENT RESTRICTION PROGRAM

## Section

- 120.80 Recipient Restriction Program

## SUBPART F: MIGRANT MEDICAL PROGRAM

## Section

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

## SUBPART G: AID TO THE MEDICALLY INDIGENT

## Section

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

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## NOTICE OF EMERGENCY AMENDMENT

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

## SUBPART H: MEDICAL ASSISTANCE – NO GRANT

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

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- 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
- 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
- 120.324 Health Insurance Premium Payment (HIPP) Program
- 120.325 Health Insurance Premium Payment (HIPP) Pilot Program
- 120.326 Foster Care Program
- 120.327 Social Security Numbers
- 120.330 Unearned Income
- 120.332 Budgeting Unearned Income
- 120.335 Exempt Unearned Income
- 120.336 Education Benefits
- 120.338 Incentive Allowance
- 120.340 Unearned Income In-Kind
- 120.342 Child Support and Spousal Maintenance Payments
- 120.345 Earmarked Income
- 120.346 Medicaid Qualifying Trusts
- 120.347 Treatment of Trusts
- 120.350 Lump Sum Payments and Income Tax Refunds
- 120.355 Protected Income
- 120.360 Earned Income
- 120.361 Budgeting Earned Income
- 120.362 Exempt Earned Income
- 120.363 Earned Income Disregard – MANG(C)
- 120.364 Earned Income Exemption
- 120.366 Exclusion From Earned Income Exemption
- 120.370 Recognized Employment Expenses
- 120.371 Income From Work/Study/Training Programs
- 120.372 Earned Income From Self-Employment
- 120.373 Earned Income From Roomer and Boarder
- 120.375 Earned Income In Kind
- 120.376 Payments from the Illinois Department of Children and Family Services
- 120.379 Provisions for the Prevention of Spousal Impoverishment
- 120.380 Assets
- 120.381 Exempt Assets
- 120.382 Asset Disregard
- 120.383 Deferral of Consideration of Assets
- 120.384 Spend-down of Assets (AABD MANG)
- 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
- 120.386 Property Transfers Occurring On or Before August 10, 1993

## DEPARTMENT OF PUBLIC AID

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- 120.387 Property Transfers Occurring On or After August 11, 1993  
120.390 Persons Who May Be Included In the Assistance Unit  
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later  
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project  
120.395 Payment Levels for MANG (Repealed)  
120.399 Redetermination of Eligibility  
120.400 Twelve Month Eligibility for Persons under Age 19

## SUBPART I: SPECIAL PROGRAMS

## Section

- 120.500 Health Benefits for Persons with Breast or Cervical Cancer  
120.510 Health Benefits for Workers with Disabilities  
120.520 SeniorCare  
[120.540 Illinois Healthy Women Program](#)

[EMERGENCY](#)

- 120.TABLE A Value of a Life Estate and Remainder Interest  
120.TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November

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15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153,

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effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101,

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days.

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## SUBPART I: SPECIAL PROGRAMS

**Section 120.540 Illinois Healthy Women Program**

- a) A woman shall be eligible for medical services under this program if the woman:
- 1) Meets citizenship/immigration status as described in Section 120.310;
  - 2) Meets residency requirements as described in Section 120.311;
  - 3) Does not reside in a public institution as described in Section 120.318;
  - 4) Furnishes a Social Security Number as described in Section 120.327;
  - 5) Is 19 through 44 years of age;
  - 6) Did not lose medical assistance without spend-down coverage for refusing to assign rights to medical support and collection of payment, as described in Section 120.319, while receiving medical benefits;
  - 7) Did not lose medical assistance without spend-down coverage for refusing to cooperate in establishing paternity and obtaining medical support rights, as described in Section 120.320, while receiving medical benefits unless the woman had good cause as described in Section 120.321; and
  - 8) Lost eligibility for medical assistance without a spend-down or a KidCare Health Plan under 89 Ill. Adm. Code 125 for a reason other than as described in subsections (a)(1) through (7) of this Section.
- b) Initial coverage will occur automatically beginning on the first day of the month following the last month of Medicaid without spend-down coverage and will continue for three months.
- c) If, in the prescribed timeframe of three months for initial coverage, the woman signs and returns the enrollment form that is mailed to her by the Department, eligibility will continue for an additional nine months beginning on the first day of the month that follows the third month of initial coverage.
- d) Eligibility must be redetermined once every 12 months. If the woman continues to meet the requirements set forth in subsections (a)(1) through (5) of this Section

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and her total countable family income is at or below 200 percent of the Federal Poverty Level, the woman will remain eligible for an additional 12 months if, within the prescribed timeframe, she signs and returns the re-enrollment form that is mailed to her.

- e) A re-enrollment form will not be mailed to the women if, after coverage under this program began:
- 1) She reached the age of 45 years;
  - 2) She moved out of Illinois;
  - 3) She became eligible for another medical program under this Part;
  - 4) She became an inmate of a correctional facility or a resident of a public institution;
  - 5) She requested that benefits be terminated; or
  - 6) The Department paid for a sterilization procedure for her.
- f) Coverage for all participants shall end upon termination of the federal waiver under which this coverage is provided.
- g) Benefits available under this program are those set forth in 89 Ill. Adm. Code 140.486.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.486                      Emergency Action: New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and section 1115 of the Social Security Act, Family Planning Research and Demonstration Waiver
- 5) Effective Date: April 19, 2004
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: April 16, 2004
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments are being filed pursuant to the approval of a waiver program, The Illinois Healthy Women Program, by the Centers for Medicare and Medicaid Services under the Family Planning Research and Demonstration Waiver, section 1115 of the Social Security Act. The Illinois Healthy Women Program will provide necessary family planning services for a targeted population of women who are 19 through 44 years of age, and who are no longer eligible for coverage by the Medical Assistance Program. Immediate implementation of these amendments is necessary to ensure access by eligible women to essential family planning services.
- 10) Complete Description of the Subjects and Issues Involved: These new provisions regarding the Illinois Healthy Women Program describe the medical coverage available through a waiver program approved by the Centers for Medicare and Medicaid Services under the Family Planning Research and Demonstration Waiver, section 1115 of the Social Security Act. The Illinois Healthy Women Program will provide necessary family planning services for a targeted population of women who are 19 through 44 years of age, and who are no longer eligible for coverage by the Medical Assistance Program. Companion emergency amendments are also being filed at 89 Ill. Adm. Code 120.540 describing the eligibility requirements for the new Program. The Department anticipates

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that these family planning services will result in a cost savings due to a reduced number of unplanned pregnancies.

- 11) Are there any other amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.19	Amendment	January 23, 2004 (28 Ill. Reg. 1330)
140.80	Amendment	April 9, 2004 (28 Ill. Reg. 5748)
140.82	Amendment	April 9, 2004 (28 Ill. Reg. 5748)
140.84	Amendment	April 9, 2004 (28 Ill. Reg. 5748)
140.491	Amendment	March 26, 2004 (28 Ill. Reg. 5167)
140.645	Amendment	February 27, 2004 (28 Ill. Reg.3700)

- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.

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

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

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

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NOTICE OF EMERGENCY AMENDMENT

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

PART 140  
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

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

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

## SUBPART C: PROVIDER ASSESSMENTS

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

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- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)
- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)
- 140.361 Non-Participating Hospitals (Recodified)
- 140.362 Pre July 1, 1989 Services (Recodified)
- 140.363 Post June 30, 1989 Services (Recodified)
- 140.364 Prepayment Review (Recodified)
- 140.365 Base Year Costs (Recodified)
- 140.366 Restructuring Adjustment (Recodified)
- 140.367 Inflation Adjustment (Recodified)
- 140.368 Volume Adjustment (Repealed)
- 140.369 Groupings (Recodified)
- 140.370 Rate Calculation (Recodified)
- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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## Section

140.400	Payment to Practitioners
140.402	Copayments for Noninstitutional Medical Services
140.405	SeniorCare Pharmaceutical Benefit
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Clinical Laboratory Services
140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Advanced Practice Nurse Services
140.436	Limitations on Advanced Practice Nurse Services
140.438	Imaging Centers
140.440	Pharmacy Services
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140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
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140.447	Reimbursement
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- 140.450 Record Requirements for Pharmacies
  - 140.451 Prospective Drug Review and Patient Counseling
  - 140.452 Mental Health Clinic Services
  - 140.453 Definitions
  - 140.454 Types of Mental Health Clinic Services
  - 140.455 Payment for Mental Health Clinic Services
  - 140.456 Hearings
  - 140.457 Therapy Services
  - 140.458 Prior Approval for Therapy Services
  - 140.459 Payment for Therapy Services
  - 140.460 Clinic Services
  - 140.461 Clinic Participation, Data and Certification Requirements
  - 140.462 Covered Services in Clinics
  - 140.463 Clinic Service Payment
  - 140.464 Hospital-Based and Encounter Rate Clinic Payments
  - 140.465 Speech and Hearing Clinics (Repealed)
  - 140.466 Rural Health Clinics (Repealed)
  - 140.467 Independent Clinics
  - 140.469 Hospice
  - 140.470 Home Health Services
  - 140.471 Home Health Covered Services
  - 140.472 Types of Home Health Services
  - 140.473 Prior Approval for Home Health Services
  - 140.474 Payment for Home Health Services
  - 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
  - 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
  - 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
  - 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
  - 140.479 Limitations, Medical Supplies
  - 140.480 Equipment Rental Limitations
  - 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
  - 140.482 Family Planning Services
  - 140.483 Limitations on Family Planning Services
  - 140.484 Payment for Family Planning Services
  - 140.485 Healthy Kids Program
  - 140.486 [Illinois Healthy Women Limitations on Medicare Services \(Repealed\)](#)
- EMERGENCY
- 140.487 Healthy Kids Program Timeliness Standards

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140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.494	Record Requirements for Medical Transportation Services
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140.498	Fingerprint-Based Criminal Background Checks

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140.514	Certifications and Recertifications of Care (Repealed)
140.515	Management of Recipient Funds – Personal Allowance Funds
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140.527	Quality Incentive Survey (Repealed)

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140.528	Payment of Quality Incentive (Repealed)
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140.534	Ownership Costs
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140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports – Filing Requirements
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140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
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140.551	General Service Costs Updates
140.552	Nursing and Program Costs
140.553	General Administrative Costs Updates
140.554	Component Inflation Index (Repealed)
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
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140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
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140.574	Capital Rates for Rented Facilities
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140.577	Capital Costs for Rented Facilities (Renumbered)
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140.590	Audit and Record Requirements
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140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
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140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
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140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

## SUBPART F: FEDERAL CLAIMING FOR STATE AND LOCAL GOVERNMENTAL ENTITIES

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140.850	Reimbursement of Administrative Expenditures
140.855	Administrative Claim Review and Reconsideration Procedure
140.860	County Owned or Operated Nursing Facilities
140.865	Sponsor Qualifications (Repealed)

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140.870	Sponsor Responsibilities (Repealed)
140.875	Department Responsibilities (Repealed)
140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

## SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section	
140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)

## SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	
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140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
140.980	Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982	Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)
140.TABLE A	Medichek Recommended Screening Procedures (Repealed)
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
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140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the

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Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

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

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Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989;

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amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992;

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emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995;

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amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957,

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effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

**Section 140.486 Illinois Healthy Women Limitations on Medication Services (Repealed)  
EMERGENCY**

- a) Benefit coverage under Illinois Healthy Women is available to women meeting the eligibility requirements set forth in 89 Ill. Adm. Code 120.540.
- b) Covered medical services under Illinois Healthy Women are limited to the following reproductive health and family planning services:
  - 1) Physical examination and health history for family planning purposes;

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- 2) Brief and intermediate follow-up office visits related to family planning;
  - 3) Pap smears, at least annually, or as medically indicated;
  - 4) Necessary family planning or women's health related lab and diagnostic tests;
  - 5) Birth control drugs and devices, including the inserting, implanting or injecting of a birth control drug and removing of a birth control device;
  - 6) Sterilization services, pursuant to Section 140.483;
  - 7) Testing and treatment for sexually transmitted infections (STIs) diagnosed during a family planning visit;
  - 8) Testing for HIV, when ordered by a physician during a family planning visit;
  - 9) Generic prenatal vitamins, or generic multi-vitamins with folic acid, or folic acid;
  - 10) Mammograms, when ordered by a physician during a family planning visit; and
  - 11) Other services as approved under the Department's Family Planning Research and Demonstration Waiver.
- c) Payment of services under this Section shall be made to participating providers in accordance with the Department's administrative rules relating to the administration of the Medical Assistance Program.

(Source: Old Section repealed at 15 Ill. Reg. 298, effective December 28, 1990; new Section added by emergency rulemaking at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days)

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- 1) Heading of the Part: Visa Waiver Program for International Medical Graduates
- 2) Code Citation: 77 Ill. Adm. Code 591
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
591.10	Amendment
591.20	Amendment
591.30	Amendment
591.100	Amendment
591.120	Amendment
591.130	Amendment
- 4) Statutory Authority: Immigration and Nationality Act (8 USC 1182 - 1184)  
Exchange Visitor Program (22 CFR 514)
- 5) Effective Date of Emergency Amendments: April 15, 2004
- 6) If this emergency rule is to expire before the end of the 150 day period, please specify the date on which it is to expire: Not applicable
- 7) Date filed with the Index Department: April 15, 2004
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Reason for Emergency: Since FY 1994, the Center for Rural Health has participated in the Conrad State 30 Program, which allows the Department of Public Health to request J-1 visa waivers for up to 30 international medical graduate physicians to work in designated shortage areas of the State. All 30 waiver slots have been reserved for physicians in the primary care specialties (family medicine, internal medicine, pediatrics and obstetrics/gynecology) and for psychiatrists. This fiscal year is the first year that the 30 slots have not been used in the first application cycle of the year. Many requests have been received to use the slots for specialties other than primary care that are very difficult to recruit because of shortages of the specialties among U.S. graduates. Health facilities report that they have tried to recruit some of these specialists for several years, with no success. If there are any physicians in the desired specialties, patients must wait anywhere from six to nine months for appointments.

Many other states have been offering visa waivers for specialties other than primary care for a number of years. Illinois needs to offer the same service for its

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residents, especially if all of the slots are not needed for primary care physicians.

Emergency amendments are needed because the physicians will be selecting their practice locations within the next several months. For Illinois health facilities to compete successfully in the national recruitment efforts, they need to be able to report to potential physician recruits that Illinois rules will allow all physicians, regardless of specialty, to participate in the Illinois visa waiver program.

- 10) A complete description of the subjects and issues involved: Part 591 regulates the Visa Waiver Program for International Medical Graduates. The emergency rulemaking expands the eligible candidates for the program and increases the eligible areas in which an international medical graduate may practice.
- 11) Are there any proposed amendment pending on this Part? No
- 12) Statement of Statewide Policy Objective: These amendments will not require any new expenditures by units of local government.
- 13) Information and questions regarding these emergency amendments shall be directed to:

Susan Meister  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043

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

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER j: PROCESSING J-1 VISA WAIVERS FOR INTERNATIONAL  
MEDICAL GRADUATES

PART 591  
VISA WAIVER PROGRAM FOR INTERNATIONAL MEDICAL GRADUATES

## SUBPART A: GENERAL PROVISIONS

## Section

591.10 Applicability

[EMERGENCY](#)

591.20 Definitions

[EMERGENCY](#)

591.30 Incorporated or Referenced Materials

[EMERGENCY](#)

591.40 Administrative Hearings

## SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

## Section

591.100 Participation Eligibility of Physicians and Facilities

[EMERGENCY](#)

591.110 Application Submission Timeframes

591.120 Application Materials and Processing

[EMERGENCY](#)

591.130 Selection Process

[EMERGENCY](#)

591.140 Terms of Performance

AUTHORITY: Authorized by and implementing Sections 212(e) and 214(l) of the Immigration and Nationality Act (8 USC 1182(e) and 1184(l)), and 22 CFR 62, Exchange Visitor Program.

SOURCE: Adopted at 22 Ill. Reg. 14485, effective July 24, 1998; amended at 24 Ill. Reg. 7551, effective May 15, 2000; emergency amendment at 27 Ill. Reg. 2277, effective January 22, 2003, for a maximum of 150 days; emergency expired June 20, 2003; amended at 27 Ill. Reg. 10281, effective June 30, 2003; emergency amendment at 28 Ill. Reg. 6641, effective April 15, 2004, for a maximum of 150 days

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## SUBPART A: GENERAL PROVISIONS

**Section 591.10 Applicability****EMERGENCY**

This Part implements Section 1182(e) of the federal Immigration and Nationality Act, that allows state health departments to request a waiver of the J-1 Visa requirement that international medical graduates must return to their home country upon completion of graduate medical training in the United States. If an international medical graduate is offered a three year employment contract in a health professional shortage area [or medically underserved area, or serving a medically underserved population](#) in Illinois, the Illinois Department of Public Health and certain federal agencies can request that the international medical graduate be allowed to remain in the United States. The Illinois Department of Public Health has been authorized by the U.S. Information Agency to request J-1 Visa Waivers annually for [up to 30](#) eligible physicians.

- a) The provisions of this Part are organized into two Subparts. Subpart A includes general provisions, such as definitions and administrative hearing rules, which apply to all Sections of the Part.
- b) Subpart B establishes eligibility criteria for an international medical graduate to request that the Department seek a waiver of the J-1 Visa home-country requirements. The Subpart sets forth the application time table and components, and the criteria to be used to select those physicians for whom a waiver will be requested.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 6641, effective April 15, 2004, for a maximum of 150 days)

**Section 591.20 Definitions****EMERGENCY**

"Act" means the Immigration and Nationality Act (8 USC 1182(e) and 8 USC 1184(k)).

"Community Health Center" means community/migrant health centers or health care for the homeless projects supported under Section 329, 330 or 340 of the federal Public Health Service Act (42 USC 254b, 254c, and 256), respectively, or federally qualified health center look-alikes, as designated by the U.S. Public Health Service.

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"Center" means the Center for Rural Health of the Illinois Department of Public Health.

"Department" means the Illinois Department of Public Health.

"Downstate" means those Illinois counties other than Cook, Lake, McHenry, DuPage, Will and Kane.

"Federal fiscal year" means the 12-month period beginning October 1 and ending September 30 of the following year. The federal fiscal year may be divided into four calendar quarters: October 1 through December 31; January 1 through March 31; April 1 through June 30; and July 1 through September 30.

"Full time practice" means maintaining 40 hours of ambulatory access as required under the Act and the Code of Federal Regulations.

"Health Professional Shortage Area" or "HPSA" is a designation given by the U.S. Department of Health and Human Services, ~~Bureau of Primary Health Care~~, Shortage Designation Branch. The HPSA designation is based on the ratio of ~~primary care physicians~~ ~~providers~~ to population and is used to identify areas needing additional ~~primary care~~ physicians. The list of HPSAs is published periodically in the Federal Register, and can be found at <http://belize.hrsa.gov/newhpsa/newhpsa.cfm> ~~http://bphr.hrsa.gov~~.

"Medical facility" means a facility for the delivery of health services and includes:

a community health center, ~~local health department~~ ~~public health center~~, outpatient medical facility, or community mental health center;

a hospital, State mental hospital, facility for long-term care or rehabilitation facility;

a facility for delivery of health services to inmates in a U.S. penal or correctional institution (under section 323 of the Public Health Service Act) or a State correctional institution;

a Public Health Service medical facility (used in connection with the delivery of health service under Section 320, 321, 322, 324, 325 or 326 of the Public Health Service Act); or any other federal medical facility.

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“Medically underserved area” or “MUA” is a designation given by the U.S. Department of Health and Human Services, Shortage Designation Branch. The MUA designation is based on the availability of primary care physicians, demographic characteristics and health status of the residents of a service area and is used to identify areas in need of additional health care services. The list of MUAs can be found at <http://bphc.hrsa.gov/databases/newmua>.

“Medically underserved population” or “MUP” is a designation given by the U.S. Department of Health and Human Services, Shortage Designation Branch. The MUP designation means that a particular population group, such as a group of area residents with incomes at or below twice the federal poverty level, is in need of additional health care services. The list of MUPs can be found at <http://bphc.hrsa.gov/databases/newmua>.

“Physician” means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60].

"Primary care" means health care that encompasses prevention services, basic diagnostic and treatment services, and support services such as laboratory, radiologic, transportation, and pharmacy. Primary care is comprehensive in nature and not organ or problem specific, is oriented toward the longitudinal care of the patient, and includes responsibility for coordination of other health and social services as they relate to patients' needs.

"Primary care physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60] with a specialty in family practice, general internal medicine, general pediatrics, obstetrics/gynecology, or medicine/pediatrics.

"Psychiatric physician (psychiatrist)" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60] with a specialty in psychiatry.

"Rural" means any geographic area not located in a U.S. Bureau of the Census Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less.

"Urban" means any geographic area located in a U.S. Bureau of the Census Metropolitan Statistical Area, except a county located within a Metropolitan Statistical Area having a population of 60,000 or less.

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(Source: Amended by emergency rulemaking at 28 Ill. Reg. 6641, effective April 15, 2004, for a maximum of 150 days)

**Section 591.30 Incorporated or Referenced Materials****EMERGENCY**

The following materials are incorporated or referenced in this Part:

- a) The following Illinois statutes and rules are referenced in this Part:
  - 1) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
  - 2) [Medical Practice Act of 1987 \[225 ILCS 60\]](#).
- b) The following federal statutes and regulations are incorporated in this Part:
  - 1) Designation of Health Professional Shortage Areas, Section 332 of the Public Health Service Act (42 U.S.C. 254e (1991)).
  - 2) [Designation of Medically Underserved Areas/Populations, Section 330 of the Public Health Service Act \(42 USC 254e\)](#).
  - 3) [Waiver of Two-Year Home-Country Physical Presence Requirement, Foreign Medical Graduates, Exchange Visitor Program \(22 CFR 62, Part 514, Rulemaking No. 115\)](#).
- c) All incorporations by reference of federal statutes and regulations refer to materials on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 6641, effective April 15, 2004, for a maximum of 150 days)

## SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

**Section 591.100 Participation Eligibility of Physicians and Facilities**

- a) [Primary care physicians and psychiatrists](#)~~Physicians~~ eligible to participate in the

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J-1 Visa Waiver Program for International Medical Graduates in Illinois shall meet the following requirements:

- 1) have entered into an employment contract with a facility located in an HPSA ~~with employment to begin no later than six months after the completion of their residency training in one of the primary care specialties, or general psychiatry;~~
- 2) be board eligible or board certified in family practice, general internal medicine, general pediatrics, obstetrics/gynecology, or ~~general~~ psychiatry; and
- 3) have completed a residency in general internal medicine or general pediatrics, if either of those specialties are indicated in the application of the physician seeking participation in this program.

b) Physicians in specialties other than primary care and psychiatry eligible to participate in the J-1 Visa Waiver Program for International Medical Graduates in Illinois shall meet the following requirements:

- 1) have entered into an employment contract with a facility located in an HPSA or MUA/P;
- 2) be board eligible or board certified in their specialty.

c)b) Medical facilities eligible to participate in the J-1 Visa Waiver Program in Illinois shall meet the following requirements:

- 1) if contracting with a primary care physician or psychiatrist and located in a rural area~~areas~~, be located in a geographic HPSA, be designated as an HPSA~~a facility located in an HPSA~~, or if serving~~serve~~ a population group HPSA, ~~and be able to~~ document that at least 51~~75~~% of the participating physician's patients seen at the facility are a part of the HPSA's population group; or
- 2) if contracting with physicians in specialties other than primary care and psychiatry, be in a geographic HPSA, be an HPSA facility, be located in an MUA, or document that at least 51% of the participating physician's patients come from the HPSA population group or from the MUP group.~~in urban areas:~~

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- A) ~~be located in a geographic HPSA;~~
- B) ~~be designated as a facility located in an HPSA or serve a population group HPSA and be able to document that at least 75% of the patients seen at the facility are a part of the HPSA's population group; and~~
- C) ~~be a not-for-profit facility or a public facility.~~

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 6641, effective April 15, 2004, for a maximum of 150 days)

**Section 591.120 Application Materials and Processing**  
**EMERGENCY**

- a) Application materials are available from, and should be returned to, the following address:
  - J-1 Visa Waiver Program
  - Illinois Department of Public Health
  - Center for Rural Health
  - 535 West Jefferson Street
  - Springfield, Illinois 62761
- b) The application materials to be prepared by or on behalf of the international medical graduate seeking the waiver of the two-year home-country residency requirement shall include the following items:
  - 1) statement from the administrator or director of the health care facility or agency that will be employing the international medical graduate describing prior recruitment difficulties experienced by the facility, the expected practice arrangement for the international medical graduate, and the impact on the facility and the patients it serves if the home country residency requirement is not waived;
  - 2) copy of a minimum three-year employment contract between the international medical graduate and a health care facility. The contract shall include the name and address of the facility, the specific geographic area or areas in which the international medical graduate will practice, and

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a statement that the physician will practice full-time (40 hours) in the HPSA, or HPSAs, [or MUA/P](#) identified in the contract;

- 3) statement from the employing health care facility or agency that the salary or other form of financial support offered to the international medical graduate is at a level equivalent to that offered to all other physicians [with equivalent skills and experience](#) recruited by the health care facility;
- 4) letter of support from a hospital chief of staff verifying that hospital admitting privileges will be granted to the international medical graduate, and if not, how admissions of the international medical graduate's patients will be arranged;
- 5) letter of support for the visa requirements waiver from at least one local organization or agency such as the chamber of commerce, local health department, or other community-based organization;
- 6) copy of the applicant's Illinois medical license or application for an Illinois medical license;
- 7) completed United States Information Agency Data Sheet;
- 8) copy of international medical graduate's curriculum vitae;
- 9) copy of the IAP-66 (Certificate for Exchange Visitor J-1 Status) for each year international medical graduate was in J-1 status;
- 10) completed and notarized Certification Statement A signed by the international medical graduate agreeing to the contractual requirements set forth in Section 214(~~l~~k)(1)(B) and (C) of the Immigration and Nationality Act;
- 11) completed and notarized Certification Statement B describing international medical graduate's obligation to his/her home country;
- 12) completed and notarized Certification Statement C in which international medical graduate states that his or her medical license has never been suspended or revoked and that he or she is not subject to any criminal investigation or proceedings by any medical licensing authority;

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- 13) completed and notarized Certification Statement D regarding accuracy of application materials; and
  - 14) completed and notarized Certification Statement E regarding specialty status.
- c) Upon receipt of the application materials, Center for Rural Health staff will verify completeness and accuracy of the application. One written request to the applicant, or the facility or legal agency acting on behalf of the international medical graduate, will ask for any materials not included in the application. If the requested materials are not received within one month after the date of the written request, the application will be returned to the applicant.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 6641, effective April 15, 2004, for a maximum of 150 days)

**Section 591.130 Selection Process****EMERGENCY**

- a) In the first and second calendar quarters of the federal fiscal year, a maximum of two Visa Waiver applications will be approved per facility requesting J-1 Visa Waivers for international medical graduates. In subsequent calendar quarters, facilities that have already had two waivers approved may apply for additional waivers; however, selection priority will be given to applications from facilities that have not previously had waivers approved.
- b) The following selection criteria will apply to primary care physicians and psychiatrists:
  - 1)b) Selection preference will be given to the Visa Waiver application for the international medical graduate whose position represents the largest proportion of primary care or psychiatrists ~~specialty~~ vacancies at the facility offering employment to the physician.
  - 2)e) Selection preference will be given to applications received from HPSAs having the greatest unmet need for primary care physicians. Unmet need is the number of primary care physician full-time-equivalents needed to cause the HPSA to no longer meet the threshold ratio for HPSA designation.

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- c) The following selection criteria will apply to physicians in specialties other than primary care and psychiatry:
- 1) Selection preference will be given to applicants who can demonstrate the greatest shortage of their specialty in the underserved area or for the underserved population group they propose to serve.
  - 2) Selection preference will be given to applicants who can demonstrate the longer waiting time for an appointment with a physician of the same specialty in the underserved area or for the underserved population group they propose to serve.
- d) ~~Applications received in the first and second calendar quarters of the federal fiscal year will not be considered if the addition of the international medical graduate will increase the number of primary care physicians beyond the number needed to eliminate the health professional shortage area designation for the geographic area, facility or population group.~~
- d)e) The following selection allocations will be used in processing waiver applications:
- 1) In the first and second calendar quarters of the federal fiscal year ~~(October 1 through December 31 and January 1 through March 31)~~, 6 waivers will be reserved for psychiatrists who will serve in rural facilities; 12 of the remaining 24 waivers will be reserved for primary care physicians; 12 waivers will be available to physicians in other specialties. The Department will reserve 50% of the waivers allocated to physicians in other specialties for physicians who will serve in rural areas; the balance of the waivers will be used for urban locations.
  - 2) ~~In the first and second quarters of the federal fiscal year, if enough applications from rural areas are submitted, the Department will reserve 50% of the waiver applications for primary care physicians serving rural, underserved areas.~~
  - 2)3) In the third and fourth quarters of the federal fiscal year, ~~(April through June), if all 6 waivers that were reserved for psychiatrists have not been used, those~~ remaining waivers may be used for primary care, ~~or~~ psychiatrist and other specialty waiver applicants, both rural and urban.

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(Source: Amended by emergency rulemaking at 28 Ill. Reg. 6641, effective April 15, 2004, for a maximum of 150 days)



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- (2) Maximum daily hours of service for drivers engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100 air-mile radius of the work reporting location of such drivers.

The Section 131 provision expires September 30, 2004 unless extended in subsequent appropriations legislation or through the enactment of other legislative vehicles or federal regulatory developments.

Since Section 131 of the Act prohibits the FMCSA from using federal funds to implement or enforce the new, tighter HOS provisions with respect to the utility service and motion picture and television production industries, the Department's rules titled Hours of Service of Drivers, 92 Ill. Adm. Code 395.2000, are out of alignment with the Act. The Act expressly prohibits the Department from using any federal funds to enforce or implement the new, tighter HOS standards incorporated by reference at 92 Ill. Adm. Code 395.2000, effective January 4, 2004. Because of the pervasiveness of the use of federal funds in the Division of Traffic Safety, the Department has no realistic means of enforcing or implementing the tighter FMCSA-based HOS standards for the utility service and movie and television industry drivers at this time.

Accordingly, in order to provide appropriate guidance to the regulated community, the Department has determined that this situation constitutes a threat to the public interest, safety, or welfare and, therefore, by this emergency amendment, is temporarily suspending those portions of the new HOS rules in 92 Ill. Adm. Code 395.2000, effective January 4, 2004, that pertain to heightened standards for the utility service and motion picture and television production industries engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100 air-mile radius of the work reporting location of such drivers. In effect, the Department has determined that returning Illinois to the HOS standards that were in effect prior to January 4, 2004 (for the aforementioned two industry sectors only) is consistent with current FMCSA enforcement policy.

In addition, the Department notes that there is presently pending before Congress transportation-related legislation that, if passed, will amend significantly the substantive hours-of-service regulations applicable to operators of utility service vehicles and certain vehicles involved in motion picture or television production. Accordingly, the Department believes that the public and regulated community will be best served by a return to the prior existing hours of service standards for these sectors and alignment with existing federal enforcement policy pending further Congressional consideration of these issues. The Department will continue to monitor relevant legislative developments.

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This emergency amendment is necessary to accomplish the above-stated goals and objectives.

10) A Complete Description of the Subjects and Issues Involved:

At Section 395.2000, the Department has added new exceptions at subsections (e) and (f) to the adoption of certain federal standards under 49 CFR 395 in response to Section 131 of the 2004 Omnibus Appropriations Act and other pending federal legislation. Section 395.2000(e) provides hours of service (HOS) requirements for operators of utility service vehicles that are identical in substance to the requirements that operators of passenger-carrying commercial motor vehicles must comply with in 49 CFR 395.5, effective October 1, 2003. These utility service requirements are also identical to the HOS requirements that were in effect prior to January 4, 2004 for all operators of commercial motor vehicles. Likewise, the Department has added Section 395.2000(f) to establish HOS requirements for operators of commercial motor vehicles engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100 air-mile radius of the work reporting location of such drivers. These too are identical to the HOS requirements that operators of passenger-carrying commercial motor vehicles must comply with and that were in effect prior to January 4, 2004.

11) Are there any Proposed Amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

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

Ms. Cathy Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

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

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF EMERGENCY AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 395  
HOURS OF SERVICE OF DRIVERS

## Section

395.1000 General

395.2000 Incorporation by Reference of 49 CFR 395

EMERGENCY

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15507, effective September 10, 1990; amended at 15 Ill. Reg. 13161, effective August 21, 1991; amended at 16 Ill. Reg. 14425, effective September 8, 1992; amended at 18 Ill. Reg. 743, effective January 11, 1994; amended at 19 Ill. Reg. 13041, effective August 30, 1995; amended at 20 Ill. Reg. 15335, effective November 18, 1996; amended at 23 Ill. Reg. 5096, effective March 31, 1999; amended at 24 Ill. Reg. 1944, effective January 19, 2000; amended at 25 Ill. Reg. 2092, effective January 17, 2001; amended at 26 Ill. Reg. 9009, effective June 5, 2002; amended at 26 Ill. Reg. 12766, effective August 12, 2002; amended at 27 Ill. Reg. 9251, effective June 2, 2003; amended at 28 Ill. Reg. 1161, effective January 4, 2004; emergency amendment at 28 Ill. Reg. 6654, effective April 14, 2004, for a maximum of 150 days.

**Section 395.2000 Incorporation by Reference of 49 CFR 395**EMERGENCY

- a) "Hours of Service of Drivers" (49 CFR 395) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 2002, as amended at 68 FR 22456, April 28, 2003 and as amended at 68 FR 56208, September 30, 2003 subject only to the exceptions in subsection (c), (e), or (f). No later amendments to or editions of 49 CFR 395 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to and deletions from 49 CFR 395

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shall apply for purposes of this Part.

- 1) 49 CFR 395.1(h) and 395.1(i) are deleted and not incorporated.
- 2) 49 CFR 395.1(e) as it applies to intrastate carriers is amended to establish that *drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status.* (Section 18b-105(d) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(d)])
- 3) 49 CFR 395.13 is not incorporated and the following substituted therefor:
  - A) Authority to declare drivers out-of-service due to any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined in 92 Ill. Adm. Code 390.1020. Every Illinois State Police officer certified to conduct Commercial Vehicle Inspections, Levels 1, 2, 3, 4 or 5 (as defined in 92 Ill. Adm. Code 390) is authorized to declare a driver out-of-service as set forth in subsection (c)(3)(B) and to notify the motor carrier of that declaration upon finding at the time and place of examination that declaring the driver out-of-service is warranted. Notification to the motor carrier is accomplished when the Illinois State Police officer presents the Illinois Commercial Driver/Vehicle Inspection Report (Form ISP 5-238) to the driver.
  - B) Out-of-Service Criteria
    - i) No driver shall drive after being on duty in excess of the maximum periods permitted by 49 CFR 395.
    - ii) No driver required to maintain a record of duty status under 49 CFR 395.8 or 395.15 shall fail to have a record of duty status current on the day of examination and for the prior seven consecutive days.
    - iii) Exception. A driver failing only to have possession of a record of duty status current on the day of examination and the prior day, but who has completed records of duty status up to that time (previous 6 days), will be given the

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opportunity to make the duty status record current.

## C) Responsibilities of motor carriers

## i) No motor carrier shall:

Require or permit a driver who has been declared out-of-service to operate a commercial motor vehicle until that driver may lawfully do so under the requirements in 49 CFR 395.

Require a driver who has been declared out-of-service for failure to prepare a record of duty status to operate a commercial motor vehicle until that driver has been off duty for the appropriate number of consecutive hours required by 49 CFR 395, as amended at 68 FR 22456, April 28, 2003, and is in compliance with this Section. The appropriate consecutive hours off duty period may include sleeper berth time.

## ii) A motor carrier shall, if required (refer to 92 Ill. Adm. Code 396.2010 for requirement), complete the "Notice to Motor Carrier" portion of the Form ISP 5-238 (Illinois Commercial Driver/Vehicle Inspection Report) and deliver the copy of the form either personally or by mail to the Illinois State Police Motor Carrier Safety Section at the address specified upon the form within 15 days following the date of examination. If the motor carrier mails the form, delivery is made on the date it is postmarked.

## D) Responsibilities of the Driver:

## i) No driver who has been declared out-of-service shall operate a commercial motor vehicle until that driver may lawfully do so under the requirements of 49 CFR 395.

## ii) No driver who has been declared out-of-service, for failing to prepare a record of duty status, shall operate a commercial motor vehicle until the driver has been off duty for the appropriate number of consecutive hours required

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by 49 CFR 395, as amended at 68 FR 22456, April 28, 2003, and is in compliance with this Section.

- iii) A driver to whom a form has been tendered declaring the driver out-of-service shall within 24 hours thereafter deliver or mail the copy to a person or place designated by motor carrier to receive it.
  - iv) This Section does not alter the hazardous materials requirements prescribed in 92 Ill. Adm. Code 397 pertaining to attendance and surveillance of commercial motor vehicles.
- 4) Part 395 *shall not apply to agricultural movements* that are engaged in intrastate commerce during planting and harvesting season as defined in 92 Ill. Adm. Code 390.1020. (Section 18b-105(c)(6) of the Law)
  - 5) Part 395 *shall not apply to all farm to market agricultural transportation* as defined in 92 Ill. Adm. Code 390.1020 that is engaged in intrastate commerce. (Section 18b-105(c)(6) of the Law)
  - 6) Part 395 *shall not apply to any grain hauling operations* that are engaged in intrastate commerce *within a radius of 200 air miles of the normal work reporting location.* (Section 18b-105(c)(6) of the Law)
- d) *A contract carrier shall limit the hours of service by a driver transporting employees in the course of their employment on a road or highway of this State in a vehicle designed to carry 15 or fewer passengers to 12 hours of vehicle operation per day, 15 hours of on-duty service per day, and 70 hours of on-duty service in 7 consecutive days. The contract carrier shall require a driver who has 12 hours of vehicle operation per day or 15 hours of on-duty service per day to have at least 8 consecutive hours off duty before operating a vehicle again.* (Section 18b-106.1 of the Law)
- ~~[Agency Note: See 92 Ill. Adm. Code 386, Subpart C: Public Utility Exemptions, for provisions relating to possible exemptions from the IMCSR for applicable intrastate public utility commercial motor vehicles.](#)~~
- e) [Subject to all other applicable exceptions and exemptions in 49 CFR 395.1 as adopted in this Section:](#)

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- 1) No operator of an intrastate utility service vehicle, as defined in 49 CFR 395.2, shall drive a commercial motor vehicle:
  - A) More than 10 hours following 8 consecutive hours off duty; or
  - B) For any period after having been on duty 15 hours following 8 consecutive hours off duty.
  
- 2) No operator of an intrastate utility service vehicle, as defined in 49 CFR 395.2, shall drive a commercial motor vehicle:
  - A) Having been on duty 60 hours in any 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or
  - B) Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

Agency Note: See 92 Ill. Adm. Code 386, Subpart C: Public Utility Exemptions, for provisions relating to possible exemptions from the IMCSR for applicable intrastate public utility commercial motor vehicles.

- f) Subject to all other applicable exceptions and exemptions in 49 CFR 395.1 as adopted in this Section:
  - 1) No operator of an intrastate commercial motor vehicle engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100 air-mile radius of the work reporting location of such driver shall drive a commercial motor vehicle:
    - A) More than 10 hours following 8 consecutive hours off duty; or
    - B) For any period after having been on duty 15 hours following 8 consecutive hours off duty.
  
  - 2) No operator of an intrastate commercial motor vehicle engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100 air-mile radius of the work

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reporting location of such driver shall drive a commercial motor vehicle:

- A) Having been on duty 60 hours in any 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or
- B) Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 6654, effective April 14, 2004, for a maximum of 150 days)

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 April 13, 2004 through April 19, 2004 and have been scheduled for review by the Committee at its May 18, 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>
5/28/04	<u>Department of Labor, Equal Pay in Employment (56 Ill. Adm. Code 320)</u>	1/2/04 28 Ill. Reg. 295	5/18/04
5/29/04	<u>Department of Revenue, Income Tax (86 Ill. Adm. Code 100)</u>	2/27/04 28 Ill. Reg. 3739	5/18/04
5/29/04	<u>Department of Public Aid, Hospital Services (89 Ill. Adm. Code 148)</u>	2/27/04 28 Ill. Reg. 3719	5/18/04
5/29/04	<u>Department of Public Aid, Hospital Services (89 Ill. Adm. Code 148)</u>	2/6/04 28 Ill. Reg. 1998	5/18/04

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Professional Land Surveyor Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1270
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1270.13	Amendment
1270.15	Amendment
1270.56	Amendment
1270.65	Amendment
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: March 12, 2004, 28 Ill. Reg. 4488.
- 5) Reason for the Withdrawal: The Illinois Land Surveyor Board requested that these proposed amendments be withdrawn. The Department has agreed to withdraw the amendments.

**PROCLAMATIONS****2004-64****Macon County and Decatur Day**

WHEREAS, in 1829, Benjamin R. Austin, Andrew W. Smith and John Ward made a successful journey to Vandalia, the former state capital of Illinois, to petition the state legislature to create Macon County, with the seat of justice to be called Decatur; and

WHEREAS, 175 years later, Macon County and the city of Decatur have persevered throughout the many ups and downs of American history, including the Civil War, the Great Depression and the Industrial Revolution; and

WHEREAS, since their founding, Macon County and the city of Decatur have shown a proven record of progress in industry and diversity. Even “The Great Emancipator,” Abraham Lincoln, once made his home in Macon County; and

WHEREAS, the citizens of this celebrated region have no doubt helped to usher the state of Illinois through times of war, geographical transformation, and breakthroughs in nearly every aspect of human existence; and

WHEREAS, Macon County and the city of Decatur have always remained vibrant, welcoming communities for both citizens and visitors, offering a rich history and a fine portrayal of life in Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 17, 2004 as MACON COUNTY AND DECATUR DAY in Illinois, and encourage all citizens to join in celebrating this noble area’s 175<sup>th</sup> Anniversary.

Issued by the Governor April 14, 2004.

Filed by the Secretary of State April 15, 2004.

**2004-65****Illinois Electric and Telephone Cooperatives Youth Day**

WHEREAS, for the past 45 years, the Electric and Telephone Cooperatives of Illinois has sponsored a paid tour of Washington, D. C., for approximately 60 outstanding Illinois high school students; and

WHEREAS, the selection criteria for students to participate includes essay and youth leadership contests that are sponsored by member cooperatives; and

WHEREAS, students from Illinois, along with nearly 1,500 contest winners from other states, will have an opportunity to witness their federal government in action during the “Youth to Washington” tour taking place on June 11 – 18, 2004; and

WHEREAS, in an effort to provide a broader educational experience for students here in Illinois, the Electric and Telephone Cooperatives of Illinois will also sponsor a trip to our state capitol April 21, 2004 for 300 contest finalists; and

WHEREAS, these hard-working young men and women are the future of our state and country, and deserve to be commended for their achievements and their desire to learn more about their nation’s governing bodies:

**PROCLAMATIONS**

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 21, 2004 as ILLINOIS ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY in Illinois, and encourage all citizens to support youth programs that assist those interested in learning about the United States government.

Issued by the Governor April 14, 2004.

Filed by the Secretary of State April 15, 2004.

**2004-66****Medical Laboratory Week**

WHEREAS, the field of medical laboratory science includes pathologists, medical technologists, cytotechnologists, histotechnologists, medical laboratory technicians, histologic technicians, phlebotomists, and other related professionals; and

WHEREAS, these qualified technicians are invaluable members of every patient's health care team; and

WHEREAS, medical laboratory professionals are well-educated and highly trained health professionals who perform and evaluate medical laboratory tests to detect, diagnose, monitor treatment, and help prevent diseases. Their tireless efforts help to save countless lives each day; and

WHEREAS, medical laboratory professionals' assistance reaches beyond hospitals and medical facilities, as they help to keep businesses, agencies and schools functioning properly by administering drug tests to employees and students; and

WHEREAS, medical laboratory professionals' dedication to quality medical testing and exceptional patient care is demonstrated in thousands of laboratories everyday:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 – 24, 2004 as MEDICAL LABORATORY WEEK in Illinois, and encourage all citizens to recognize the vital contributions medical laboratory professionals make to our health care system, and to our society.

Issued by the Governor April 14, 2004.

Filed by the Secretary of State April 15, 2004.

**2004-67****National Youth Service Day**

WHEREAS, Youth Service America (YSA) is a resource center dedicated to providing local, national and global volunteer opportunities for youth ages 5 – 25; and

WHEREAS, YSA believes that "a strong youth service movement will create healthy communities, foster citizenship, knowledge and the personal development of young people;" and

WHEREAS, this year commemorates the 16<sup>th</sup> Anniversary of the National Service Youth Day, the largest service event in the world; and

**PROCLAMATIONS**

WHEREAS, this event has garnered national support from many corporate, fraternal and not-for-profit organizations, including this year's presenting sponsor, State Farm Insurance, headquartered in Bloomington, Illinois; and

WHEREAS, my administration is working diligently to do what we can in the state to foster youth accountability. By proposing new legislation requiring all high school students to complete forty community service hours in order to graduate, we will be helping children learn the values and responsibilities of becoming a good citizen:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 16 – 18, 2004 as NATIONAL YOUTH SERVICE DAY in Illinois and challenge our youth to make a lifelong commitment to improving the state of their communities through service.

Issued by the Governor April 14, 2004.

Filed by the Secretary of State April 15, 2004.

**2004-68****Save Abandoned Babies Day**

WHEREAS, signed into law in August 2001, the Illinois Abandoned Newborn Protection Act allows parents to relinquish a newborn infant to a local hospital, fire station, or emergency medical facility anonymously and free from prosecution; and

WHEREAS, relinquished babies then become custody of the state and are placed in a responsible, and nurturing safe haven; and

WHEREAS, it is the hope of the state of Illinois that this Act will stop the abandonment of newborn infants, a practice that has led to healthy babies being found harmed, deceased or in unsafe places; and

WHEREAS, the Illinois Abandoned Newborn Protection Act is a critical statute in the state of Illinois, as it affords the chance of a better life for abandoned newborn babies; and

WHEREAS, it is imperative that we raise public awareness of the Illinois Abandoned Newborn Protection Act, in order to fulfill the Act's goals of protecting newborn infants:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 17, 2004 as SAVE ABANDONED BABIES DAY in Illinois, and encourage all citizens to recognize the gracious work Illinoisans are doing to protect abandoned infants.

Issued by the Governor April 14, 2004.

Filed by the Secretary of State April 15, 2004.

**2004-69****National Columnists Day**

WHEREAS, the National Society of Newspaper Columnists (NSNC) began in 1977 as an informal meeting of the minds. It has since evolved into an organization of newspaper professionals who have made significant contributions to their communities and to the journalism profession as a whole; and

**PROCLAMATIONS**

WHEREAS, it was the NSNC who passed a resolution proclaiming April 18<sup>th</sup> as National Columnist Day and first celebrated this day in 1995; and

WHEREAS, April 18 commemorates the anniversary of the death of Pulitzer Prize winning columnist, Ernie Pyle, perceived to be one of the greatest columnists of all time; and

WHEREAS, not only is National Columnist Day used to reflect upon the memory of Ernie Pyle, it is also “a time to reflect on the way newspaper columnists connect, educate, comfort, encourage, celebrate, outrage and occasionally even amuse readers and a time to express appreciation for them for their hard work;” and

WHEREAS, NSNC is the only professional association in journalism devoted solely to columnists:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18, 2004 as NATIONAL COLUMNIST DAY in Illinois and encourage all citizens to increase their awareness of the column-writing profession.

Issued by the Governor April 14, 2004.

Filed by the Secretary of State April 15, 2004.

**2004-70****Foresters Prevention of Child Abuse Week**

WHEREAS, Foresters are a financial services organization, offering life insurance and annuities, that provide a personal and rewarding relationship to their customers; and

WHEREAS, Foresters are successful throughout the country as a result of their financial strength, but also due to the positive impact they have on their members’ communities, and the children who represent their future; and

WHEREAS, Foresters are committed to volunteering their time, talent and money to helping others in their communities through involvement in local activities, such as fundraising, youth activities, educational support, disaster relief and much more; and

WHEREAS, since 1974, Foresters Prevention of Child Abuse Funds have provided financial support to non-profit organizations that offer prevention of child abuse and positive parenting programs and services; and

WHEREAS, Foresters are the largest non-sectarian fraternal benefit society in the world, with a membership of more than a million people; and

WHEREAS, over the years, Foresters Prevention of Child Abuse Fund has contributed thousands of dollars to help educate the public about child abuse and how they can help protect our young people from this terrible societal evil; and

WHEREAS, the Foresters’ efforts have initiated international public awareness programs such as Prevention of Child Abuse Month:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 – 25, 2004 as FORESTERS PREVENTION OF CHILD ABUSE WEEK in Illinois, and encourage all citizens to recognize and support this organization’s efforts.

Issued by the Governor April 15, 2005.

Filed by the Secretary of State April 16, 2004.

**PROCLAMATIONS****2004-71****National Victim Rights Week**

WHEREAS, The National Organization for Victim Assistance (NOVA) is a private, non-profit organization of victim and witness assistance programs and practitioners, criminal justice agencies and professionals, mental health professionals, researchers, former victims and survivors, and others committed to the recognition and implementation of victim rights and services; and

WHEREAS, NOVA's mission is to promote rights and services for victims of crime and crisis everywhere; and

WHEREAS, NOVA stands up for victims' rights in the political arena, and in 1984, they worked with Congress to help draft and ensure passage of the Victims of Crime Act, which provides funds and support for victims of crime and abuse; and

WHEREAS, NOVA is a vital system of support for victims everywhere, their toll-free hotline, 1-800-TRY-NOVA – known as the National Crime Victim Information and Referral Hotline – is the only national toll-free number that serves all victims and survivors of violent crime, providing information and referral, crisis counseling, and case advocacy; and

WHEREAS, NOVA assists law enforcement officers, prosecutors, judges, nurses, social workers, and mental health professionals in order to fully support victims in nearly every facet of the criminal justice system, and beyond; and

WHEREAS, in a time when the uncertainty of terrorist acts against our country looms, and the essence of fear consumes many American's thoughts, it is imperative and uplifting to have organizations that support victims and their rights:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 – 24, 2004 as NATIONAL VICTIM RIGHTS WEEK in Illinois, and encourage all citizens to recognize and support the rights of victims, and those that work to aid them, in order to make our society a safer and more peaceful place to live.

Issued by the Governor April 15, 2005.

Filed by the Secretary of State April 16, 2004.

**2004-72****National Credit Education Week**

WHEREAS, the use of credit has become increasingly important to the American consumer and to the nation's economy, evidenced by the fact that consumer installment purchases have more than doubled in the past decade; and

WHEREAS, along with this new trend also comes the need for the American consumer to be more financially responsible. While most consumers are aware of mistakes that should be avoided when dealing with personal finances, they are less likely to actually follow these rules; and

**PROCLAMATIONS**

WHEREAS, the Association of Credit and Collection Professionals International, in conjunction with the Illinois Student Assistance Commission, will sponsor National Credit Education Week; and

WHEREAS, National Credit Education Week is a public service campaign intended to help consumers develop good money management habits, including using credit with caution and paying bills promptly:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 19 – 24, 2004 as NATIONAL CREDIT EDUCATION WEEK in Illinois and urge all Illinoisans to educate themselves on becoming wise consumers.

Issued by the Governor April 15, 2005.

Filed by the Secretary of State April 16, 2004.

**2004-73****Administrative Professionals Week**

WHEREAS, administrative professionals play a fundamental part in any office or organization, whether it be a business, school, or governmental agency; and

WHEREAS, administrative professionals display remarkable versatility in their careers, often exhibiting skills in: project management, integrated computer software applications, Internet/Intranet communications and research, document preparation, record keeping, customer service and public relations; and

WHEREAS, the hard work and integral role administrative professionals play in the workplace should be recognized and much-admired, for it is their commitment to quality that helps keep America an industrial world leader; and

WHEREAS, in Illinois, the Alton Chapter of International Association of Administrative Professionals celebrates Administrative Professionals Week, in honor of all of the hard working individuals whose contributions to society sometimes get overlooked:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 – 24, 2004 as ADMINISTRATIVE PROFESSIONALS WEEK in Illinois, and encourage all citizens to take a moment to recognize the many diligent and honorable administrative professionals in their community.

Issued by the Governor April 15, 2005.

Filed by the Secretary of State April 16, 2004.

**2004-74****Autism Awareness Month**

WHEREAS, autism is a severely incapacitating, lifelong developmental disability, resulting in significant impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal, nonverbal, and reciprocal communication; and

WHEREAS, autism is the result of a neurological disorder affecting the functioning of the brain, and generally manifests during the first 3 years of life; and

**PROCLAMATIONS**

WHEREAS, the disorder makes it hard for victims to communicate and relate to the outside world. In some cases, victims may display repeated body movements such as hand flapping or rocking, and commonly exhibit unusual responses to people or attachments to objects. In some unfortunate cases, aggressive and/or self-injurious behavior may be present; and

WHEREAS, autism is the third most common developmental disability in the United States today, and over half a million people nationwide have some form of autism; and

WHEREAS, many citizens are unaware of the affects of autism, and how they can assist people who are living with the disability; and

WHEREAS, there are many autism support groups that are committed to educating families, professionals, and the general public to better understand this lifelong disability; and

WHEREAS, although a cure for autism has not yet been found, persons with autism can be helped to reach their greatest potential. Accurate, early diagnosis and the appropriate education and intervention are vital to the future growth and development of individuals with autism; and

WHEREAS, autism is a complex disability that requires increased research to one day find a cure and prevention, and to ensure that individuals with autism living in Illinois, and all other Americans with autism are accurately diagnosed and appropriately treated throughout their lives:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2004 as AUTISM AWARENESS MONTH in Illinois, and encourage all citizens to become cognizant of the tragedy of autism, and make an effort to aid in the search for a cure.

Issued by the Governor April 15, 2005.

Filed by the Secretary of State April 16, 2004.

**2004-75****National Donate Life Month**

WHEREAS, current data by the Organ Procurement and Transplantation Network shows that more than 84,000 men, women and children in our country, 4,600 of which are in Illinois, are waiting for lifesaving organ transplants; and

WHEREAS, an average of 18 Americans die each day due to the growing and critical shortage of donated organs for transplant; and

WHEREAS, noble citizens that participate in organ donation programs are graciously offering the gift of hope to those in need; and

WHEREAS, these donors should be commended for their compassion and generosity towards their fellow citizens; and

WHEREAS, in 2003, Illinois transplanted 1,000 lifesaving organs, a goal that only two other organ procurement regions in the United States have ever reached in a single year; and

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2004 as NATIONAL DONATE LIFE MONTH in Illinois, and encourage all

**PROCLAMATIONS**

citizens to support organ donation programs, and recognize the lifesaving results of organ donation.

Issued by the Governor April 15, 2005.

Filed by the Secretary of State April 16, 2004.

**2004-76****Federation of Women Contractors Day**

*WHEREAS, there has been a continuous struggle in our society for women to receive the same rights as their male counterparts. Equally as pervasive is their struggle for equality in the workplace; and*

*WHEREAS, males continue to have a seat at the decision-making table, especially in fields historically dominated by men, such as the construction industry; and*

*WHEREAS, the Federation of Women Contractors (FWC), created in 1989, is “committed to the advancement of entrepreneurial women in the construction industry;” and*

WHEREAS, through educational, social and professional efforts, FWC has provided an arena for its more than 100 members to have a voice; and

WHEREAS, the breadth of their message reaches far beyond the FWC membership, joining in alliance with other associations in the industry and other professional women’s organizations to make a difference:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 23, 2004 FEDERATION OF WOMEN CONTRACTORS DAY in Illinois and join FWC in celebration of their 14<sup>th</sup> Anniversary and 12<sup>th</sup> Annual Awards Reception.

Issued by the Governor April 15, 2005.

Filed by the Secretary of State April 16, 2004.

**2004-77****MDA Firefighter Appreciation Month**

*WHEREAS, firefighters are our unsung heroes- each day risking their lives to save the lives of others; and*

WHEREAS, when these heroes are not battling life-threatening situations, they are unselfishly contributing to their communities in other ways, including raising money for local charities and volunteering with agencies such as the Muscular Dystrophy Association (MDA); and

WHEREAS, the International Association of Firefighters is the MDA’s largest national sponsor, this year celebrating fifty years of national sponsorship; and

WHEREAS, in 2003, firefighters in 212 Illinois communities raised and donated more than \$625,000 for the MDA:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2004 as MDA FIREFIGHTER APPRECIATION MONTH in Illinois, and encourage all citizens to acknowledge the contributions of these brave men and women.

Issued by the Governor April 15, 2005.

Filed by the Secretary of State April 16, 2004.

**PROCLAMATIONS****2004-78****Federal Employee of the Year Day**

WHEREAS, the U. S. Department of Housing and Urban Development is hosting the 47<sup>th</sup> Annual Federal Employee of the Year Awards Ceremony on April 29, 2004; and

WHEREAS, this prestigious ceremony recognizes the continuous efforts and impact of all federal government employees in the Chicagoland area; and

WHEREAS, at the ceremony, federal employees who have dedicated themselves to giving superior service to the American public will be honored; and

WHEREAS, the ceremony honors achievement in different areas of federal employment. Examples of award categories include: "Outstanding Supervisory Employee of the Year," and "Outstanding Secretarial/Clerical Employee of the Year;" and

WHEREAS, the theme for this year's ceremony is "Federal Employees – The Gold Standard of the American Workforce;" and

WHEREAS, in conjunction with the ceremony, college scholarships will be awarded to two graduate students attending the University of Illinois at Chicago's College of Urban Planning and Public Affairs:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 29, 2004 as FEDERAL EMPLOYEE OF THE YEAR DAY in Illinois, and encourage all citizens to join in honoring these hard working individuals, and to recognize the exceptional services they provide for our society.

Issued by the Governor April 15, 2005.

Filed by the Secretary of State April 16, 2004.

**2004-79****Amblyopia Awareness Month**

WHEREAS, amblyopia, also known as "lazy eye," is a serious pediatric eye disorder that, if not treated properly, can lead to permanent vision damage and even blindness in one eye; and

WHEREAS, amblyopia is commonly caused by one or more of the following factors: both eyes not lining up correctly, one eye letting in less light than the other eye, and one eye being out of focus; and

WHEREAS, if detected early, amblyopia is a reversible disorder. To promote early detection, every child's vision should be checked on a regular basis, beginning as early as six months of age, and formally tested at least once between three and five years of age; and

WHEREAS, there is a greater chance of successfully treating amblyopia if it is found within the first six years of a child's life; and

WHEREAS, treatment methods for amblyopia include glasses, eye drops, or an eye patch, with regular doctor visits to monitor the weaker eye's progress; and

**PROCLAMATIONS**

WHEREAS, to find an eye doctor for your child, you may consult the child's regular primary care doctor or family practice doctor for a referral, which will help to ensure that your child receives the best possible quality of care available; and

*WHEREAS, during the month of April 2004, Illinois is launching an awareness campaign urging pediatricians, parents and other caregivers to learn more about vision screenings for their very young children in an effort to prevent amblyopia.*

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2004 as AMBLYOPIA AWARENESS MONTH in Illinois, and encourage all citizens to join in working toward eradicating pediatric eye disorders in this state and across the country.

Issued by the Governor April 21, 2004.

Filed by the Secretary of State April 19, 2004.

# ILLINOIS ADMINISTRATIVE CODE

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