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RULES
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AGENCIES



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DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Small Business Development Program
- 2) Code Citation: 14 Ill. Adm. Code 570
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
570.10	Amend
570.20	Amend
570.30	Amend
570.40	Amend
570.50	Amend
570.60	Amend
- 4) Statutory Authority: Implementing and authorized by the Small Business Development Act [30 ILCS 750/Art. 9].
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to implement the Rural Microbusiness Loan Program, created by Public Act 094-0392, within the Illinois Small Business Development Program as required by the Act.
- 6) Will this rulemaking replace any emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Jolene Clarke
Department of Commerce and Economic Opportunity
620 E. Adams Street
Springfield, Illinois 62701

Phone: 217/557-1820

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENT

Fax: 217/782-0038

e-mail: Jolene_Clarke@commerce.state.il.us

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses and small municipalities affected: Rural microbusinesses (5 or fewer employees)
 - B) Reporting, bookkeeping or other procedures required for compliance: To be determined by the financial intermediary (lender) in whose loan a participation will be purchased
 - C) Types of professional skills necessary for compliance: General business management
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because the Department did not anticipate the changes.

The full text of the Proposed Amendments are identical to the Emergency Amendments found in this issue of the *Illinois Register* on page 20665:

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Health Services Education Grants Act
- 2) Code Citation: 23 Ill. Adm. Code 1020
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1020.20	Amendment
1020.30	Amendment
1020.40	Amendment
1020.60	Amendment
1020.70	Amendment
- 4) Statutory Authority: Implementing and authorized by the Health Services Education Grants Act [110 ILCS 215].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking primarily implements the provisions of P.A. 94-193 that amends the Health Services Education Grants Act [110 ILCS 215]. The amendments to the Act stipulate that the Board may annually allocate up to 10 percent of the appropriation to support Program Priority Grants. In determining these priorities, the Board shall annually consult with impacted parties/institutions.

The proposed amendments implement the new statutory language. In addition, these proposed amendments address non-substantive changes (e.g., address changes, application due date procedures) and accountability issues (e.g., reporting on student persistence and grant fund expenditures).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will these proposed amendments replace any emergency rulemaking currently in effect?
Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed rulemaking does not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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

Sandi Gillilan, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, 2nd Floor
Springfield, Illinois 62701

217/557-7352

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: No small businesses or small municipalities are affected. The Health Services Education Grants Act is a grant program for non-profit health service educational institutions that are typically not for profit corporations. The amendments to the Act (and thus the rules) will not change the identity or number of current recipients, but would have some minor effect (up to 10 percent) on their grant allocation.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 14) Regulatory Agenda on which this rulemaking was summarized: The January 2005 Regulatory Agenda indicated the intent of the Board to review and update this Part; however, the statutory changes (PA 94-193) were not known at that time.

The full text of the Proposed Amendments is identical to that of the Emergency Amendments found in this issue of the *Illinois Register*, which begins on page 20684:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Day and Temporary Labor Services Act
- 2) Code Citation: 56 Ill. Adm. Code 260
- 3)

<u>Section Numbers:</u>	<u>Proposed Action</u>
260.100	Amend
260.200	New
260.210	New
260.300	Renumbered and Amended
260.310	Renumbered and Amended
260.320	Renumbered and Amended
260.330	Renumbered and Amended
260.400	New
260.410	New
260.420	New
260.430	New
260.440	New
260.450	New
260.460	New
260.470	New
260.480	New
260.490	New
260.495	New
260.497	New
260.500	New
260.510	New
260.520	New
260.600	Renumbered and Amended
260.610	Renumbered and Amended
260.620	Renumbered and Repealed
- 4) Statutory Authority: 820 ILCS 175/1 et seq.
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking incorporates recent amendments to the Day and Temporary Labor Services Act in P.A. 94-0511. The Part is being amended to add and modify definitions, and requirements for registration, reflect the increase in registration fees, explain the duties and responsibilities of day and temporary labor service agencies and third party clients, impose record keeping requirements and clarify the hearing procedures.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date: No
- 8) Does this rulemaking contain incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:
- Name: Valerie A. Puccini
Assistant General Counsel
- Address: Illinois Department of Labor
160 N. LaSalle Street, 13th Floor
Chicago, IL 60601
- Telephone: (312) 793-7838
Facsimile: (312) 793-5257
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Day and temporary labor service agencies and third party clients must comply with the provisions of the Act and rules.
- B) Reporting, bookkeeping or other procedures required for compliance: Day and temporary labor service agencies must maintain records as required by the Act and the rules.
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: The proposed amendment was not included on either of the two most recent regulatory agendas because: the amendment implements new legislation that was not anticipated at the time of filing the most recent agenda.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 260

DAY AND TEMPORARY LABOR SERVICES ACT

SUBPART A: GENERAL PROVISIONS

Section
260.100 Definitions

SUBPART B: COMPLAINT AND INVESTIGATION

Section
260.200 Complaint
260.210 Investigation

SUBPART CB: REGISTRATION PROCESS

Section
260.~~300200~~ Registration
260.~~310210~~ Content of Application to Register
260.~~320220~~ Expiration and Renewal of Registration
260.~~330230~~ Registration Fees~~Fee~~

SUBPART D: DUTIES AND RESPONSIBILITIES OF DAY AND
TEMPORARY LABOR SERVICE AGENCIES

260.400 Employment Notice
260.410 Recordkeeping
260.420 Inspection and Maintenance of Records
260.430 Meals
260.440 Transportation
260.450 Wage Payment and Notice
260.460 Deductions from Wages
260.470 Placement Fees
260.480 Public Access Area
260.490 Postings
260.495 Liability Insurance

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260.497 Worker's Compensation Insurance

SUBPART E: DUTIES AND RESPONSIBILITIES OF THIRD PARTY CLIENTS

260.500 Wage Payments and Legal Responsibility

260.510 Verification of Registration

260.520 Work Verification Form

SUBPART ~~FC~~: SUSPENSION, ~~OR~~ REVOCATION, DENIAL OF REGISTRATION, AND HEARINGS

Section

260.600300 Suspension, ~~or~~ Revocation, or Denial

260.610310 Initiation of HearingHearings

260.620320 Considerations in Reaching a Decision (Repealed)

AUTHORITY: Implementing and authorized by Section 45 of the Day and Temporary Labor Services Act [820 ILCS 175/45].

SOURCE: Adopted at 24 Ill. Reg. 6901, effective April 17, 2000; amended at 25 Ill. Reg. 856, effective January 5, 2001; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 260.100 Definitions

"Act" means the Day and Temporary Labor Services Act [820 ILCS 175].

"Contract" means an agreement, written, oral or otherwise as agreed to between the parties.

"Day" means a calendar day.

"Day or Temporary Laborer" means *a natural person who contracts for employment with a day and temporary labor service agency.*

"Day and Temporary Labor" means *labor or employment that is occasional or irregular at which a person is employed for not longer than the time period required to complete the assignment for which the person was hired and where wage payments are made directly or indirectly by the day and temporary labor*

DEPARTMENT OF LABOR

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service agency or the third party clientemployer for work undertaken by day or temporary laborers pursuant to a contract between the day and temporary labor service agency and the third party clientemployer. "Day and temporary labor" does not include labor or employment of a professional or clerical nature.

"Day and Temporary Labor Service Agency" means any person or entity engaged in the business of employing day and temporary laborers to provide services, for a fee, to or for any third party clientemployer pursuant to a contract with the day and temporary labor service agency and the third party client, and which is located, operates or transacts business within the State of Illinoisemployer.

"Department" means the Illinois Department of Labor.

"Director" means the Director of Labor or a duly authorized representative.

"Person" means every natural person, firm, partnership, co-partnership, limited liability company, corporation, association, business trust, or other legal entity, or its legal representatives, agents, or assigns.

"Third Party ClientEmployer" means any person that contracts with a day and temporary labor service agency for obtainingthe employment of day or temporary laborers. [820 ILCS 175/5]

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART B: COMPLAINT AND INVESTIGATION

Section 260.200 Complaint

The Department may investigate any alleged violations of the Act or this Part.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 260.210 Investigation

- a) The investigation may be made by written or oral inquiry, field visit, conference or any method or combination of methods deemed suitable in the discretion of the Department. The Director may examine a day and temporary labor agency's books and records, as well as any other documents reasonably related to the investigation, to determine whether a violation of the Act has occurred.

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- b) The Director shall notify all parties of the results of the investigation and shall issue a violation notice when the investigation has established that a violation of the Act or this Part occurred or is occurring.
- c) If the Director issues a written decision, a party shall have the right to appeal a violation in accordance with the procedures set forth in Section 260.610 of this Part.

(Source: Added at 30 Ill. Reg. _____, effective _____)

SUBPART ~~CB~~: REGISTRATION PROCESSSection ~~260.300~~~~260.200~~ **Registration**

- a) No person ~~or entity~~ shall employ day laborers to provide services to or for any third party ~~client employer~~ pursuant to a contract with itself and the third party ~~client employer~~ unless that person or entity has obtained a non-transferable certificate from the Department evidencing the person ~~or entity~~ is registered with the Department.
- b) A day and temporary labor service agency must register each location or branch office with the Department from which it will be operated ~~unless the agency is owned and managed by the same individual, firm, corporation, partnership or other legal entity.~~
- c) A day and temporary labor service agency shall keep, and prominently display, the certificate of registration in the public access area at each location where it operates.
- d) A person ~~or entity~~ that is licensed as a private employment agency must also register with the Department as a day and temporary labor service agency if it engages in the business of employing day and temporary laborers to provide services to or for any third party ~~client employer~~ pursuant to a contract with the person or entity and the third party ~~client employer~~.
- e) A person or entity must register as a day and temporary labor service agency with the Department when, on an isolated or incidental basis, it employs persons to provide professional or clerical services to or for any third party ~~client employer~~ pursuant to a contract with the person ~~or entity~~ and the third party ~~client employer~~.

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in addition to its primary business of employing day and temporary laborers to provide services to or for any third party clientemployer pursuant to a contract with the person ~~or entity~~ and the third party clientemployer.

- f) In the case of a day and temporary labor service agency that operates both day and temporary labor locations and separate locations providing professional, clerical or other non-day labor services, the requirements of subsections (c) and (d) of this Section shall apply only to the agency's day and temporary labor locations.

(Source: Renumbered from Section 260.200 and amended at 30 Ill. Reg. _____, effective _____)

Section ~~260.310~~260.210 Content of Application to Register

An application to register a day and temporary labor service agency, and an application for registration renewal, shall be made on a form provided by the Department. The application shall contain but is not limited to the following:

- a) The name, address, federal employer identification number, and telephone number of the personapplicant, including the trade and/or assumed name by which the personapplicant does business;
- b) If the personapplicant is a corporation, a copy of its articles of incorporation, a copy of its current bylaws and the names and addresses of its officers and directors and the names and addresses of shareholders owning more than 5% of the corporation's stock shall be provided for the initial registration. Application for registration renewal shall contain any amendments to the articles of incorporation and bylaws, the names and addresses of any new officers and directors, and the names and addresses of any new shareholders owning more than 5% of the corporation's stock;
- c) If the personapplicant is a partnership, the names, business or personal addresses, and telephone numbers of all partners. Application for registration renewal shall contain the names, business or personal addresses, and telephone numbers of all new partners;
- d) If the person is a limited liability company, a copy of the articles of organization, the operating agreement, and the names and addresses of all organizers and members owning more than 5% of the membership;

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- e)Ⓕ The name, address, federal employer identification number, and telephone number of the registered agent for the place of business, including the position held by that person or entity with the ~~person~~applicant. Application for registration renewal shall contain the name, address, federal employer identification number, and telephone number of any new registered agent for the place of business, including the position held by that person or entity with the day labor service agency;
- f)Ⓔ The name and locations of premises from which the day and temporary labor service agency will provide services. Application for renewal shall contain any new name and locations of premises from which the day and temporary labor service agency will provide services;
- g)Ⓕ The name and address of the person under whose management or supervision the day and temporary labor service agency will be operated. If, during the period when the registration is effective, the person under whose management or supervision the day and temporary labor service agency operates changes, the day and temporary labor service agency will notify the Department within 30 days after the change. Application for registration renewal shall include the name and address of any new person under whose management or supervision the day labor service agency will be operated;
- g) ~~Evidence of compliance or intent to comply with the Illinois Wage Payment and Collection Act [820 ILCS 115];~~
- h) Certification that the applicant, if an individual, is 18 years of age or older;
- i) A bond in due form, to the People of the State of Illinois, for the penal sum of \$5,000 with one or more sureties, to be approved by the Department of Labor and conditioned that the obligor will conform to and not violate any of the duties, terms, conditions, provisions or requirements of the Act or this Part;
- j) A certified statement of financial solvency, including, but not limited to, bank statements and financial ledgers;
- k) A certification that the agency will comply with all applicable State and federal employment laws, including, but not limited to, the Illinois Wage Payment and Collection Act [820 ILCS 115] and state and federal laws relating to employee compensation and overtime compensation (Illinois Minimum Wage Law [820

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ILCS 105]), social security taxes, State and federal income taxes, workers' compensation (Workers' Compensation Act [820 ILCS 305]), and unemployment taxes (Unemployment Insurance Act [820 ILCS 405]);

- l) A copy of the form to be used for the employment notice, as required by Section 10 of the Act and Section 260.400 of this Part. The form shall include, but is not limited to, the items listed in Section 260.400;
- m) An oath or affirmation certifying that all information contained within, and attached to, the application is true and complete; ~~and~~
- n) The notarized signature of the individual submitting the application;-
- o) Copies of financial responsibility and liability insurance required under the Motor Vehicle Code [625 ILCS 5] for any transportation provided by or referred by the day and temporary labor service agency or a third party client, or a contractor or agent of either, to transport day or temporary laborers to a worksite;
- p) Proof of an employer account number for payment of unemployment insurance contributions as required by Section 45 of the Act; and
- q) Proof of valid workers' compensation insurance in effect at the time of and for the duration of the registration period covering all of the day and temporary labor service agency's employees, as required by Section 45 of the Act.

(Source: Renumbered from Section 260.210 and amended at 30 Ill. Reg. _____, effective _____)

Section ~~260.320~~260.220 Expiration and Renewal of Registration

- a) Registration of a day and temporary labor service agency shall be for a term of one calendar year and shall expire at the end of the calendar year ~~from the registration date~~ unless the Department revokes or suspends the registration sooner. A period of suspension does not extend the registration for any period of time.
- b) A day and temporary labor service agency must apply for renewal at least 6090 days prior to the expiration of its registration with the Department.

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(Source: Renumbered from Section 260.220 and amended at 30 Ill. Reg. _____, effective _____)

Section ~~260.330~~260.230 Registration ~~Fees~~Fee

- a) The initial application to register a day and temporary labor service agency must be accompanied by a \$~~1,000~~250 fee for each agency and a \$250 fee for each branch office or other location where the agency regularly contracts with day or temporary laborers for services.
- b) The application for renewal of registration for a day and temporary labor service agency must be accompanied by a \$~~1,000~~250 fee for each agency and a \$250 fee for each branch office or other location where the agency regularly contracts with day or temporary laborers for services.
- c) The fee to initially apply for, or renew, a registration ~~may~~shall be paid by certified check, cashier's check or money order made payable to the Illinois Department of Labor.
- d) The fee to initially apply for, or renew, a registration is not refundable.

(Source: Renumbered from Section 260.230 and amended at 30 Ill. Reg. _____, effective _____)

SUBPART D: DUTIES AND RESPONSIBILITIES OF DAY AND TEMPORARY LABOR SERVICE AGENCIES**Section 260.400 Employment Notice**

- a) A day and temporary labor service agency shall provide at the time of dispatch, to each day and temporary laborer who is sent to work as a day and temporary laborer, a statement that contains the following information:
 - 1) the name of the day or temporary laborer;
 - 2) the name and nature of the work to be performed;
 - 3) the wages offered;
 - 4) the name and address of the destination of each day or temporary laborer;

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- 5) the terms of transportation;
 - 6) whether a meal or equipment or both is provided by either the day and temporary labor service agency or the third party client and the cost of the meal and equipment, if any; and
 - 7) if using codes on the day or temporary laborer's paycheck stub to identify third party clients, the code or codes that correlate to where the day or temporary laborer is being sent to work.
- b) The statement provided by the day and temporary labor service agency shall be certified and signed by an authorized agent of the agency stating that the information contained in the statement is true and correct. If a day or temporary laborer is assigned to the same assignment for more than one day, the day and temporary labor service agency is only required to provide the employment notice on the first day of the assignment and on any day that any of the terms listed on the employment notice are changed.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 260.410 Recordkeeping

Pursuant to Section 12 of the Act, day and temporary labor service agencies shall keep the following records during regular business hours at the place the records are kept:

- a) the name, address and telephone number of each third party client, including each worksite, to which day or temporary laborers were sent by the agency and the date of the transaction;
- b) the name and address, the specific location sent to work, the type of work performed, the number of hours worked, the hourly rate of pay and the date sent, for each day or temporary laborer;
- c) the name and title of the individual or individuals at each third party client's place of business responsible for the transaction;
- d) any specific qualifications or attributes of a day or temporary laborer requested by each third party client;

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- e) copies of all contracts, if any, with the third party client and copies of all invoices for the third party client;
- f) copies of all employment notices provided in accordance with Section 10 of the Act and this Subpart;
- g) deductions to be made from each day or temporary laborer's compensation made by either the third party client or by the day and temporary labor service agency for the day or temporary laborer's food, equipment, withheld income tax, withheld social security payments and every other deduction;
- h) verification of the actual cost of any equipment or meal charged to a day or temporary laborer;
- i) the race and gender of each day or temporary laborer sent by the day and temporary labor service agency, as provided by the day or temporary laborer;
- j) number of hours billed by the day and temporary labor service agency to each third party client for each day or temporary laborer; and
- k) a legend or explanation sheet for the code or codes used on a day or temporary laborer's paycheck stub that identifies the third party client or third party clients for whom the day or temporary laborer worked.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 260.420 Inspection and Maintenance of Records

- a) The Department is authorized to inspect and copy any records or notices required to be kept under the Act and this Part during regular business hours at the place where the records are maintained. The records or notices required to be kept under the Act and this Part shall be kept within the State of Illinois at an office of the day and temporary labor service agency. The refusal of an agency to produce for inspection or copying of the records will be considered grounds to revoke the agency's registration.
- b) Records required under this Section shall be maintained for a period of three years from their creation. However, records shall be maintained for a longer period while there is an open case pending against the agency.

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- c) Day and temporary labor service agencies shall make the records described in Section 260.410 (a), (b), (c), (f), (g), and (h) of this Part available to a day or temporary laborer during normal business hours within 5 days following a written request. In addition, during normal business hours and within 5 days following a written request, day and temporary labor service agencies shall make available to the individual making the request records relating to the number of hours billed to a third party client for that individual day or temporary laborer's hours of work.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 260.430 Meals

A day and temporary labor service agency shall not charge a day or temporary laborer for any meal not consumed by the day or temporary laborer. If a meal is consumed by the day or temporary laborer, no more than the actual cost of the meal may be charged. The purchase of a meal cannot be a condition of employment for the day or temporary laborer.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 260.440 Transportation

- a) A day and temporary labor service agency shall not charge a fee to transport a day or temporary laborer to or from the designated work site.
- b) A day and temporary labor service agency is responsible for the conduct and performance of any person who transports a day or temporary laborer from the agency to a work site, **except** as provided in Section 20 of the Act.
- c) A day and temporary labor service agency shall not refer a day or temporary laborer to any person for transportation to a work site, **except** as provided in Section 20 of the Act.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 260.450 Wage Payment and Notice

- a) At the time of payment of wages, a day and temporary labor service agency shall provide the following information on the day or temporary laborer's paycheck or on a form approved by the Department:

DEPARTMENT OF LABOR

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- 1) the name, address, and telephone number of each third party client at which the day and temporary laborer worked;
 - 2) the number of hours worked by the day or temporary laborer at each third party client each day during the pay period;
 - 3) the rate of payment for each hour worked, including any premium rate or bonus;
 - 4) the total pay period earnings;
 - 5) all deductions made from the day or temporary laborer's compensation made either by the third party client or by the day and temporary labor service agency, and the purpose for which deductions were made, including the day and temporary laborer's food, equipment, withheld income tax, withheld social security payments, and every other deduction; and
 - 6) if using codes on the day or temporary laborer's paycheck stub to identify third party clients, the legend or explanation sheet for the code or codes that correlate to where the day or temporary laborer worked shall be made immediately available to the day or temporary laborer upon request and during normal business hours.
- b) A day or temporary laborer who is contracted by a day and temporary labor service agency to work at a third party client's worksite, but is not utilized by the third party client, shall be paid by the day and temporary labor service agency for a minimum of 4 hours of pay at the agreed upon rate of pay. However, if the day and temporary labor service agency is able to place the day or temporary laborer at another worksite during that same shift, the day or temporary laborer shall be paid by the agency a minimum of 2 hours of pay, at the agreed upon rate of pay, in addition to all hours worked by the day or temporary laborer during that shift.
- c) All wage payments must be in compliance with all laws relating to wages contained in [820 ILCS](#).

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 260.460 Deductions from Wages

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Except as provided in Section 9 of the Illinois Wage Payment and Collection Act, no deductions from wages shall be made unless the day or temporary laborer provides express written authorization for a deduction given freely at the time the deduction is made in accordance with Section 9 of the Illinois Wage Payment and Collection Act [820 ILCS 115/9], the Act and this Part. Deductions may not cause a day or temporary laborer's hourly rate to fall below the State or federal minimum wage. The Department shall provide a form to be used for all deductions made under the Act and this Part.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 260.470 Placement Fees

- a) A day and temporary labor service agency may charge a placement fee to a third party client who employs a day and temporary laborer for whom a contract for work was effected by the agency. The fee shall not exceed the total daily commission rate the agency would have received over a 60 day period reduced by the total amount of the daily commission rate the agency has received each day the day or temporary laborer has performed work for the agency in the preceding 12 months.
- b) Days worked at the agency in the 12 months prior to the effective date of P.A. 94-511 shall be included for purposes of calculating the maximum placement fee.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 260.480 Public Access Area

A day and temporary labor service agency shall provide adequate seating in the public access area of the offices of the agency. The public access area shall allow for access to restrooms and suitable drinking water.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 260.490 Postings

A day and temporary labor service agency shall post and keep posted at each location, in the public access area, easily accessible to all employees, notices as supplied and required by the Department containing a copy or summary of the provisions of the Act and a toll-free telephone number for day or temporary laborers and the public to file wage dispute complaints and other alleged violations by day and temporary labor service agencies. The public access area shall also

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be the location for any other State or federally mandated posting.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 260.495 Liability Insurance

Any day and temporary labor service agency that provides transportation, as provided in Section 20 of the Act or this Part, to a day or temporary laborer to transport the laborer to a worksite shall be required to notify the Department if the insurance policy is cancelled. The day and temporary labor service agency shall ensure that the insurance company provides the Department notice of cancellation of the insurance.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 260.497 Workers' Compensation Insurance

Valid workers' compensation insurance covering all day or temporary laborers shall be in effect at the time of and for the duration of the registration period. The day and temporary labor service agency shall have an affirmative duty to report any lapse of coverage to the Department. It shall also be required that the day and temporary labor service agency ensure that the insurance company provide the Department notice of cancellation of the insurance.

(Source: Added at 30 Ill. Reg. _____, effective _____)

SUBPART E: DUTIES AND RESPONSIBILITIES OF THIRD PARTY CLIENTS**Section 260.500 Wage Payments and Legal Responsibility**

All wage payments must be in compliance with all laws relating to wages contained in 820 ILCS. Third party clients that contract with day and temporary labor service agencies for the services of day or temporary laborers shall share with the day and temporary labor service agency all legal liability and responsibility for the payment of wages.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 260.510 Verification of Registration

Third party clients have a duty to verify that a day and temporary labor service agency is registered with the Department before entering into a contract with the agency, and again on March 1 and September 1 of each year.

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(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 260.520 Work Verification Form

For each day or temporary laborer who is contracted to work a single day, the third party client shall provide the day or temporary laborer with a work verification form at the end of the work day. The form shall be provided by or approved by the Department and shall contain the date, the name of the day or temporary laborer, the work location and the hours worked on that day.

(Source: Added at 30 Ill. Reg. _____, effective _____)

**SUBPART ~~FC~~: SUSPENSION, ~~OR~~ REVOCATION,
DENIAL OF REGISTRATION, AND HEARINGS****Section ~~260.600~~260.300 Suspension, ~~or~~ Revocation, or Denial**

The registration of a day and temporary labor service agency with the Department shall be suspended, ~~or~~ revoked or denied for, but not limited to, any of the following reasons:

- a) A violation of, or failure to comply with, any provision of the Act or of this Part;
- b) Knowingly making any misrepresentation or false statement in connection with an application for, or renewal of, a registration of a day and temporary labor service agency with the Department; or
- c) For any conduct or practice found, as a result of an administrative hearing, to be detrimental to public health and safety.

(Source: Renumbered from Section 260.300 and amended at 30 Ill. Reg. _____, effective _____)

Section ~~260.610~~260.310 Initiation of ~~Hearing~~Hearings

- a) A hearing shall be initiated upon the request of a party after the party has received a written decision of a violation of the Act or this Part. The request must be made in writing and mailed by certified mail or delivered in person to the Department within 10 working days after receipt after the written decision of a violation.
- b) Hearings shall be conducted pursuant to the provisions of Article 10 of the Illinois

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Administrative Procedure Act [5 ILCS 100/Art. 10] and the Department's Rules of Procedure in Administrative Hearings (56 Ill. Adm. Code 120).

- a) ~~Before suspending or revoking a registration of a day labor service agency, the Department shall notify the person or entity in writing by certified mail, setting forth the particular reason for the proposed action and fixing a date, not less than 14 days from the date of the mailing, at which time the day labor service agency shall be given an opportunity for a hearing.~~
- b) ~~Hearings conducted under this Part are formal in nature and shall be convened pursuant to the provisions of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and 56 Ill. Adm. Code 120.~~

(Source: Renumbered from Section 260.310 and amended at 30 Ill. Reg. _____, effective _____)

Section ~~260.620~~260.320 Considerations in Reaching a Decision (Repealed)

~~In deciding whether the findings warrant a determination to suspend or revoke a registration of a day labor service agency, the Department shall consider the following factors:~~

- a) ~~Whether the conduct violates the intent and purpose of the Act and/or this Part, and was not merely a technical, non-substantive error;~~
- b) ~~Whether the day labor service agency has taken steps to correct the noted violations;~~
- e) ~~Whether the same or similar violations relating to the same conditions or occurrences have been included in previous reports and the day labor service agency has allowed the condition or occurrence to continue or to recur; and~~
- d) ~~Whether the violations could pose any direct or potential threat or harm to public health and safety.~~

(Source: Renumbered from Section 260.320 and repealed at 30 Ill. Reg. _____, effective _____)

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1320.20	Amendment
1320.30	Amendment
1320.35	Amendment
1320.40	Amendment
1320.50	Amendment
1320.60	Amendment
1320.70	Amendment
1320.80	Amendment
1320.100	Amendment
1320.200	Amendment
1320.210	Amendment
1320.220	Amendment
1320.230	Amendment
1320.240	Amendment
1320.250	Amendment
1320.300	Amendment
1320.320	Amendment
1320.340	Amendment
1320.350	Amendment
1320.400	Amendment
1320.410	Amendment
1320.420	Amendment
- 4) Statutory Authority: Illinois Optometric Practice Act of 1987 [225 ILCS 80]
- 5) Effective Date of Amendments: December 6, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

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- 9) Date Notice of Proposal Published in Illinois Register: August 26, 2005; 29 Ill. Reg. 13094.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 1320.410, "Fees may be waived" was changed to "Fees shall be waived".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Department has previously received requests to waive fees for the required ancillary licenses for charitable organizations providing vision screening, which would require a variance in each instance. The Division, with input and guidance from the Board of Optometry, agreed to establish this as policy in order to simplify the process. This rulemaking amends Section 1320.410 to provide that ancillary license fees shall be waived by the Division for an optometrist applying to practice as a volunteer for a charitable organization meeting specified criteria. All other sections are updated to reflect the DFPR recodification.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Department of Financial and Professional Regulation
Division of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786

217/785-0813 Fax: 217/557-4451

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1320

OPTOMETRIC PRACTICE ACT OF 1987

SUBPART A: OPTOMETRY

Section

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

SUBPART B: DIAGNOSTIC TOPICAL OCULAR PHARMACEUTICALS

Section

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

SUBPART C: THERAPEUTIC OCULAR PHARMACEUTICAL AGENTS

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Section

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

SUBPART D: GENERAL

Section

1320.400	Fees
1320.410	Ancillary Licenses
1320.420	Renewals
1320.430	Granting Variances

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

SOURCE: Adopted at 5 Ill. Reg. 5869, effective June 1, 1981; codified at 5 Ill. Reg. 11046; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2273, effective January 29, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10032, effective August 1, 1982; amended at 9 Ill. Reg. 1092, effective January 11, 1985; amended at 10 Ill. Reg. 7340, effective April 16, 1986; transferred from Chapter I, 68 Ill. Adm. Code 320 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1320 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 1821; emergency amendment at 12 Ill. Reg. 1925, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11447, effective June 27, 1988; amended at 13 Ill. Reg. 6994, effective April 25, 1989; amended at 14 Ill. Reg. 14128, effective August 15, 1990; amended at 17 Ill. Reg. 18096, effective October 4, 1993; amended at 17 Ill. Reg. 21501, effective December 1, 1993; amended at 19 Ill. Reg. 17150, effective December 19, 1995; amended at 20 Ill. Reg. 9068, effective July 1, 1996; amended at 21 Ill. Reg. 16040, effective November 24, 1997; amended at 23 Ill. Reg. 5744, effective April 30, 1999; amended at 24 Ill. Reg. 3656, effective February 15, 2000; amended at 27 Ill. Reg. 2677, effective January 31, 2003; amended at 28 Ill. Reg. 4945, effective March 3, 2004; amended at 28 Ill. Reg. 16247, effective December 2, 2004; amended at 29 Ill. Reg. 20616, effective December 6, 2005.

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Section 1320.20 Approved Programs of Optometry

a) The ~~Department of Financial and Professional Regulation-Division~~ ~~Department~~ of Professional Regulation (~~the Division~~ ~~Department~~) shall, upon the recommendation of the Illinois Optometric Licensing and Disciplinary Board (the Board), approve an optometry program if it meets the following minimum criteria:

- 1) The educational institution is legally recognized and authorized by the jurisdiction in which it is located to confer the Doctor of Optometry degree.
- 2) Has a faculty that comprises a sufficient number of full-time instructors to make certain that the educational obligations to the students are fulfilled. The faculty must have demonstrated competence in their area of teaching as evidenced by appropriate degrees from professional colleges or institutions.
- 3) Has a curriculum of at least the following subject areas:

Basic Science, including Anatomy, Physiology and Biochemistry

Practical Optics

Anatomy and Physiology of the Eye

Pathology of the Eye

Physiological Optics

Theoretical Optometry

Practical Optometry

Clinical Optometry

Theory and Practice of Contact Lens

Fitting

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Pharmacology

Diagnosis, treatment and management of ocular disease and recognition of systemic diseases with ocular symptoms

- 4) Has a course of study of 4 academic years above the undergraduate level.
 - 5) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- b) In determining whether a school or college should be approved, the ~~Division~~~~Department~~ shall take into consideration but not be bound by accreditation by the Council on Optometric Education.
- c) Procedures taught in schools and colleges of optometry approved by the ~~Division~~~~Department~~ that are considered for approval in the practice of optometry shall be adopted pursuant to rule or regulation by the ~~Division~~~~Department~~ upon recommendation of the Board. Before adoption of such rules or regulations, the Board shall first evaluate the procedure in accordance with criteria it has previously adopted. Furthermore, the Board shall specify training and demonstration of competency required before an optometrist may perform such procedures. In any event, the ~~Division~~~~Department~~, upon recommendation of the Board, has determined that surgery, including surgery performed with a laser, is not an optometric procedure.
- d) Program Evaluation
- 1) An applicant from an optometry program that has not been evaluated will be requested by the ~~Division~~~~Department~~ to provide documentation concerning the criteria in this Section.
 - 2) Once the ~~Division~~~~Department~~ has received the documentation or after 6 months have elapsed from the date of application, whichever comes first, the Board will evaluate the program based on all documentation received from the school and any additional information the ~~Division~~~~Department~~ has received which it deems to be reliable.
- e) Withdrawal of Approval
- 1) The Director of the Department of Financial and Professional Regulation-Division of Professional Regulation (Director) may, upon a written

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recommendation submitted by the Board, withdraw, suspend or place on probation the approval of an optometry program when the quality of the program has been materially affected by any of the following causes:

- A) Gross or repeated violations of any provision of the Illinois Optometric Practice Act of 1987 [225 ILCS 80] (the Act);
 - B) Gross or repeated violations of any of this Part;
 - C) Fraud or dishonesty in furnishing documentation for evaluation of the optometry program; or
 - D) Failure to continue to meet the established criteria of an approved optometry program as set out in this Section.
- 2) An optometry program whose approval is being reconsidered by the ~~Division~~~~Department~~ shall be given written notice prior to any recommendation by the Board and the officials in charge may either submit written comments or request a hearing before the Board in accordance with 68 Ill. Adm. Code 1110.
- f) The ~~Division~~~~Department~~, upon the recommendation of the Board, has determined that optometry programs accredited by the Council on Optometric Education as of January 1, 1996, meet the minimum criteria set forth in subsection (a) and are, therefore, approved.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.30 Application for Licensure

- a) An individual applying for a license to practice optometry shall file an application on forms supplied by the ~~Division~~~~Department~~. The application shall include:
 - 1) Certification of graduation from a 4-year optometry graduate level program approved by the ~~Division~~~~Department~~ in accordance with Section 1320.20;
 - 2) Certification of passage of the National Board of Examiners in Optometry (NBEO) examinations as set forth in Section 1320.40. The applicant shall have the examination scores submitted to the ~~Division~~~~Department~~ directly from NBEO;

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- 3) A complete work history since graduation from an optometry program;
 - 4) Certification of licensure from all United States jurisdictions in which the applicant has ever been licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and
 - 5) The required fee set forth in Section 1320.400 of this Part.
- b) Individuals applying for an initial optometry license in Illinois shall also be required to apply for and maintain certification for use of diagnostic topical ocular pharmaceutical agents in accordance with Subpart B and therapeutic ocular pharmaceutical agents in accordance with Subpart C.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.35 Application for a Limited Residency License

Pursuant to Section 12 of the Act, an individual may apply for a one year limited residency license to practice optometry in a residency program approved by the Board. The application shall include:

- a) Certification of graduation from a 4-year optometry graduate level program approved by the ~~Division~~Department in accordance with Section 1320.20;
- b) Certification of passage of the National Board of Examiners in Optometry (NBEO) examinations as set forth in Section 1320.40. The applicant shall have the examination scores submitted to the ~~Division~~Department directly from NBEO;
- c) A complete work history since graduation from an optometry program;
- d) Proof that the applicant will be accepted or appointed to a position in a residency program that is approved by the Board and the dates during which the applicant

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will be in the program;

- e) Certification of licensure from all United States jurisdictions in which the applicant has ever been licensed, if applicable, stating:
 - 1) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - 2) A description of the licensure examination in that jurisdiction;
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and
- f) The required fee set forth in Section 1320.400 of this Part.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.40 Examinations

- a) The examination for licensure as an optometrist in Illinois shall be Part I, Part II, including passage of the Treatment and Management of Ocular Disease (TMOD) section after January 1, 1996, and Part III of the examination administered by the National Board of Examiners in Optometry (NBEO).
- b) An applicant must direct NBEO to submit evidence of the passage of the entire NBEO examination, by NBEO standards, to the ~~Division~~Department.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.50 Endorsement

- a) An applicant who is licensed under the laws of another jurisdiction shall file an application with the ~~Division~~Department together with:
 - 1) Certification of graduation from an optometry program approved by the ~~Division~~Department in accordance with Section 1320.20;
 - 2) Certification of licensure from all jurisdictions in which the applicant has ever been licensed, stating:
 - A) The time during which the applicant was licensed in that

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jurisdiction, including the date of the original issuance of the license;

- B) A description of the licensure examination in that jurisdiction;
 - C) Whether the records of the licensing entity contains any record of disciplinary actions taken or pending against the applicant;
- 3) Certification of passage of Part I and Part II, including passage of the Treatment and Management of Ocular Disease (TMOD) section after January 1, 1996, of the National Board of Examiners in Optometry (NBEO) examination, by NBEO standards;
 - 4) Certification of passage of Part III of the examination administered by NBEO, by NBEO standards, or a comprehensive practical examination administered in another jurisdiction equivalent to the comprehensive practical examination administered by the ~~Division~~Department prior to July 1991;
 - 5) A complete work history since graduation from an optometry program; and
 - 6) The required fee as set forth in Section 1320.400.
- b) The ~~Division~~Department shall examine each endorsement application to determine whether the requirements in the jurisdiction at the date of licensure were substantially equivalent to the requirements then in force in this State. The applicant may be required to submit a copy of the Act and rules in effect at the time of original licensure. If an applicant has taken a licensure examination other than Part I and Part II of the National Board prior to 1970, the examination and results will be required by the Board to determine that substantially equivalent requirements have been met. The ~~Division~~Department shall within a reasonable time either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.
 - c) The ~~Division~~Department may, in individual cases, upon recommendation of the Board, in accordance with Section 12 of the Act, waive the comprehensive practical examination for an applicant for endorsement, after full consideration of his/her optometric education, training and experience, including, but not limited to, whether he/she has achieved special honors or awards, has had articles published in professional journals, has participated in writing textbooks relating to

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optometry, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in optometry.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.60 Inactive Status

- a) Any licensed optometrist who notifies the ~~Division~~Department in writing on forms prescribed by the ~~Division~~Department may elect to place his/her license on inactive status and shall be excused from the payment of renewal fees until he/she notifies the ~~Division~~Department in writing of the desire to resume active status.
- b) Any licensee seeking restoration from inactive status shall do so in accordance with Section 1320.70 of this Part.
- c) Any licensed optometrist whose license is on inactive status shall not practice optometry in the State of Illinois.
- d) Practicing optometry with a license that has been placed on inactive status shall be considered to be the unlicensed practice of optometry and subject to discipline pursuant to Section 24 of the Act.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.70 Restoration

- a) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 3 years shall file an application, on forms supplied by the ~~Division~~Department, together with:
 - 1) Proof of current certification in cardiopulmonary resuscitation and completion of the continuing education requirements during the 2 years prior to restoration in accordance with Section 1320.80 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs; and
 - 2) The proper fees, either:
 - A) The restoration fees, when restoring an expired license, specified in Section 1320.400(c)(1) of this Part; or

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- B) The renewal fees, when restoring an inactive license, specified in Section 1320.400(b)(1) of this Part.
- b) In addition to satisfying the requirements of subsection (a) above, the licensee shall also submit either:
- 1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;
 - 2) An affidavit attesting to military service as provided in Section 16 of the Act. If application is made within 2 years of discharge, and if all other provisions of Section 16 of the Act are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees;
 - 3) Evidence of other education or experience acceptable to the ~~Division~~~~Department~~ of the licensee's fitness to have the certificate restored. Such evidence shall be reviewed on a case by case basis by the Board; or
 - 4) Certification of passage of Part III of the examination administered by NBEO, by NBEO standards. The Board may, in its discretion and in individual cases, make a recommendation to the Director for the waiver of the clinical skills examination or Part III of the examination in accordance with Section 11 of the Act based on quality of education, training and experience including, but not limited to, special honors and awards, articles published in optometry journals, writing or participation in the writing of textbooks in optometry or any other circumstances or attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in optometry.
- c) A licensee seeking restoration of a license that has expired or been on inactive status for less than 3 years, or has been placed in nonrenewed status for failure to comply with continuing education (CE) requirements shall file an application on forms provided by the ~~Division~~~~Department~~, together with:
- 1) Proof of current certification in cardiopulmonary resuscitation and completion of continuing education (CE) requirements during the 2 years prior to restoration in accordance with Section 1320.80 of this Part.

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Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs; and

- 2) The restoration fees specified in Section 1320.400 of this Part. For the purpose of restoring from inactive status the ~~Division~~Department shall consider that no renewal fees have lapsed during the period of inactive status.
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 12 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is reasonably questioned by the ~~Division~~Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration of the license will be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for interviews before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon the recommendation of the Board, and approval by the ~~Division~~Department, an applicant shall have the license restored.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.80 Continuing Education

- a) Continuing Education Hour Requirements
 - 1) Every renewal applicant shall complete 24 hours of Continuing Education (CE) relevant to the practice of optometry required during each prerenewal period. A prerenewal period is the 24 months preceding March 31 in the year of the renewal. For the March 31, 1998 renewal and every renewal thereafter, optometrists who hold certification for therapeutic ocular pharmaceuticals shall, in addition to the 24 hours of CE, complete 6 hours of certified CE in the treatment of ocular disease during the prerenewal

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period as set forth in subsection (b)(3).

- 2) A CE hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 3) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
 - 4) Optometrists licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
- b) Approved Continuing Education
- 1) All continuing education hours must be earned by verified attendance at or participation in a program that is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c).
 - 2) For the March 31, 1992, renewal and every renewal thereafter, as part of the 24 hours of required continuing education, each licensee shall complete during each prerenewal period at least 6 hours of credit which is certified by an approved optometry college in accordance with Section 1320.20 of this Part, osteopathic or medical college or university pursuant to the Medical Practice Act of 1987 [225 ILCS 60], or a pharmacy college pursuant to the Pharmacy Practice Act [225 ILCS 85].
 - A) Each certified course shall include at least 2 hours of actual course presentation and shall include the successful completion of a post-course evaluation of the attendee's understanding of the course material. No additional credit may be given for the required post-course evaluation.
 - i) The post-course evaluation may be taken on-site immediately following the course presentation. An examination distributed on-site shall not be removed from the site.
 - ii) The post-course evaluation may be a correspondence evaluation mailed to the attendee and returned to the provider. The sponsor shall not distribute a post-course evaluation at the site.

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- iii) At the sponsor's discretion, the attendee may be allowed one retake of a failed post-course evaluation in order to receive credit as certified continuing education.
 - B) Licensees who attend a certified education course without passage of a post-course evaluation may apply actual course hours toward fulfillment of the additional continuing education requirements as set forth in subsections (b)(1) and (b)(3).
 - C) Any approved continuing education sponsor may offer, in conjunction with the above-referenced college or university, a certified course. Effective April 1, 1996, certified continuing education shall not be provided, sponsored, co-sponsored or in any way be supported or financially underwritten by a CE sponsor or others who may receive patient referrals from those in attendance. Approved optometry programs in subsection (b)(2) are not deemed in violation of this Section. Nothing in this Section shall prohibit the listing of courses in a professional journal or newsletter or prevent an approved school, college or university from certifying a course.
 - D) Transcript quality continuing education courses shall be deemed equivalent to the certified courses if they meet the requirements set forth in subsection (b)(2)(A).
 - E) Continuing education sponsors shall state in their course materials the type of post-course evaluation which will be given and whether the applicant will be allowed to retake the evaluation.
 - F) Certified continuing education courses shall be courses in which the attendees are in actual attendance. No self instruction or correspondence courses shall be considered certified continuing education courses.
- 3) Six hours of certified CE courses in the treatment of ocular disease are required for licensees who are certified for therapeutic ocular pharmaceuticals in addition to the 24 CE hours required to renew an optometry license.
- A) The certified therapeutic CE courses shall meet the same requirements set forth in subsection (b)(2).

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- B) An optometrist who has completed the 120 hour therapeutic training set forth in Section 1320.300 during the prerenewal period will be considered to have met the CE requirements for that renewal period.
- 4) Eighteen hours of CE credit may be earned as follows (not accepted for certified CE):
- A) A maximum of 12 hours per prerenewal period for papers prepared and delivered before recognized optometric organizations, papers published in nationally recognized optometric journals, or a chapter in a book of optometry, each appropriately verified.
- B) A maximum of 12 hours per prerenewal period for verified teaching of students at an optometry school approved by the ~~Division~~Department, or practicing optometrists in CE programs approved by the ~~Division~~Department. One hour of teaching at an optometry school approved by the ~~Division~~Department is equal to one hour of continuing education.
- C) A maximum of 4 hours per prerenewal period for verified self-instruction or video teleconferencing that is sponsored or co-sponsored by any previously approved optometry college, institution or national, State or local optometry association.
- D) A maximum of 4 hours per prerenewal period for courses in practice management that includes business management.
- E) A maximum of 2 hours of continuing education in cardiopulmonary resuscitation certified by the American Red Cross, American Heart Association, an Illinois licensed hospital or an approved medical or optometric institution may be earned per prerenewal period.
- 5) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois.
- 6) Credit shall not be given for courses taken in Illinois from unapproved sponsors except for a CPR course in accordance with Section

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1320.80(b)(4)(E).

- c) Continuing Education Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean a person, firm, association, corporation, or any other group that has been approved and authorized by the ~~Division~~Department upon the recommendation of the Optometric Licensing and Disciplinary Board to coordinate and present continuing education courses or programs.
 - 2) A sponsor shall file a sponsor application, along with the required fee set forth in Section 1320.400(a)(6), which includes:
 - A) Certification:
 - i) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in this Section;
 - ii) That the sponsor will be responsible for verifying attendance at each course or program and for providing a certificate of completion as set forth in subsection (b);
 - iii) That, upon request by the ~~Division~~Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section;
 - iv) That each sponsor shall submit to the ~~Division~~Department a written notice of a course offering 30 days prior to the course date. The notice shall include the description, location, date and time of the course to be offered;
 - B) A history and the experience of the sponsor as an educational provider;
 - C) A copy of a sample program with faculty, course materials and syllabi;
 - D) The name and address of the contact person responsible for all recordkeeping; and
 - E) A list of all principals of the organization applying for a sponsor

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license.

- 3) Each sponsor shall submit by March 31 of each even numbered year a sponsor application along with the required fee set forth in Section 1320.400(b)(3) of this Part. With the application, the sponsor shall be required to submit to the ~~Division~~Department a list of all courses and programs offered in the prerenewal period, which includes a description, location, date and time the course was offered.
- 4) All courses and programs shall:
 - A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of optometry;
 - B) Provide experiences that contain scientific integrity, relevant subject matter and course materials; and
 - C) Be developed and presented by persons with education and/or experience in subject matter of the program.
- 5) The tuition fees charged for programs conducted by approved sponsors shall be reasonable and directly related to the sponsor's actual expense in conducting the programs.
- 6) All programs given by approved sponsors shall be open to all licensed optometrists and not be limited to the members of a single organization or group and shall specify the number of CE hours and categories that may be applied toward Illinois CE requirements for licensure renewal.
- 7) Certificate of Attendance
 - A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
 - i) The name, sponsor number and address of the sponsor;
 - ii) The name of the participant and his/her optometry license number;

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- iii) A detailed statement of the subject matter;
 - iv) The number of hours actually attended in each topic;
 - v) The date of the program;
 - vi) Whether the course qualifies for certified continuing education and if the post-course evaluation was passed or failed.
- B) The sponsor shall maintain these records for not less than 5 years. These records shall include all test materials utilized for certified courses.
- 8) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive CE credit for time not actually spent attending the program.
- 9) Upon the failure of a sponsor to comply with any of the foregoing requirements, the ~~Division~~Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the ~~Division~~Department receives reasonably satisfactory assurances of compliance with this Section.
- d) Continuing Education Earned in Other States
- 1) If a licensee has earned CE hours in another jurisdiction for which he/she will be requesting credit toward full compliance in Illinois, the applicant shall submit an out of state CE approval form along with a \$20 processing fee within 90 days prior to or after the course but in no way later than 90 days prior to the end of the renewal period. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
 - 2) If a licensee fails to submit an out of state CE approval form within the required 90 days, late approval may be obtained by submitting the application along with the \$20 processing fee plus a \$50 per hour late fee not to exceed \$300. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.

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- 3) The Board has determined that the Council on Optometric Practitioner Education (C.O.P.E.) approved courses are acceptable for out of state continuing education. If a licensee attends an out of state C.O.P.E. approved course, the licensee will not be required to submit the out of state CE approval form and the \$20 processing fee.
- e) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a).
 - 2) The ~~Division~~~~Department~~ may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- f) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the ~~Division~~~~Department~~ a renewal application, the renewal fee set forth in Section 1320.400(b)(1), a statement setting forth the facts (including time frames) concerning such non-compliance, and a request for waiver of the CE requirements on the basis of the facts. If the ~~Division~~~~Department~~, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted, that good cause has been shown for granting a waiver, the ~~Division~~~~Department~~ shall waive enforcement of the requirements for the renewal period for which the applicant has applied.
 - 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full time service in the armed forces of the United States of

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America during a substantial part of such period; or

- B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician,
 - ii) A physical inability to travel to the sites of approved programs, or
 - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board is requested at the time the request for the waiver is filed with the ~~Division~~Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the ~~Division's~~Department's final decision on the application has been made.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.100 Practice of Optometry

- a) The practice of optometry as defined in Section 3 of the Act shall include, but not be limited to, the following functions:
 - 1) Prescribing and fitting of any ophthalmic lenses including contact lenses.
 - 2) Retinoscopy.
 - 3) Tonometry.
 - 4) Keratometry.
 - 5) Subjective lens testing.
 - 6) Phoria testing.

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- 7) Biomicroscopy.
 - 8) Ophthalmoscopy.
 - 9) Electronic or computerized examination techniques that utilize devices that perform any of the above functions.
 - 10) Visual screening.
 - 11) Diagnosis and treatment of any ocular abnormality, disease or visual or muscular anomaly of the human eye or visual system.
- b) Visual Screening
- 1) Nothing in this Section shall prohibit visual screening conducted without a fee other than a voluntary donation by a charitable organization or governmental agency, acting in the public welfare under the supervision of a committee composed of persons licensed by the State to practice optometry or medicine in all of its branches.
 - 2) Visual screening is defined as a limited series of ocular observations, measurements or tests provided without a fee to determine if a complete eye examination, as described in Section 1320.90, by a licensed optometrist or a physician licensed to practice medicine in all of its branches, is recommended.
 - 3) When a visual screening is performed, the recipient of the screening shall be clearly informed in writing and shall receive a copy of the following:
 - A) Results and limitations of the screening;
 - B) That the screening is not representative of or a substitute for an eye exam;
 - C) That the screening will not result in a prescription for visual correction;
 - D) That visual screening referral criteria for a complete eye examination must meet accepted optometric professional standards criteria; and

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- E) The name and address of the charitable organization sponsoring the screening and the chairperson of the supervisory committee.
- 4) A copy of the screening results shall be maintained for 3 years by the chairperson of the supervisory committee or the optometrist performing the screening.
- c) No ophthalmic lenses, prisms, or contact lenses may be sold or delivered to an individual without a prescription signed by a licensed optometrist or a physician licensed to practice medicine in all of its branches.
- d) The following acts shall not be performed by an individual not licensed in this State as an optometrist or to practice medicine in all of its branches except while acting under the direct supervision of a person so licensed:
 - 1) Conducting or performing examinations of the human eye or its appendages employing either objective or subjective means, or both for the purpose of adapting lenses to the eyes of any person;
 - 2) Using instruments or appliances of any type to determine the curvatures of the eye or of the cornea of any person for the purpose of ordering or supplying contact lenses for the person;
 - 3) Determining, selecting or specifying the lens characteristics or the lens curvatures of contact lenses to be supplied to any person;
 - 4) Converting, altering, or varying in any manner a prescription for contact lenses prepared by an optometrist or a person licensed to practice medicine in all its branches in this State;
 - 5) Converting, altering, or varying in any manner a prescription for spectacles prepared by an optometrist or a person licensed to practice medicine in all of its branches in this State, including converting a spectacle prescription into a prescription for contact lenses;
 - 6) Inserting, removing, adjusting or adapting contact lenses for the purpose of selecting, specifying or furnishing contact lenses for use by any person;
 - 7) Conducting or performing any examination of the human eye or its appendages employing either objective or subjective means or both for the purpose of determining the effects that may have resulted from wearing

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contact lenses by any person;

- 8) Where a person has been provided with contact lenses pursuant to a prescription by an optometrist or a person licensed to practice medicine in all of its branches in this State, adjusting, adapting or changing the lens characteristics or the lens curvatures of the contact lens in any manner whatsoever;
 - 9) Advertising, representing or informing the general public by any means, including, but not limited to, display advertising in newspapers and telephone directories within the State of Illinois, that he/she will fit or adapt contact lenses for the use of any person.
- e) Direct supervision of any person assisting an optometrist means:
- 1) The optometrist personally performs those procedures requiring professional judgment. Professional judgment requires that the optometrist shall perform those procedures for the diagnosis and treatment of anomalies of the eye, adnexa, and the visual system, including for example, but not limited to, biomicroscopy, ophthalmoscopy, all therapeutic procedures and the prescribing of any ophthalmic lenses, including contact lenses.
 - 2) The optometrist shall specify all procedures to be performed by the assistant.
 - 3) The optometrist is present in the facility while the assistant performs the procedure (does not mean that the optometrist must be present with the patient while the specified procedures are being performed).
 - 4) The optometrist approves the results of the procedures performed by the assistant before dismissal of the patient.
- f) Requirements for the minimum eye exam as outlined in Section 1320.90 are still applicable and are not changed or altered by the provisions of this Section.
- g) When the practice of optometry is conducted at a mobile or non-permanent location, the following shall apply:
- 1) Notice shall be given to the ~~Division~~Department of the locations of such mobile examinations and the times they will be given. Notices shall be

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postmarked no later than 15 days prior to the examination.

- 2) Notice shall be given to the ~~Division~~Department and the patient of the location where examination records are to be maintained in accordance with Section 1320.90 and the name and address of the individual or office where the patient can access and obtain copies of his or her records.
- 3) Notice shall be given to the ~~Division~~Department and the patient of the name and address of the examining optometrists and the location where follow-up services will be provided. A protocol shall be established for each mobile location to provide for the follow-up and referral of the patient to appropriate permanent optometric or healthcare locations when needed.
- 4) If the patient is a minor child, parental approval shall be obtained prior to any examination and the case history as required by Section 1320.90 shall be obtained from the parent or guardian.
- 5) All equipment, as required by Section 1320.95, shall be present, operable and available for use.
- 6) All ancillary licenses shall be displayed in plain view of the patient. An optometrist shall obtain an ancillary license prior to providing services at the mobile location.
- 7) Vision screenings conducted in conjunction with a mobile location shall be done in accordance with subsection (b).
- 8) Mobile locations must meet all other requirements of the Act and this Part and any other State or federal requirements.
- 9) Mobile locations do not include homes, hospitals or institutions at which a licensee is entitled to practice under Section 1320.410(d) or Section 7 of the Act.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.200 Standards

- a) An optometrist's certification to use diagnostic topical ocular pharmaceutical agents for examination purposes shall be revoked, suspended and/or placed on

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probation and fines may be levied by the ~~Division~~[Department](#) upon recommendation of the Board based upon any of the following causes:

- 1) The use of any diagnostic topical ocular pharmaceutical agent that has not been approved for use by the ~~Division~~[Department](#);
 - 2) The misuse of any diagnostic topical ocular pharmaceutical agent where the optometrist knew or should have known that such use was improper or contraindicated;
 - 3) The use of any diagnostic topical ocular pharmaceutical agents for patients who have had intraocular lens implants except for the use of Proparacaine HCL (0.5%) and Benoxinate HCL (0.4%) for assisting in the measurement of intraocular pressure, except by licensed optometrists certified in therapeutic ocular pharmaceutical agents pursuant to Subpart C;
 - 4) The use of any topical ocular pharmaceutical agents for children who are less than 2 years of age, except by licensed optometrists certified in the use of therapeutic ocular pharmaceutical agents pursuant to Subpart C; or
 - 5) Any other violation of the Act or this Part.
- b) In determining what constitutes grave or repeated misuse of any topical ocular pharmaceutical agent, the Board shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. The standards shall include but not be limited to:
- 1) A consideration whether the act or acts of the person are of a glaringly obvious nature or are repetitiously committed and resulted in a breach of standards of practice.
 - 2) A consideration that said act or acts committed constituted a breach of standards of practice to possess and apply knowledge, skill and care in using approved diagnostic topical ocular pharmaceutical agents for the purpose of aiding the diagnosis of abnormal conditions that are ordinarily used by an optometrist certified under Section 15.1 of the Act.
 - 3) A consideration that a mere mistake which is not indicative of a lack of knowledge, skill and care does not constitute misuse. Nor is a bad or unexpected result evidence of misuse unless such a result would not ordinarily occur in the absence of misuse.

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- 4) A consideration that in determining the applicable standard of use, the Board shall consider the opinion and the testimony of experts.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.210 Application for Diagnostic Certification

A licensed optometrist seeking certification to use diagnostic topical ocular pharmaceutical agents for examination purposes shall file an application with the [DivisionDepartment](#), on forms provided by the [DivisionDepartment](#). The application shall include:

- a) Either
 - 1) Certification that the applicant has graduated from an approved 4 year optometry program with diagnostic training and proof of passage of all parts of the NBEO examination; or
 - 2) Certification of passage of a diagnostic topical ocular pharmaceutical course set forth in Section 1320.220 of this Part;
- b) The required fee set forth in Section 1320.400(a)(2) of this Part.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.220 Approved Diagnostic Topical Ocular Pharmacological Training

The [DivisionDepartment](#) shall, upon the recommendation of the Board, approve a program of diagnostic topical ocular pharmacological training that meets the following minimum requirements:

- a) The program has a faculty that comprises a sufficient number of full-time instructors to make certain that the educational obligations to the students are fulfilled. The faculty must have demonstrated competence in their area of teaching as evidenced by appropriate degrees from accredited colleges or institutions.
- b) The program has a curriculum of at least the following subject areas:
 - 1) General principles of drug action

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- A) Definition of terms
 - i) Drug
 - ii) Pharmacology
- B) Medical uses of drugs
 - i) Therapeutic drugs
 - ii) Symptomatic therapeutic agents
 - iii) Prophylactics
 - iv) Adjunctives
 - v) Diagnostics
- C) Non-medical uses of adjunctives
- D) Dose-response relationships
 - i) By drug classification
 - ii) Consideration of polyvalence – main effects and side effects
- E) Drug disposition
- F) Concepts of potency, toxicity, safety, tolerance
- 2) Routes of drug administration
 - A) Systemic
 - B) Topical
- 3) Dosage forms
 - A) Comparative properties

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- B) Prescription (legend) products and over-the-counter (OTC) products
- 4) Sources of drug information
- A) Composition of commercial products
 - B) Generic--trade name equivalents
 - C) Indications and adverse effects
 - D) Drug regulations
- 5) Specific drug classes
- A) Miotics, mydriatics and cycloplegic drugs
 - i) Neurotransmitter functions
 - ii) Drug modification of transmitter functions
 - iii) Clinical uses
 - B) Drugs used to treat glaucoma
 - C) Local anesthetics
 - i) Chemical nature
 - ii) Sites of administration
 - iii) Mechanisms of action
 - iv) Duration and toxicity
 - D) Problems of sterility, disinfection and asepsis related to optometric practice
 - E) Pharmaceutical agents used in ocular examination
- 6) Ocular side effects of drugs systemically administered

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- A) Relationship of age, amount given, health and idiosyncrasies
 - B) Drugs in current use
 - C) Drugs of current abuse
- 7) Over-the-counter ophthalmic preparation (including those used with contact lenses)
- A) Types
 - B) Consideration of preservatives in them
- 8) Anti-infective therapy
- A) Antibacterial drugs
 - B) Fungistatic drugs
 - C) Antiviral drugs
- 9) Anti-inflammatory therapy
- A) Antihistamines
 - B) Steroids
 - C) Sympathomimetic amines
- 10) Principles of CPR
- c) The program includes a minimum of 55 instructional hours, and requires for program completion the passage of a comprehensive examination designed to test the student's knowledge of and ability to apply the program's subject matter.
- d) The [DivisionDepartment](#), upon the recommendation of the Board, has determined that courses of pharmacological training which are an integrated part of any program of optometry approved in accordance with the provisions of Section 1320.20 of this Part meet the criteria specified herein, and are, therefore, approved.

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- e) Program Evaluation
- 1) An applicant from a diagnostic pharmacological training program that has not been evaluated will be requested by the ~~Division~~Department to provide documentation concerning the criteria in this Section.
 - 2) Once the ~~Division~~Department has received the documentation or after 6 months have elapsed from the date of application, whichever comes first, the Board will evaluate the program based on all documentation from the program and any additional information the ~~Division~~Department has received which it deems to be reliable.
- f) The ~~Division~~Department may, upon the recommendation of the Board, withdraw the approval of any program of pharmacological training for any of the following grounds:
- 1) Fraud or dishonesty in applying for approval;
 - 2) Failure to continue to meet the criteria for an approved program as stated in this Section.
- g) A program whose approval is being reconsidered shall be given written notice prior to any recommendation by the Board, and the officials in charge may either submit written comments or request a hearing before the Board.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.230 Approved Diagnostic Topical Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act

- a) The following diagnostic topical ocular pharmaceutical agents are approved for use by only diagnostically certified optometrists:
- 1) Proparacaine HCL (0.5%)
 - 2) Benoxinate HCL (0.4%)
 - 3) Tropicamide (0.5% and 1.0%)
 - 4) Cyclopentolate (0.5% and 1.0%)

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- 5) Atropine Sulfate (ointment) (0.5%)
 - 6) Homatropine (2.0% and 5.0%)
 - 7) Phenylephrine HCL (2.5%)
- b) The ~~Division~~~~Department~~ shall, upon the recommendation of the Board, approve other topical anesthetics, cycloplegics and mydriatics that meet the following criteria:
- 1) Such agents have been approved for topical use by the U.S. Food and Drug Administration;
 - 2) Such agents offer a diagnostic alternative or advantage over the existing list of approved agents; and
 - 3) Such agents have been determined, in the judgement of the Board, to be beneficial with no substantial risk to the ultimate consumer.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.240 Restoration of Diagnostic Certification

- a) A certification that has lapsed or been on inactive status for less than 3 years shall be restored upon application to the ~~Division~~~~Department~~, proof of a current Illinois optometric license and payment of the required fees specified in Section 1320.400(c)(1) of this Part.
- b) A certification that has lapsed or been on inactive status for more than 3 years shall be restored with proof of a current Illinois optometric license and submission of an application to the ~~Division~~~~Department~~, which shall include the following:
 - 1) Sworn evidence of active practice in another jurisdiction that allows the use of diagnostic topical ocular pharmaceutical agents. Such evidence shall include a statement from the appropriate licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice and indicates if any disciplinary action has been taken or is pending; or
 - 2) Other evidence that the applicant has maintained competence in use of

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diagnostic topical ocular pharmaceuticals. Such evidence shall be evaluated on an individual basis by the Board and may include:

- A) Teaching ocular pharmacology in an educational program approved in accordance with Section 1320.220 of this Part; or
 - B) Research in ocular pharmacology; or
 - 3) Proof of passage within the year preceding application of an approved training program as specified in Section 1320.220 of this Part; or
 - 4) The required fees set forth in Section 1320.400(c)(1).
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the [DivisionDepartment](#) or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of the certification will be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an oral interview(s) before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information in order to evaluate the individual's current competency to use diagnostic topical ocular pharmaceutical agents. Upon the recommendation of the Board and approval by the [DivisionDepartment](#), the applicant shall have the certification restored.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.250 Endorsement of Diagnostic Certification

- a) An applicant licensed to practice optometry in another jurisdiction after January 1, 1988, shall be required to apply for and obtain certification to use diagnostic topical ocular pharmaceutical agents in conjunction with his/her optometry license.
- b) An applicant who is licensed or certified under the laws of another jurisdiction to use diagnostic topical ocular pharmaceutical agents for examination purposes shall file an application with the [DivisionDepartment](#), on forms provided by the [DivisionDepartment](#), together with:

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- 1) An application for licensure as an optometrist in the State of Illinois and meet the requirements set forth in the Act and Section 1320.50 for such licensure;
 - 2) A certification from the licensing authority of the jurisdiction of original licensure, and any other jurisdiction in which the applicant is licensed, stating:
 - A) The time during which the applicant was licensed in that state;
 - B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;
 - C) A description of the examination and grade received;
 - 3) A description of the diagnostic topical ocular pharmaceutical training received;
 - 4) A copy of the Acts and rules from the original state of licensure in effect at the time of licensure; and
 - 5) The required fee set forth in Section 1320.400.
- c) An applicant who is licensed as an optometrist in another jurisdiction, whose optometry license includes the ability to use topical ocular pharmaceuticals, will be eligible to receive diagnostic topical ocular pharmaceutical certification by the [Division](#)~~Department~~ if he/she meets the requirements set forth in subsection (b) above.
- d) The applicant may be required to appear before the Board:
- 1) To clarify or explain information contained on the submitted documentation; or
 - 2) To determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State pursuant to Section 15.1 of the Act.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

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Section 1320.300 Definitions and Standards

- a) Ophthalmic emergency care involves an acute condition that in the judgment of the optometrist may be sight threatening, requires the optometrist to initiate nonsurgical emergency procedures and requires patient referral and consultation with another appropriate health care professional.
- b) Any optometrist certified to use therapeutic ocular pharmaceutical agents shall be authorized to purchase such drugs and to utilize and to prescribe such drugs in the regular course of practicing optometry. The use of the drugs shall be the personal act of the person certified to use therapeutic ocular pharmaceutical agents and may not be delegated to any other person. A signed written prescription for legend drugs must be presented to the patient, if applicable, and the optometrist shall be required to keep a copy of all prescriptions written.
- c) An optometrist's certification to use therapeutic ocular pharmaceutical agents may be revoked, suspended or placed on probation and fines levied by the [Division](#)~~Department~~ upon recommendation of the Board based upon any of the following causes:
 - 1) The use of any therapeutic ocular pharmaceutical agent that is not approved for use;
 - 2) The misuse of any therapeutic ocular pharmaceutical agent or procedure where the optometrist knew or should have known that such use was improper or contraindicated;
 - 3) Failure to take reasonable steps to ensure or arrange for follow-up care or for referral of a patient to an appropriate health care professional after providing ophthalmic emergency care;
 - 4) Any other violations of the Act or this Part.
- d) In determining what constitutes grave or repeated misuse of any topical ocular pharmaceutical agent, the Board shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. The standards shall include but not be limited to:
 - 1) A consideration of whether the act or acts of the person are of a glaringly obvious nature or are repetitiously committed and resulted in a breach of standards of practice.

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- 2) A consideration that said act or acts committed constituted a breach of standards of practice to possess and apply knowledge, skill and care in using approved therapeutic ocular pharmaceutical agents for the purpose of aiding the treatment of abnormal conditions that are ordinarily used by an optometrist certified under Section 15.1 of the Act.
- 3) A consideration that a mere mistake that is not indicative of a lack of knowledge, skill and care does not constitute misuse. Nor is a bad or unexpected result evidence of misuse unless such a result would not ordinarily occur in the absence of misuse.
- 4) A consideration that, in determining the applicable standard of use, the Board shall consider the opinion and the testimony of experts.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.320 Approved Therapeutic Ocular Training

The ~~Division~~Department shall, upon the recommendation of the Board, approve a program of therapeutic ocular training that meets the following minimum requirements:

- a) The program has a faculty that comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled.
 - 1) The faculty must have demonstrated competence in the area of pharmacological training as evidenced by appropriate degrees from accredited colleges or institutions;
 - 2) The medical component of the course shall be taught by physicians licensed to practice medicine in all of its branches with appropriate specialty credentials. They shall be members of the faculty for the 4 year professional optometry program and have appropriate input into the development, presentation and testing of the course.
- b) The program shall have a curriculum of a minimum of 120 total contact hours. At least 90 hours shall be lecture and at least 30 hours shall be practical laboratory which shall include foreign body removal and clinical patient care. The lecture portion of the course is subject to the following criteria:

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- 1) At least 60 hours taught by faculty members (referenced in (a)(1) above) of the college or university sponsoring the course in the following subject areas:
 - A) Anatomy and Physiology Considerations in Ocular Disease – 5 hours minimum
 - B) Pharmacology of Therapeutic Agents – 10 hours minimum
 - C) Specific Ocular Disease Considerations – 15 hours minimum
 - i) Bacterial
 - ii) Viral and Chlamydial
 - iii) Allergic
 - iv) Fungal
 - v) Clinical Diagnosis and Treatment of Anterior Uveitis
 - vi) Clinical Diagnosis and Management of Posterior Uveitis
 - vii) Lacrimal Disorders
 - D) Other Ocular Diseases/Disorders – 15 hours minimum
 - i) Pre-Post Operative Cataract Care
 - ii) Integration of nervous system assessment and neuro-Ophthalmic Disorders
 - iii) Practical Management of Ocular Emergencies
 - iv) Diabetic Complications – Diabetic Retinopathy
 - v) Sudden Vision Loss
 - E) Glaucoma Diagnosis, Treatment and Management – 10 hours minimum

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- i) Pathophysiology of Glaucoma
 - ii) Open Angle Glaucoma
 - iii) Angle Closure Glaucoma
 - iv) Pharmacology of Glaucoma
- F) Clinical Laboratory Tests and Services – 3 hours minimum
- 2) At least 30 hours of Clinical Medical Perspectives/Primary Care Medicine for the Ophthalmic Practitioner that shall be taught by medical faculty members (as referenced in subsection (a)(2)-~~above~~). The 30 hours shall be in the following subject areas:
- A) Cardiovascular Disease
 - B) Respiratory Disorders (e.g., pulmonary)
 - C) Immunology
 - D) Infectious Disease
 - E) Dermatology
 - F) Cataract Surgery - 2 hours maximum
 - G) General Medical Emergency
 - H) Endocrinology
 - I) Collagen Vascular Disease
- c) The program shall require passage of a comprehensive examination(s) designed to test the student's knowledge, competence and ability to apply the program's subject matter.
- 1) The comprehensive examination(s) shall be administered and proctored by the teaching institution's faculty at the site where the course is given or at the institution.

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- 2) Verification of student identification shall be required.
 - 3) The comprehensive examination(s) shall not be take home, open book or collaborative examination(s).
 - 4) The content of all examinations shall be made available to the [DivisionDepartment](#) for review upon request.
- d) The program shall not be provided, sponsored, co-sponsored or in any way be supported or financially underwritten by a sponsor or others who receive patient referrals from those in attendance. Approved colleges or institutions are exempt from this provision.
- e) Program Evaluation
- 1) An applicant from a pharmacological training program that has not been evaluated will be requested by the [DivisionDepartment](#) to provide documentation concerning the criteria in this Section.
 - 2) Once the [DivisionDepartment](#) has received the documentation or after 6 months have elapsed from the date of application, whichever comes first, the Board will evaluate the program based on all documentation received from the program and any additional information the [DivisionDepartment](#) has requested.
- f) The Board may withdraw the approval of any program of pharmacological training for any of the following grounds:
- 1) Fraud or dishonesty in applying for approval;
 - 2) Failure to continue to meet the criteria for an approved program as stated in this Section.
- g) A program whose approval is being reconsidered shall be given written notice prior to any recommendation by the Board, and the officials in charge may either submit written comments or request a hearing before the Board in accordance with 68 Ill. Adm. Code 1010.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.340 Restoration of Therapeutic Certification

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- a) A therapeutic certification that has lapsed or been on inactive status for less than 3 years shall be restored upon application to the [DivisionDepartment](#), payment of the required fees specified in Section 1320.400(c)(1) of this Part, a current Illinois optometric license, diagnostic topical ocular pharmaceutical certification and proof of completion of continuing education pursuant to Section 1320.90 of this Part.
- b) A therapeutic certification that has lapsed or been on inactive status for more than 3 years shall be restored upon proof of a current Illinois optometric license, proof of a diagnostic topical ocular pharmaceutical certification and submission of an application to the [DivisionDepartment](#), which shall include the required fee set forth in Section 1320.400(c)(1) of this Part and the following:
 - 1) Sworn evidence of active practice in another jurisdiction that allows the use of equivalent therapeutic ocular pharmaceutical agents. Such evidence shall include a statement from the appropriate licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice and that indicates if any disciplinary action has been taken or is pending; or
 - 2) Other evidence that the applicant has maintained competence in the use of therapeutic ocular pharmaceuticals. Such evidence shall be evaluated on an individual basis by the Board and may include:
 - A) Teaching therapeutic ocular pharmacology in an educational program approved in accordance with Section 1320.220 of this Part; or
 - B) Research in therapeutic ocular pharmacology; or
 - 3) Proof of successful completion within the year preceding application of an approved training program as specified in Section 1320.320 of this Part.
- c) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience, is questioned by the [DivisionDepartment](#) because of lack of information, discrepancies or conflicts in information given or a need for clarification, the licensee seeking restoration of the certification will be requested to:
 - 1) Provide such information as may be necessary; and/or

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- 2) Appear for an interview(s) before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information in order to evaluate the individual's current competency to use therapeutic ocular pharmaceutical agents.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.350 Endorsement of Therapeutic Certification

- a) An applicant who was originally licensed to practice optometry in another jurisdiction after January 1, 1996 shall be required to apply for and maintain therapeutic ocular pharmaceutical certification.
- b) An applicant who is licensed or certified under the laws of another jurisdiction to use equivalent therapeutic ocular pharmaceutical agents shall file an application with the [DivisionDepartment](#), on forms provided by the [DivisionDepartment](#), together with:
 - 1) An application for licensure as an optometrist and an application for certification of diagnostic topical ocular pharmaceuticals in the State of Illinois;
 - 2) A certification from the licensing authority of the jurisdiction of original licensure, and any other jurisdiction in which the applicant is licensed, stating:
 - A) The time during which the applicant was licensed in that state;
 - B) Whether the records of the licensing entity contain any record of disciplinary actions taken or pending against the applicant;
 - C) A description of the examination and grade received;
 - 3) A certification of education and a transcript of the therapeutic ocular pharmaceutical agent training received and any continuing education completed in therapeutics.
 - A) The therapeutic training shall be equivalent to the training set forth in Section 1320.320 and shall have been completed after January 1, 1994;

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

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

SUBPART D: GENERAL

Section 1320.400 Fees

- a) Application fees.
 - 1) The fee for application for an original license as an optometrist is \$500. This fee includes the optometry license, diagnostic certification and therapeutic certification.
 - 2) The fee for currently licensed optometrists applying for both diagnostic certification and therapeutic certification is \$50. The fee for currently licensed optometrists applying for a diagnostic certification is \$50. The fee for currently licensed optometrists applying for a therapeutic certification is \$50.

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- 3) The fee for application for an ancillary optometric license is \$50 per location unless waived in accordance with Section 1320.410(e). This fee includes any certifications held by the licensed optometrist.
 - 4) Applicants for any examination shall be required to pay, either to the [Division](#)~~Department~~ or its designated testing service, a fee covering the cost of determining the applicant's eligibility and providing the examination.
 - 5) The fee for application for licensure of a person licensed as an optometrist in another jurisdiction is \$500.
 - 6) The fee for a sponsor of continuing education is \$500.
 - 7) The fee for an optometry residency one year license shall be \$100.
- b) Renewal Fees
- 1) The fee for renewal of an optometrist license is \$200 per year. The fee includes renewal of the diagnostic and therapeutic certifications.
 - 2) The fee for renewal of an ancillary optometry license is \$25 per year for each location unless waived in accordance with Section 1320.410(e). This fee includes ancillary diagnostic and therapeutic certifications.
 - 3) The fee for renewal as a sponsor of continuing education is \$250 per year.
- c) General Fees
- 1) The fee for restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees. For the purposes of restoring from inactive status, the [Division](#)~~Department~~ shall consider that no renewal fees have lapsed during the period of inactive status.
 - 2) The fee for issuance of a duplicate license or certificate or for the issuance of a replacement license for a license which has been lost or destroyed is \$20.
 - 3) The fee for the issuance of a license with a change of name or address other than during the renewal period is \$20.

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- 4) The fee for the certification of a license for any purpose is \$20.
- 5) The fee for a wall certificate showing licensure is the actual cost of producing the license.
- 6) The fee for a roster of persons licensed under the Act is the actual cost of producing the roster.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.410 Ancillary Licenses

- a) Ancillary license, as used in this Part, shall mean an optometry license that is issued pursuant to Section 7 of the Act to a licensed optometrist who is engaged in the practice of optometry at more than one address. The ancillary license will include diagnostic certification and/or therapeutic certification.
- b) Each ancillary license shall be displayed in accordance with Section 6 of the Act.
- c) An ancillary license shall be issued to a licensed optometrist upon submitting a completed application to the ~~Division~~Department, on forms provided by the ~~Division~~Department, and the required fee set forth in Section 1320.400(a)(3) of this Part. The application shall include the address of the branch office location for which the license will be issued.
- d) An optometrist shall be required to obtain an ancillary license for each additional location and to display the appropriate ancillary licenses at each location. Licensees may examine one new patient at facilities licensed by the Illinois Department of Public Health or their residence per address per month without an ancillary license.
- e) Fees may be waived by the ~~Division~~Department for an optometrist applying for an ancillary license to substitute for a licensee who has been called to active military duty. Applicants for such an ancillary license shall include a copy of the orders calling the licensee to active duty in addition to any other requirements.
- f) Fees shall be waived by the Division for an optometrist applying for an ancillary license to practice as a volunteer for a charitable organization organized under section 501(c)(3) of the U.S. Internal Revenue Code at a location not otherwise licensed for the practice of optometry. All examinations performed under this license shall be done without remuneration to the licensee or the charitable

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organization and shall comply with Section 1320.100(g).

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

Section 1320.420 Renewals

- a) Every license issued under the Act shall expire on March 31 of each even numbered year. The holder of a license may renew such license during the month preceding the expiration date of the license by paying the required fee and completion of continuing education requirements set forth in Section 1320.80 and attest to current certification in cardiopulmonary resuscitation (CPR).
- b) It is the responsibility of each licensee to notify the ~~Division~~Department of any change of address. Failure to receive a renewal form from the ~~Division~~Department shall not constitute an excuse for failure to pay the renewal fee and to renew the license in a timely manner.
- c) Practicing after a license has expired shall be considered the unlicensed practice of optometry and subject to discipline pursuant to Section 24 of the Act.

(Source: Amended at 29 Ill. Reg. 20616, effective December 6, 2005)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Solicitation for Charitable Payroll Deductions
- 2) Code Citation: 80 Ill. Adm. Code 2650
- 3) Section Number: Action:
2650.70 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 9 of the Illinois Personnel Code [20 ILCS 415/9] and Section 5 of the Voluntary Payroll Deductions Act of 1983 [5 ILCS 340/5]
- 5) Effective Date of Amendment: December 7, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: May 13, 2005; 29 Ill. Reg. 6809
- 10) Has JCAR issued a Statement of Objection to the Amendment? No
- 11) Differences between proposal and final version: Subsection (a)(4) was stricken. No other changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: As a result of a prior amendment to Section 2650.70, CMS agreed with JCAR to review upon adoption the fiscal impact of the change on newly qualified charitable organizations in their initial year of SECA participation and, if necessary, develop an alternative assessment scheme. The review did reflect an adverse effect; therefore, Section 2650.70 is being amended to reflect a new assessment structure for newly qualified charitable organizations participating in SECA.

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

Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield Illinois 62706

(217) 785-4510

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE G: PAYROLL DEDUCTIONS
CHAPTER III: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 2650
SOLICITATION FOR CHARITABLE PAYROLL DEDUCTIONS

Section

2650.1	Definitions
2650.5	Entitlement
2650.10	Organization
2650.15	Annual Drive
2650.20	Recognition
2650.25	Request to Solicit Employees or Annuitants
2650.30	Prohibitions
2650.40	Code of Campaign Conduct
2650.50	Violation of Code of Campaign Conduct
2650.60	Committee on Campaign Conduct
2650.70	Allocation of Expenses to SECA Participants Membership

AUTHORITY: Implementing and authorized by Section 9 of the Illinois Personnel Code [20 ILCS 415/9] and Section 5 of the Voluntary Payroll Deductions Act of 1983 [5 ILCS 340/5].

SOURCE: Emergency rules adopted at 12 Ill. Reg. 6975, effective April 1, 1988, for a maximum of 150 days; emergency repealer adopted at 12 Ill. Reg. 10191, effective June 10, 1988, for a maximum of 150 days; adopted at 13 Ill. Reg. 3330, effective March 6, 1989; amended at 16 Ill. Reg. 11438, effective July 6, 1992; amended at 18 Ill. Reg. 3115, effective February 22, 1994; amended at 21 Ill. Reg. 11532, effective August 1, 1997; amended at 26 Ill. Reg. 5761, effective April 4, 2002; amended at 29 Ill. Reg. 2244, effective February 1, 2005; amended at 29 Ill. Reg. 20661, effective December 7, 2005.

Section 2650.70 Allocation of Expenses to SECA Participants Membership

- a) The Department shall allocate expenses in any of the following manners:
 - 1) Expenses will be divided pro rata among all participating Qualified Charitable Organizations based on contributions from the prior campaign year.
 - 2) In any year in which a Newly Qualified Charitable Organization is

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~~participating, each such Newly Qualified Organization Organizations will contribute an amount equal to Y, where Y will be calculated as follows:~~

$$\frac{1}{\text{total number of participating organizations}} \times \frac{\text{Total expenses}}{.8} = Y$$

~~the percent of the total budget as if such expenses were divided equally among the participating charities. The remainder of the expenses will be allocated to the Qualified Charitable Organizations that participated in the previous year's campaign with each organization contributing a percent of the expenses proportionate to the percent of the total contributions each organization earned in the previous year's campaign.~~

~~For purposes of allocating expenses to the remaining Qualified Charitable Organizations, the amounts allocated to the Newly Qualified Charitable Organizations will then be subtracted from the total expenses, and the remainder will be divided pro rata among all the remaining Qualified Charitable Organizations based on percentage of total contributions received in the prior campaign year.~~

- 3) Expenses will be divided among all organizations ~~that which~~ participate directly in the SECA Campaign as a Qualified Charitable Organization or ~~that which~~ benefit from the SECA Campaign by receiving a distribution from a Qualified Charitable Organization.
- 4) ~~Any other reasonable manner that the Department deems appropriate.~~
- b) Each Qualified Charitable Organization will have 60 days after receipt of its assessment to submit payment. Newly Qualified Charitable Organizations will pay one half of their assessment by October 1 and the balance by March 1.

(Source: Amended at 29 Ill. Reg. 20661, effective December 7, 2005)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Illinois Small Business Development Program
- 2) Code Citation: 14 Ill. Adm. Code 570
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
570.10	Amend
570.20	Amend
570.30	Amend
570.40	Amend
570.50	Amend
570.60	Amend
- 4) Statutory Authority: Implementing and authorized by the Small Business Development Act [30 ILCS 750/Art. 9].
- 5) Effective Date of Emergency Amendments: December 12, 2005
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: The Department has not specified an earlier expiration date.
- 7) Date Filed with the Index Department: December 12, 2005
- 8) A statement that a copy of the emergency rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: The Department maintains a copy of the emergency rulemaking including any reference materials in its principal office in Springfield, Illinois and is available for public inspection.
- 9) Reason for Emergency: Emergency adoption will hasten the delivery of financial assistance to businesses that will create or retain jobs in rural counties suffering economic distress because of drought conditions.
- 10) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to implement the Rural Microbusiness Loan Program, created by Public Act 94-0392, within the Illinois Small Business Development Program as required by the Act.
- 11) Are there any proposed amendments to this Part pending? No

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- 12) Statement of Statewide Policy Objectives: This emergency rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 13) Information and questions regarding this emergency rulemaking shall be directed to:

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
620 East Adams Street
Springfield, IL 62701

Phone: 217/557-1820
Fax: 217/782-0038
e-mail: Jolene_Clarke@commerce.state.il.us

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENT

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 570

ILLINOIS SMALL BUSINESS DEVELOPMENT PROGRAM

Section

570.10	Purpose
EMERGENCY	
570.15	Loan Terms (Renumbered)
570.20	Application Cycle
EMERGENCY	
570.25	Application Documentation
570.30	Application Evaluation
EMERGENCY	
570.40	Selection for Funding
EMERGENCY	
570.50	Funding Limitations
EMERGENCY	
570.60	Allowable Leverage
EMERGENCY	
570.70	Administrative Requirements

AUTHORITY: Implementing and authorized by the Small Business Development Act (Ill. Rev. Stat. 1991, ch. 127, pars. 2709-1 et seq.) [30 ILCS 750/Art. 9] (see Public Act 88-422).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 14368, effective September 6, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 3266, effective January 28, 1986; amended at 10 Ill. Reg. 19724, effective November 6, 1986; amended at 13 Ill. Reg. 58, effective December 27, 1988; amended at 15 Ill. Reg. 9902, effective June 24, 1991; emergency amendment at 17 Ill. Reg. 21087, effective November 23, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 6119, effective April 11, 1994; emergency amendment at 29 Ill. Reg. 20665, effective December 12, 2005, for a maximum of 150 days.

Section 570.10 Purpose[EMERGENCY](#)

- a) Direct Funding

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NOTICE OF EMERGENCY AMENDMENT

- 1) Through the Illinois Small Business Development Program (Program), the Department of Commerce and Community Affairs (Department) will provide term loans on a generally fixed-rate, low-interest basis (see Section 570.70(a)(1)) to small businesses in Illinois in cooperation with participating lenders or other investors. The ultimate purpose of the Program is to provide economic development assistance to Illinois businesses who will provide employment opportunities for Illinois citizens, either through job creation/retention or those which modernize or improve the competitiveness of the firm.
- 2) Any small business operating or to be located in Illinois may make an application for financial assistance under this program. A small business includes, but is not limited to, any for-profit business organized as a sole proprietorship, partnership, corporation, joint venture, association, or cooperative. For the purposes of this program, a small business is one which has, including its affiliates, ~~fewer~~ less than 500 full-time employees, or is determined by the Department not to be dominant in its field.
- 3) Minority, Women and Disability Business Loans – For purposes of this Part, a women owned business shall have the same definition as a female owned business under Section 2 of the Minority and Female Business Enterprise Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.602)[30 ILCS 575/2] and a minority owned business shall have the same definition as that contained in such Act. Included for purposes of this Part, Disadvantaged Business Enterprise (DBE) and Women's Business Enterprise (WBE) shall have the same definitions as those established under Section 5 of the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.5) [30 ILCS 505/5] and Sections 3-101, 3-103, and 4-201.1 of the Illinois Highway Code (Ill. Rev. Stat. 1991, ch. 121, pars. 3-101, 3-103 and 4-201.1) [605 ILCS 5/3-101, 3-103 and 4-201.1].

For purposes of this Part, disability shall have the same definition as that used in Section 3 of the "Americans with Disabilities Act of 1990" (42 U.S.C. 12102) and businesses owned by persons with disabilities shall mean businesses that are at least 51% owned by one or more persons with disabilities and whose management and daily business operations are controlled by one of the disabled owners.

- 4) Technical Assistance Grants – Provides the Department with the ability to make a grant to a not-for-profit organization, which also provides a

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portion of the financing with respect to the technical assistance project. The purpose of the grant is to cause the technical assistance project to be undertaken which has the potential to improve the capital marketplace structure or to reduce information barriers that are impediments to the flow of capital.

- 5) Development Corporation Grant Program – The purpose of the Development Corporation Grant Program is to provide grants to or through financial intermediaries whose purpose includes financing, promoting or encouraging economic development in their geographic areas.

b) Indirect Funding

- 1) Participation Loan Program – Provides the Department with the ability to purchase an interest in a standard financial intermediary loan. This purchase provides a collateral cushion similar to companion loans. The purpose of these agreements is to help reduce the time needed to analyze applications due to the reliance upon the financial intermediaries' due diligence by tapping into the existing infrastructure of private sector financing expertise. The ultimate purpose of the Program is to provide economic development assistance to Illinois ~~businesses~~business that will provide employment opportunities for Illinois citizens. For purposes of this Part, financial intermediary shall have the same definition as those established under Section 9-2 of the Small Business Development Act (Act) [30 ILCS 750/9-2].
- 2) Loan Loss Reserve Program – The financial intermediaries which participate in the program make all of the credit decisions about whether to fund or reject a loan to a potential borrower. The financial intermediary also decides whether to make conventional loans to the borrower or whether to require the borrower to participate in the Loan Loss Reserve Program as a condition of the loan. The purpose of the program is to help borrowers which are borrowing up to \$100,000 get access to capital, especially in urban areas; however, even though the program provides access to capital, it will not necessarily be low-cost capital.
- 3) Development Corporation Participation Loan Program – The purpose of the Development Corporation Participation Loan Program is to provide loans, which may be done through the purchase of participations, to or

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENT

through financial intermediaries whose purposes include financing, promoting or encouraging economic development in their geographic areas.

- 4) Minority, Women, and Disability Participation Loans – Businesses meeting the definitions of Section 570.10(a)(3) may be funded in accordance with Section 9-4.2 of the Act through Participation Loans and Development Corporation Participation Loans as described in Sections 570.10(b)(1) and (3).
- 5) Rural Micro-business Loan Program – Authorizes the Department to provide loans to small rural businesses. Eligible participants include small rural businesses that: (i) employ 5 or fewer full-time employees, including the owner if the owner is an employee, and (ii) are based on the production, processing, or marketing of agricultural products, forest products, cottage and craft products, or tourism. Eligible rural micro-businesses may be funded in accordance with Section 9-4.2a of the Act through Participation Loans and Development Corporation Participation Loans as described in Sections 570.10(b)(1) and (3).

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 20665, effective December 12, 2005, for a maximum of 150 days)

Section 570.20 Application Cycle**EMERGENCY**

- a) Direct Funding
 - 1) Applications under the Program other than the Technical Assistance Program and the Development Corporation Program will be accepted throughout the year until program funds are exhausted. The Department or its designee (e.g., Small Business Development Center (SBDC) staff, Illinois Department of Transportation) will supply interested businesses with an application package upon request.
 - 2) Public notice of the availability of Technical Assistance Grant Program Applications and the application due date will be published in the State recognized newspaper. Grant funds will be made available on an annual basis, if sufficient monies are allocated for the program. Application will be due on the deadline determined by the Department.

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- 3) Public notice of the availability of Development Corporation Grant Applications and the application due date will be published in the State recognized newspaper. Grant funds will be made available on an annual basis, if sufficient monies are allocated for the program. Applications will be due on the deadline determined by the Department.
- b) Indirect Funding
- 1) Applications under the Participation Loan Program and the Loan Loss Reserve Program will be accepted throughout the year until program funds are exhausted. The Department or a financial intermediary will supply interested businesses with an application package upon request.
 - 2) Application for Development Corporation Participation loans to or through financial intermediaries will be accepted throughout the year until program funds are exhausted. The Department will supply interested financial intermediaries with an application package upon request.
 - 3) Applications under the Rural Micro-business Participation Loan Program will be accepted throughout the year until appropriated or allocated program funds are exhausted. The Department or a financial intermediary will supply interested businesses with an application package upon request.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 20665, effective December 12, 2005, for a maximum of 150 days)

Section 570.30 Application Evaluation**EMERGENCY**

- a) Direct Funding
- 1) Criteria for evaluating loan applications.
- The Department shall screen all applications to determine that all requirements of the application package have been addressed. Complete applications will be reviewed and evaluated by Department staff. Applicants will be notified of deficiencies in applications and given an opportunity to correct such deficiencies through submission of additional

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documentation (see Section 570.25(a)(1)). This review and evaluation process will be completed within 45 days of the Department's receipt of a complete application. Department staff will conduct a technical and financial evaluation of each application.

- A) Technical Evaluation Component – Each application will be reviewed to assure compliance with technical program requirements as specified in Sections 9-2, 9-4, 9-4.2, and 9-6 of the Small Business Development Act (Ill. Rev. Stat. 1991, ch. 127, pars. 2709-2, 2709-4, 2709-4.2, and 2709-6). [30 ILCS 750/9-2, 9-4, 9-4.2, and 9-6]. The technical evaluation will address the following criteria:
- i) Evidence of Need for Program Funding – The company must demonstrate the need for program funds in accordance with requirements of Section 9-4(c) of the Act including evidence that the project's financing cannot be obtained without Department participation at an interest rate and term which makes the project viable; and the leverage of other funds in accordance with Sections 9-4(a) and (b) and 9-6(a) and (b) of the Act.
 - ii) Project Implementation Readiness – The company must demonstrate project readiness, including identifying loans and investments from all lenders and investors on letterhead, signed and dated; time schedule for project initiation; and written cost estimates from contractors, suppliers, and/or architects which support project costs.
 - iii) Employment Impact –
 - The application shall provide evidence of: employment impact/opportunity (e.g., job creation/retention), including written assurance from the company which identifies a description of the type and the number of any jobs to be created/retained; and any evidence that such jobs will generate additional wealth for the community (e.g., final goods or services produced are sold in markets outside Illinois or final goods or services

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produced and sold locally substitute for those imported from outside the state). Special consideration will be given to a Minority, Women and Disability Business Project or to a project which demonstrates additional need (e.g.: Distressed community or county with an unemployment rate which is 25% higher than the State average, or a per capita income which is less than the State average, or area with limited economic development as evidenced by absence of development activities within the last two years or as evidenced by new job growth rate less than the State or national average, or

- Funding would support business which has provided assurance that the project will generate business growth and make an employment impact/opportunity in the community as a result of spinoff businesses, and thus evidence that the additional jobs will be created or retained, or
 - Funding is needed to avert loss of a major employment source (more than 100 jobs or 2% of the local base) in the community, or
 - Jobs to be created or retained offer wages substantially higher than the prevailing wage in the industry as determined by the Illinois Department of Labor pursuant to the Prevailing Wage Act [820 ILCS 130], or an annual wage higher than the State's median income as computed by the Department's Division of Research and Analysis, 620 E. Adams Street, Springfield, Illinois 62701, (217) 785-6117).
- iv) Evidence of how the Company will modernize or improve their competitiveness. The Company must demonstrate how they will accomplish the following:
- improve productivity;

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- reverse an actual or expected decline in production;
or
 - improve the Company's competitive advantage.
- B) Financial Evaluation Component – The applicant's financial statements, including the items in Section 570.25(a)(1)(C), (D), (G), (H), and (K), as applicable, will be reviewed through a standard credit analysis which will determine the: liquidity and debt coverage for the project; ability of the company to manage debt; business trends, and projected earnings. This data will be compared to similar data for companies in the same industry using the "RMA Annual Statement Studies" (published by Robert Morris Associates, P.O. Box 8500, S-1140 Philadelphia, PA. 19178), or a comparable source (1990 with no later amendments or editions) if such industry is evaluated by this source. This standard credit analysis will determine the financial stability of the company in accordance with Section 9-4(f) of the Act.
- 2) The criteria for evaluating the Technical Assistance Grant Program shall be the following:
- A) Evidence of Rationale for Program Funding – The company shall demonstrate, in accordance with Section 9-6(b) of the Act, that the project would not be undertaken unless the grant is provided along with the leverage of other funds in accordance with Section 9-6 of the Act and Section 570.60(a)(2).
 - B) Project Implementation Readiness – The company must demonstrate project readiness, including identifying sources of cash and in-kind matching funds and time schedule for project initiation.
 - C) Program Purpose – The degree to which the proposed project fulfills the program purpose.
 - D) Management – The management capacity of the applicant and its potential for completing the project.

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- E) Cost for Expected Results – The appropriateness of the project costs in terms of the project objectives, the work to be undertaken and the results expected.
- 3) The Criteria for Evaluating Development Corporation Grant Applications are the following:
- A) Department staff will screen all applications to determine that all minimum requirements of the application package have been addressed. Application will be reviewed in accordance with Department review criteria listed in subsection (a)(1)(B).
 - B) A request for financial assistance to set up and operate a Development Corporation will be evaluated in accordance with the requirements of this Part. The review of applications will begin after the application due date and take no more than 75 working days, with financial assistance awards being announced at the end of that period. Applications will be evaluated on the basis of:
 - i) The extent of economic distress and unemployment in the area to be served; the nature of financial needs of the area and the geographic diversity of the applicants;
 - ii) The capability of the applicant and its staff as demonstrated by existing or past experience in managing work activities similar to those proposed to be undertaken;
 - iii) Time schedule for project initiation, etc., indicating the level of project readiness;
 - iv) Actual or anticipated amount of capitalization, extent of leveraging of other financial resource and consistency of proposed items of expenditure with the requirements of the Act;
 - v) The merits of the proposed work plan and consistency of proposed activities with the program purpose;
 - vi) The level of economic development results expected in terms of development financing, retooling or

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modernization, jobs created or retained, private funds leveraged, etc. and level of other significant benefits or impacts;

- vii) Evidence of direct linkages or coordination between the proposed program and private financial institutions and public investment/loan/guarantee programs; and
- viii) The anticipated financial feasibility of the project and its ability to maintain continuous operation beneficial to the public as determined by anticipated operational costs of less than or equal to anticipated income or the availability of equity to cover any shortfalls based on the company's historical and projected financial statements.

b) Indirect Funding

The criteria for evaluating the Participation Loan Program, the Loan Loss Reserve Program and the Development Corporation Participation Loan Program shall be the following:

- 1) Technical Evaluation Component – Each application will be reviewed to assure compliance with technical program requirements as specified in Sections 9-2, 9-4, 9-4.2, [9-4.2a](#), and 9-6 of the Act [30 ILCS 750/9-2, 9-4, 9-4.2, [9-4.2a](#), and 9-6]. The technical evaluation will address the following criteria:
 - A) Evidence of Need for Program Funding – The company must demonstrate the need for program funds in accordance with requirements of Section 9-4(c) of the Act, including evidence that the project's financing cannot be obtained without Department participation at an interest rate and term which makes the project viable; and the leverage of other funds in accordance with Sections 9-4(a) and (b) and 9-6(a) and (b) of the Act.
 - B) Project Implementation Readiness – The company must demonstrate to the financial intermediary according to procedures and tests developed by the financial intermediary that it is ready to implement the project.
 - C) Employment Impact – The application shall provide evidence of:

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employment impact/opportunity (e.g., job creation/retention), a description of the type and number of any jobs to be created/retained and any evidence that such jobs will generate additional wealth for the community (e.g., final goods or services proposed are sold in markets outside Illinois or final goods or services produced and sold locally substitute for those imported from outside the State). Special consideration will be given to a Minority, Women and Disability Business Project, [a Rural Micro-business Project](#) or to a project which demonstrates additional needs; for example:

- i) Distressed community or county with an unemployment rate which is 25% higher than the State average, or a per capita income which is less than the State average, or
- ii) Area with limited economic development as evidenced by absence of development activities within the last two years or as evidenced by new job growth rate less than the State or national average, or
- iii) Funding would support business which has provided assurance that the project will generate business growth and make an employment impact/opportunity in the community as a result of spinoff businesses, and thus evidence that additional jobs will be created or retained, or
- iv) Funding is needed to avert loss of a major employment source (more than 100 jobs or 2% of the local base) in the community, or
- v) Jobs to be created or retained offer wages substantially higher than the prevailing wage in the industry as determined by the Illinois Department of Labor pursuant to the Prevailing Wage Act [820 ILCS 130] and Section 6-3 of the Illinois Purchasing Act [30 ILCS 505/6-3], or an annual wage higher than the State's median income as computed by the Department's Division of Research and Analysis, 620 E. Adams Street, Springfield, Illinois 62701, (217) 785-6117).

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- D) Evidence of how the company will modernize or improve their competitiveness – The company must demonstrate how they will accomplish the following:

improve productivity;

reverse an actual or expected decline in production; or

improve the company's competitive advantage.

- 2) Financial Evaluation Component – The financial intermediary will perform a credit analysis of the company using procedures and tests developed by the financial intermediary to determine the ability of the company to carry out the project.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 20665, effective December 12, 2005, for a maximum of 150 days)

Section 570.40 Selection for Funding**EMERGENCY**

- a) Direct Funding
- 1) For any Direct Loan application which meets the criteria of Section 570.30(a)(1), Department staff or designee will then conduct field visit evaluations to verify information in the application, leading to the final funding decision. The field visit will analyze the following:
- A) an assessment of the project in terms of the employment impact/opportunity involved, in relation to the value of the funds requested and types of jobs preferred as described in Section 570.30(a)(1)(A)(iii);
- B) an assessment of the project in terms of the modernization and improvement of competitiveness of the company, in relation to the value of the funds requested as described in Section 570.30(a)(1)(A)(iv);
- C) a verification of submitted application information; and

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- D) past performance of the applicant under previous Departmental programs, if applicable (e.g., success in previous projects and the level of compliance with previous agreements).
- 2) Applications that best meet the objectives of the programs and demonstrate the greatest potential for job creation/retention or those which modernize or improve the competitiveness of the firm will receive loan or grant funds, until all available funds are expended.
 - 3) For any Technical Assistance Grant application which meets the criteria of Section 570.30(a)(2), Department staff will verify information in the application, leading to the final funding decision. The evaluation will analyze the following:
 - A) a verification of submitted application information; and
 - B) past performance of the applicant under previous Departmental programs, if applicable (e.g., success in previous projects and the level of compliance with previous agreements).
 - 4) A request for financial assistance to organize a Development Corporation will be evaluated in accordance with the requirement of Section 570.30(a)(3). The review of applications will begin after the application due date and take no more than 75 working days, with financial assistance awards being announced at the end of that period.
- b) Indirect Funding
- 1) For the Participation Loan Program Application, the financial intermediary staff will be responsible for the verification of the information in the application. The Department staff will evaluate the information submitted by the financial intermediary in order to determine that all requirements of the application package have been addressed.
 - 2) For the Loan Loss Reserve Program Application, the financial intermediary staff will be responsible for the verification of the information in the application.
 - 3) For the Development Corporation Participation Program, the financial intermediary staff will be responsible for the verification of the

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information in the application. The Department staff will evaluate the information submitted by the financial intermediary in order to determine that all requirements of the application package have been addressed.

- 4) For the Rural Micro-businesses Participation Loan Program, in addition to Sections 570.40(b)(1) or (3), the Department will determine (i) the amount, term, interest rate, and allowable uses of each loan participation awarded and (ii) that no less than 80% of the amount available for this program shall be allocated for loans to businesses that are located in counties with a population of 100,000 or less.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 20665, effective December 12, 2005, for a maximum of 150 days)

Section 570.50 Funding Limitations**EMERGENCY**

- a) Direct Funding
- 1) In accordance with Sections 9-4(b) and 9-4.2(b) of the Act, the Department shall finance no more than the lesser of 25% of the total project or \$750,000 (50% of the project or \$50,000 for Minority, Women and Disability Business Loans) unless the Director waives limitations governing the amount of the loan/grant and percentage of leverage when it is determined that these funding limitations would prohibit an otherwise approved project, in accordance with Sections 570.30(a) and 570.40(a), and the subsequent employment impact/opportunity, from occurring.
 - 2) For the Technical Assistance Grant Program, the funding limitation will not exceed \$25,000 unless a Director waiver is granted. The recipient of grant funds shall be required to provide a portion of the financing with respect to the project. The recipients' financing may be in the form of cash, in-kind services or any other form approved by the Department.
 - 3) Department Financial Assistance to a Development Corporation in the form of a grant shall be limited to not more than \$10,000, unless a Director waiver is granted.
- b) Indirect Funding

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- 1) For each loan in which the Department buys a participation under the Participation Loan Program, the financial intermediary will be required to retain at least 50% of the amount of its loan. The Department's participation will not exceed 25% of the total amount of the project or \$750,000. In accordance with Section 570.50(a)(1), the Director may waive limitation governing the amount of the loan and percentage of leverage when it is determined that these funding limitations would prohibit an otherwise approved project.
- 2) As to the amounts received by the ultimate recipients of funds, the Loan Loss Reserve Program funding limitations will be established by the financial intermediary staff involved.
- 3) Department Financial Assistance to or through a Development Corporation in the form of a participation shall not be made for more than 50% of the Development Corporation's loan and the Department's participation will not exceed 25% of the total amount of the project or \$750,000 unless the Director waives limitations governing the amount of the loan and percentage of leverage when it is determined that these funding limitations would prohibit an otherwise approved project, in accordance with Section 570.50(a)(1).
- 4) Notwithstanding the provisions of 570.50(b)(1) and (3), Minority, Women and Disability Participation Loans, in accordance with Section 9-4.2 of the Act, shall not exceed the lesser of \$50,000 or 50% of the total amount of the project unless a Director waiver is granted.
- 5) Notwithstanding the provisions of 570.50(b)(1) and (3), Rural Micro-business Participation Loans, in accordance with Section 9-4.2a of the Act, shall not exceed the lesser of \$25,000 or 50% of the total amount of the project, unless the Director determines that a waiver of these limits is required to meet the purposes of the Act.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 20665, effective December 12, 2005, for a maximum of 150 days)

Section 570.60 Allowable Leverage**EMERGENCY**

- a) Direct Funding

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- 1) In addition to the forms of allowable leverage defined in Sections 9-4(a) and 9-6(a) of the Act, allowable leverage will include such tangible assets as:
 - A) under-utilized land and/or buildings which are a part of the project;
 - B) machinery and equipment brought into the state from another state;
 - C) cash equity provided by the principal(s), stockholders, or other investors; and
 - D) funds expended by the business prior to the date of a loan or grant award; existing in-state equipment, land, buildings, furnishings, inventory (already owned and being utilized); lines of credit; post-project costs; and debt refinancing will not be considered as leverage
 - 2) For the Technical Assistance Grant Program, forms of allowable leverage are cash and in-kind services. In-kind services may include the following:
 - A) real or personal property;
 - B) services; or
 - C) any other form as designated by the Department.
 - 3) For the Development Corporation Grant Program, the recipient of the grant funds shall be required to provide a portion of the financing with respect to the project. The recipient's financing shall be in the form of cash. Department funds must be matched 1:1 by cash from private sources. None of the matching funds shall have originated as a loan or a grant or other investment of local, State or federal government funding. Gifts, grants, loans, revolving loan funds, or stock purchases by local, State, or federal governments are encouraged but will not be considered in calculating Development Corporation match.
- b) Indirect Funding
- 1) For the Participation Loan Program, the allowable leverage shall be in the

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form of a loan, letter of credit, guarantee, purchase or any other form approved by the Department, along with Section 570.60(a)(1).

- 2) For the Loan Reserve Program, the allowable leverage will be established by the financial intermediary staff involved.
- 3) For Development Corporation Participations, the allowable leverage shall be in the form of a loan, letter of credit, guarantee, bond purchase or any other form approved by the Department, along with Section 570.60(a)(1).
- 4) For the Rural Micro-business Participation Loan Program, the borrower shall provide equity capital in an amount equal to 10% of the first \$10,000 of the required funds and equity capital, other loans, or leveraged capital, or any combination thereof, in an amount equal to 50% of any additional required funds.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 20665, effective December 12, 2005, for a maximum of 150 days)

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- 1) Heading of the Part: Health Services Education Grants Act
- 2) Code Citation: 23 Ill. Adm. Code 1020
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1020.20	Amendment
1020.30	Amendment
1020.40	Amendment
1020.60	Amendment
1020.70	Amendment
- 4) Statutory Authority: Implementing and authorized by the Health Services Education Grants Act [110 ILCS 215].
- 5) Effective Date of Amendments: December 7, 2005
- 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: Upon effective date of identical proposed amendments filed concurrently with these emergency amendments.
- 7) Date Filed with the Index Department: December 7, 2005
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file and available for public inspection at the Illinois Board of Higher Education's office at 431 East Adams Street, Second Floor, Springfield, IL 62701. A copy will be provided upon request.
- 9) Reason for Emergency: P.A. 94-193, effective July 12, 2005, amended the Health Services Education Grants Act [110 ILCS 215]. Because these statutory provisions were effective immediately, emergency amendments are necessary to ensure the Board's HSEGA grants process is consistent with these statutory changes and to ensure these changes will be implemented in fiscal year 2006. In order to provide for expedient payment of funds and to provide for consistent procedures for the administration and allocation of appropriations, emergency amendments are being adopted at the same time that identical proposed amendments are submitted for publication in the *Illinois Register*.
- 10) A Complete Description of the Subjects and Issues Involved: The Board is promulgating emergency amendments to primarily implement the provisions of P.A. 94-193 that amends the Health Services Education Grants Act [110 ILCS 215]. The amendments to the Act stipulate that the Board may annually allocate up to 10 percent of the

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appropriation to support Program Priority Grants. In determining these priorities, the Board shall annually consult with impacted parties/institutions.

These emergency amendments implement the new statutory language. In addition, these amendments address non-substantive changes (e.g., address changes, application due date procedures) and accountability issues (e.g., reporting on student persistence and grant fund expenditures).

- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: The emergency amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].
- 13) Information and questions regarding these emergency amendments shall be directed to:

Sandi Gillilan, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield, Illinois 62701

217/557-7352

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1020

HEALTH SERVICES EDUCATION GRANTS ACT

Section

1020.10	Eligible Institutions
1020.20	Classes of Grants
1020.30	Definitions
1020.40	Grant Rates and Allocations
1020.50	Determination of Enrollment
1020.60	Conditions for Grants
1020.70	Application Forms
1020.80	Audit Guidelines

AUTHORITY: Implementing and authorized by the Health Services Education Grants Act [110 ILCS 215].

SOURCE: Adopted April 15, 1976; amended at 4 Ill. Reg. 8, p. 137, effective March 22, 1980; amended at 5 Ill. Reg. 2993, effective March 6, 1981; amended at 6 Ill. Reg. 5518, effective April 14, 1982; codified at 8 Ill. Reg. 1453; amended at 8 Ill. Reg. 16878, effective September 4, 1984; amended at 10 Ill. Reg. 7749, effective April 28, 1986; amended at 11 Ill. Reg. 5208, effective March 12, 1987; amended at 14 Ill. Reg. 2020, effective January 18, 1990; amended at 18 Ill. Reg. 4174, effective March 3, 1994; amended at 19 Ill. Reg. 928, effective January 13, 1995; emergency amendment at 29 Ill. Reg. 20684, effective December 7, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. _____, effective _____.

Section 1020.20 Classes of Grants

- a) Illinois Resident Grants – Annual stabilization grants ~~that which~~ shall be distributed at an equal amount within a program and level for each Illinois resident enrollee or full-time-equivalent Illinois resident enrollee.
- b) Minority Incentive Grants – Annual stabilization grants, awarded in addition to Illinois Resident Grants ~~that ,which~~ shall be distributed at an equal amount within a program and level for each Illinois resident minority enrollee or each full-time-equivalent Illinois resident minority enrollee.

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- c) Program Priority Grants – Grants that may be awarded in addition to the Illinois Resident Grants and Minority Incentive Grants and that shall be distributed at an equal amount within a program and level for each Illinois resident or full-time-equivalent Illinois resident enrollee.
- 1) The Board may annually allocate up to 10 percent of appropriated funds to support program priority grants. (Section 4 of the Act)
- 2) In determining program priority grants, the Board shall annually consult with constituent institutions. (Section 4 of the Act)

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1020.30 Definitions

- a) "Allied health program" means an eligible program preparing students to provide services as allied health professionals in one of the following classifications: Communication Disorder Sciences and Services; Community Health Services; Dental Services (dental hygiene, lab technology, or assisting); Medical Records Technology/Technician; Health and Medical Assistants; Health and Medical Diagnostic and Treatment Services (radiologic, respiratory, and surgical technology); Health and Medical Laboratory Technologies; Ophthalmic and Optometric Services; Rehabilitation and Therapeutic Services (physical, occupational, art, recreational, and music therapy and assisting); Miscellaneous Health Aides; Medical Dietetics; and Medical Illustration.
- b) "Eligible program" means a specific health education program ~~for which funding is requested~~ that is fully accredited or approved or formally classified as a candidate for accreditation or approval by a recognized accrediting body or, in those cases where there is no appropriate accrediting body, is otherwise determined by the Board of Higher Education to be eligible for funding.
- c) "Illinois resident" is defined as follows:
- 1) For a student, except a medical resident, to qualify as an Illinois resident, a student must be a lawful resident of the United States and meet one of the following two requirements:
- A) At least one parent, stepparent or court appointed guardian of the student must reside in Illinois; or

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- B) The emancipated (self-supporting) student must have lived in Illinois, in some capacity other than as a student at a postsecondary educational institution, for a period of twelve continuous months immediately prior to enrollment in an Illinois postsecondary educational institution.
- 2) For a medical resident to qualify as an Illinois resident, the medical resident must be a lawful resident of the United States and meet the following requirements:
- A) The medical resident must be employed by a hospital affiliated with and under the educational supervision of a public or private medical school or college in Illinois; and
- B) The medical resident must be either a graduate of an Illinois medical school or college or a graduate of a high school, college or university located in Illinois and a graduate of a medical school or college located within the United States, the District of Columbia or the several territories.
- 3) The resident/non-resident category in which the student or medical resident is placed at the time of initial matriculation will hold for his or her entire residency.
- d) "Minority" means a student having racial or ethnic origin in one of the following groups:
- 1) Black (not of Hispanic origin) – A person having origins in any of the Black racial groups of Africa.
- 2) Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
- 3) American Indian or Alaskan Native – A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.
- e) "Program priority" grants are based on State residents enrolled in eligible programs that address public demand for health services, workforce needs and

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shortages, and other programmatic priorities, such as sole service providers, academic needs, or industry standards. (Section 4 of the Act)

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1020.40 Grant Rates and Allocations

a) Grant Rates

1) Illinois Resident Grants

Program	Annual Grant Rate Per Enrollee
Medicine	4,500
Dentistry	3,500
Optometry, Podiatry, or Pharmacy	2,200
Allied Health or Nursing	
Masters Level	2,000
Baccalaureate Level	1,000
Certificate/Associate/ Diploma Level	500
Medical Residency Programs Affiliated with Public and Private Medical Schools	
Family Practice	20,000
Obstetrics/Gynecology	7,500

2) Minority Incentive Grants

Program	Annual Grant Rate Per Enrollee
Medicine	4,500
Dentistry	3,500
Optometry, Podiatry, or Pharmacy	2,200
Allied Health or Nursing	

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Masters Level	1,000
Baccalaureate Level	1,000
Certificate/Associate/ Diploma Level	1,000

b) Grant Allocations.

- 1) Illinois Resident Grants and Minority Incentive Grants. Grant allocations to institutions shall be determined annually, based upon funds appropriated under the Act, the grant amounts specified in Subsection (a), and the actual number of Illinois resident enrollments eligible for grant support. In the event that ~~funding the appropriation~~ is not sufficient to ~~support the payment of fund~~ grants at the ~~annual established~~ grant rate, the ~~grant rates appropriated amount~~ shall be prorated on the basis of eligible enrollments and available funding.
- 2) Program Priority Grants. Grant allocations to institutions shall be determined annually based on funding designated for these grants, the grant amounts specified in subsection (a), and the actual number of Illinois residents eligible for grant support. These grants may be used to restore reduced or prorated grant rates to the annual grant rates specified in subsection (a).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1020.60 Conditions for Grants

- a) Application requirements. To be eligible for a grant under this grant program, an institution shall submit the following documents:
 - 1) A certification of enrollments and graduates for the previous year.
 - 2) A certification of enrollments for the current year.
 - 3) A projection of future enrollments.
 - 4) A certification of minority enrollments and graduates for the previous year.

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- 5) A certification of minority enrollments for the current year.
 - 6) A projection of future minority enrollments.
 - 7) A report on the persistence, graduation rates and location and activity of the previous year's graduates.
 - 8) Certification of compliance with an open policy with respect to race, color, creed, sex and national origin.
 - 9) An audit of grants received in the previous year performed by an external auditor who is registered as a public accountant by the Illinois Department of Professional Regulation. Section 1020.80 provides audit guidelines for external auditors to conduct the audit and prepare the audit report.
 - 10) An annual expenditure report detailing the use of grant funds.
- b) In the event that an audit or other evidence establishes ~~reveals~~ that an overpayment was made in a grant to an institution, one of the following courses of action will be followed:
- 1) A reduction will be made on the amount of the institution's grant in the following year.
 - 2) A reimbursement to the State shall be required.
- c) In the event that no audit is submitted, an institution shall reimburse the State for the total amount of the grant.
- d) Underpayments of a previous fiscal year's grant revealed by an audit shall not be disbursed to an institution in subsequent year grants.
- (Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 1020.70 Application Forms

- a) Grant applications may be obtained from the Illinois Board of Higher Education, 431 East Adams Street, Second Floor, 4 West Old Capitol Plaza, Room 500, Springfield, Illinois 62701 -1404-1287 or the Board's website at www.ibhe.org.
- b) Completed applications must~~should~~ be submitted to the Board at the ~~same~~ address

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indicated in subsection (a) and must be ~~received~~ submitted by the announced deadline for the submission of applications, which shall not be less than 45 days from the announcement and release of application materials fourth Tuesday in November of each year.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.Appendix A Table L Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan, 80 Ill. Adm. Code 310.Appendix A Table L, to reflect the Agreement between the Department of Central Management Services and the International Brotherhood of Boiler Makers – Iron Shipbuilders, Blacksmiths, Forgers, and Helpers that was signed December 6, 2004.

The contract agreement states that the Illinois Department of Labor shall notify CMS of the Prevailing Rate. On November 14, 2005, the Illinois Department of Labor notified CMS of the Boiler Safety Specialist rate effective September 2, 2005 in the southern region.

The contract agreement also states that effective January 1, 2005 Boiler Safety Specialist title shall be paid an additional 2.00% above the prevailing rate of wages for the employees on the standard pension formula and effective January 1, 2006 Boiler Safety Specialist title shall be paid an additional 4.00% above the prevailing rate of wages for the employees on the standard pension formula. Therefore, these amendments reflect the Boiler Safety Specialist rate in southern Illinois effective September 2, 2005 and effective January 1, 2006.

- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 6) Effective Date: December 12, 2005
- 7) A Complete Description of the Subjects and Issues Involved: CMS is amending the Pay Plan, 80 Ill. Adm. Code 310.Appendix A Table L RC-008 (Boilermakers), to reflect the rates effective January 1, 2005 and January 1, 2006 in the southern region for the Boiler Safety Specialist title. Section 310.320 in the Table of Contents has included "Repealed" after the Section heading as it was adopted in an intervening rulemaking (29 Ill. Reg. 13540).
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Date filed with the Index Department: December 12, 2005
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.50	Amendment	29 Ill. Reg. 14420, 9/30/05
310.100	Amendment	29 Ill. Reg. 14420, 9/30/05
310.290	Amendment	29 Ill. Reg. 14420, 9/30/05
310.410	Amendment	29 Ill. Reg. 14420, 9/30/05
310.490	Amendment	29 Ill. Reg. 14420, 9/30/05
310.Appendix A Table AA	Amendment	29 Ill. Reg. 14420, 9/30/05
310.Appendix D	Amendment	29 Ill. Reg. 14420, 9/30/05

- 13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding this preemptory amendment shall be directed to:

Mr. Jason Doggett
 Acting Manager
 Compensation Section
 Division of Technical Services and Agency Training and Development
 Bureau of Personnel
 Department of Central Management Services
 504 William G. Stratton Building
 Springfield IL 62706

(217) 782-7964
 Fax: (217) 524-4570

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2006
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate

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310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section

310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 2006
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

310.TABLE A	HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
310.TABLE B	HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
310.TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)

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310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2006
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2006
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2006
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2006

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984;

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emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27,

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1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective

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August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective

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December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 14, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE L RC-008 (Boilermakers)**Effective January 1, 2005

<u>Title</u>	<u>Title Code</u>	<u>Region</u>	<u>Monthly Salary</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>6535.44</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>5141.70</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>4791.96</u>

Effective September 2, 2005

<u>Title</u>	<u>Title Code</u>	<u>Region</u>	<u>Monthly Salary</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>4925.94</u>

Effective January 1, 2006

<u>Title</u>	<u>Title Code</u>	<u>Region</u>	<u>Monthly Salary</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>5021.64</u>

<u>Title</u>	<u>Title Code</u>	<u>Region</u>	<u>Effective Date</u>	<u>Monthly Salary</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>January 1, 2005</u>	<u>6535.44</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>January 1, 2005</u>	<u>5141.70</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>January 1, 2005</u>	<u>4791.96</u>

Northern Region: Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties.

Central Region: Bureau, Carroll, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Henry, Iroquois, JoDaviess, Knox, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McLean, Mercer, Ogle, Peoria, Putman, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, and Woodford Counties.

Southern Region: Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties.

(Source: Peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005)

ILLINOIS RACING BOARD

JANUARY 2006 REGULATORY AGENDA

a) Part (Heading and Code Citation): Trifecta, 11 Ill. Adm. Code 3061) Rulemaking:

- A) Description: The rule will be amended to update Section 306.20 concerning the restrictions for harness racing.
- B) Statutory Authority: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].
- C) Scheduled Meeting/Hearing Dates: No schedule has been established at this time.
- D) Date Agency Anticipates First Notice: January or February 2006.
- E) Effect on Small Business, Small Municipalities or Not-For-Profit Corporations: The amendments will have no effect on small businesses, not for profit corporations or small municipalities.
- F) Agency contact person for information:
- Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago, IL 60601
312-814-5017
- G) Related Rulemaking and Other Pertinent Information: None

b) Part (Heading and Code Citation): Superfecta, 11 Ill. Adm. Code 311Rulemaking:

- A) Description: The rule will be amended to update Section 311.40 concerning the restrictions for harness racing.
- B) Statutory Authority: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

ILLINOIS RACING BOARD

JANUARY 2006 REGULATORY AGENDA

- C) Scheduled Meeting/Hearing Dates: No schedule has been established at this time.
- D) Date Agency Anticipates First Notice: January or February 2006.
- E) Effect on Small Business, Small Municipalities or Not-For-Profit Corporations: The amendments will have no effect on small businesses, not for profit corporations or small municipalities.
- F) Agency contact person for information:

Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago, IL 60601
312-814-5017

- G) Related Rulemaking and Other Pertinent Information: None

c) Part (Heading and Code Citation): Medication, 11 Ill. Adm. Code 603

Rulemaking:

- A) Description: The rule will be amended to revise and update various sections of Part 603.
- B) Statutory Authority: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].
- C) Scheduled Meeting/Hearing Dates: No schedule has been established at this time.
- D) Date Agency Anticipates First Notice: January or February 2006.
- E) Effect on Small Business, Small Municipalities or Not-For-Profit Corporations: The amendments will have no effect on small businesses, not for profit corporations or small municipalities.
- F) Agency contact person for information:

ILLINOIS RACING BOARD

JANUARY 2006 REGULATORY AGENDA

Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago, IL 60601
312-814-5017

G) Related Rulemaking and Other Pertinent Information: None

d) Part (Heading and Code Citation): General Racing and Track Rules, 11 Ill. Adm. Code 1314

Rulemaking:

- A) Description: The purpose of the proposed rulemaking is to revise and update various sections of Part 1314.
- B) Statutory Authority: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].
- C) Scheduled Meeting/Hearing Dates: No schedule has been established at this time.
- D) Date Agency Anticipates First Notice: January or February 2006.
- E) Effect on Small Business, Small Municipalities or Not-For-Profit Corporations: The amendments will have no effect on small businesses, not for profit corporations or small municipalities.
- F) Agency contact person for information:

Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago, IL 60601
312-814-5017

G) Related Rulemaking and Other Pertinent Information: None

ILLINOIS RACING BOARD

JANUARY 2006 REGULATORY AGENDA

- e) Part (Heading and Code Citation): Thoroughbred Off-Track Stabling Rules, 11 Ill. Adm. Code 720

Rulemaking:

- A) Description: The purpose of the proposed rulemaking is to amend Part 720 to include standardbred off-track stabling locations.
- B) Statutory Authority: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].
- C) Scheduled Meeting/Hearing Dates: No schedule has been established at this time.
- D) Date Agency Anticipates First Notice: No date has been determined at this time.
- E) Effect on Small Business, Small Municipalities or Not-For-Profit Corporations: Farms or any other locations designated and approved for the purpose of stabling horses to be raced at a racetrack under the jurisdiction of the Illinois Racing Board.
- F) Agency contact person for information:

Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago, IL 60601
312-814-5017
- G) Related Rulemaking and Other Pertinent Information: None

DEPARTMENT OF STATE POLICE

JANUARY 2006 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Americans with Disabilities Act Grievance Procedure; 20 Ill. Adm. Code 825
- 1) Rulemaking:
- A) Description: The rule will be proposed in order to establish grievance procedures to resolve grievances asserted by qualified individuals with disabilities.
- B) Statutory Authority: 42 U.S.C. 12131-12134, 28 CFR 35.107, and 20 ILCS 2605/2605-15
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rule will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Intergovernmental Drug Enforcement Act; 20 Ill. Adm. Code 1220
- 1) Rulemaking:

DEPARTMENT OF STATE POLICE

JANUARY 2006 REGULATORY AGENDA

- A) Description: The rule will be amended in order to revise and update the auditing procedures associated with the Department's Metropolitan Enforcement Groups.
- B) Statutory Authority: 20 ILCS 2605/2605-135
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rule will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658
- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Firearm Owner's Identification Card Act; 20 Ill. Adm. Code 1230
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures associated with granting, denying, and revoking the Firearm Owner's Identification Card and related activities.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 430 ILCS 65/11

DEPARTMENT OF STATE POLICE

JANUARY 2006 REGULATORY AGENDA

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

DEPARTMENT OF STATE POLICE

JANUARY 2006 REGULATORY AGENDA

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

DEPARTMENT OF STATE POLICE

JANUARY 2006 REGULATORY AGENDA

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

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

DEPARTMENT OF STATE POLICE

JANUARY 2006 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Sample Collection for Genetic Marker Indexing; 20 Ill. Adm. Code 1285

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to Sample Collection for Genetic Marker Indexing.

B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 5/5-4-3

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

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

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

F) Agency contact person for information:

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

G) Related rulemakings and other pertinent information: None

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

1) Rulemaking:

DEPARTMENT OF STATE POLICE

JANUARY 2006 REGULATORY AGENDA

- A) Description: The rule will be amended to revise and update procedures and policies relating to the testing of breath, blood and urine for alcohol, drugs, and intoxicating compounds.
- B) Statutory Authority: 20 ILCS 2605/2605-15, 625 ILCS 5/6-106.1A, 625 ILCS 5/11-501.2, 625 ILCS 5/11-501.5, 625 ILCS 5/11-501.6, 625 ILCS 5/11-501.8, 625 ILCS 40/5-7.5, 625 ILCS 45/5-16b, and 625 ILCS 45/6-1
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may affect small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658
- G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 6, 2005 through December 12, 2005 and have been scheduled for review by the Committee at its December 13, 2005 meeting in Chicago or its January 18, 2006 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
1/18/06	<u>Department of Employment Security,</u> Determination of Unemployment Contributions (56 Ill. Adm. Code 2770)	10/21/05 29 Ill. Reg. 15755	12/13/05
1/18/06	<u>Department of Agriculture,</u> Fairs Operating Under The Agricultural Fair Act (8 Ill. Adm. Code 260)	9/30/05 29 Ill. Reg. 14413	1/18/06
1/19/06	<u>Department of Employment Security,</u> Disqualifying Income and Reduced Benefits (56 Ill. Adm. Code 2920)	10/21/05 29 Ill. Reg. 15764	1/18/06
1/22/06	<u>Department of Public Health,</u> Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)	9/2/05 29 Ill. Reg. 13346	1/18/06
1/22/06	<u>Department of Public Health,</u> Sheltered Care Facilities Code (77 Ill. Adm. Code 330)	9/2/05 29 Ill. Reg. 13389	1/18/06
1/22/06	<u>Department of Public Health,</u> Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)	9/2/05 29 Ill. Reg. 13429	1/18/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

1/22/06	<u>Department of Public Health, Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)</u>	9/2/05 29 Ill. Reg. 13460	1/18/06
1/22/06	<u>Department of Public Health, Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)</u>	9/2/05 29 Ill. Reg. 13501	1/18/06
1/22/06	<u>Pollution Control Board, Petroleum Underground Storage Tanks (Releases Reported September 23, 1994, Through June 23, 2002) (35 Ill. Adm. Code 732)</u>	3/11/05 29 Ill. Reg. 3538	1/18/06
1/22/06	<u>Pollution Control Board, Petroleum Underground Storage Tanks (Releases Reported On Or After June 24, 2002) (35 Ill. Adm. Code 734)</u>	3/11/05 29 Ill. Reg. 3705	1/18/06

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE
RULES STATEMENT OF RECOMMENDATION TO PROPOSED AMENDMENT

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) Section Number: 1.4545
- 4) Date Notice of Proposed Amendment Published in the Register: January 28, 2005; 29 Ill. Reg. 1487
- 5) Date JCAR Statement of Recommendation to Proposed Rulemaking Published in the Register: December 2, 2005; 29 Ill. Reg. 19723
- 6) Summary of Action Taken by the Agency: At its meeting on November 15, 2005, the Joint Committee on Administrative Rules recommended that the Department of Central Management Services take measures to revise its rules in a more timely fashion to reflect new statutory law. CMS agrees with the Recommendation, noting that while the Department understands that the Illinois Administrative Procedure Act allows a maximum period of one year from initial proposal of a rule until adoption, it realizes that not every rule requires that length of time to process. The procedures now in place for particular CMS rulemaking involve and require the review of other entities, and the resources currently available do not allow the Department to process rulemaking as timely as desired. CMS will, however, make every attempt to utilize its resources more effectively in order to process rules in a more timely fashion.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) Register citation of adopted emergency rulemaking and other pertinent action: 29 Ill. Reg. 20540; December 16, 2005
- 4) Explanation: Item 5 (effective date) on the Notice Page stated that the effective date of the emergency amendment would be after approval of the Governor's Office and upon submission to the Secretary of State and the Joint Committee on Administrative Rules. Item 7 (date filed with the Index Department of SOS) was left blank. The effective date and the date filed with the Index Department are December 2, 2005. This information was updated by the Department of Central Management Services to reflect the December 2nd date before DCMS filed the material with the Index Department, but JCAR failed to update the Notice Page in the same manner before publication. The Joint Committee regrets any inconvenience this error may have caused.

PROCLAMATIONS

2005-389**KEVIN OLCHAWA DAY**

- WHEREAS, on Saturday, December 10, the Kevin Olchawa Benefit will be held at The Apartment at 2251 North Lincoln Avenue in Chicago; and
- WHEREAS, without warning, Kevin was diagnosed with an aggressive form of colorectal cancer in May of 2003. The acceptance of this cancer changed his life forever; and
- WHEREAS, suddenly, Kevin faced a battle he did not choose, and surrendering was out of the question for him. Consequently, Kevin had surgery in October of 2003 to remove the cancerous tumors; and
- WHEREAS, unfortunately, after surgeons removed every trace of the tumors, the cancer spread over time to his chest and abdomen walls; and
- WHEREAS, although Kevin's fight for survival has been difficult, he continues to approach every day with a strong spirit; and
- WHEREAS, today, Kevin's unremitting illness is controlled through weekly chemotherapy treatment and other colorectal cancer medications that he may have to rely on for the rest of his life; and
- WHEREAS, as a cancer patient, Kevin appreciates the time he has with his family, including his 6 month-old baby boy, Gavin, who provides him with unconditional love; and
- WHEREAS, Kevin also lives with purpose, laughs harder, and teaches his friends and family about what is most important; and
- WHEREAS, the Kevin Olchawa Benefit will help cover mounting medical costs, as well as honor a man whose determination to live and overcome odds is truly inspirational:
- THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 10, 2005 as **KEVIN OLCHAWA DAY** in Illinois in recognition of him for his courage and compassion for others.

Issued by the Governor on December 6, 2005.
Filed with the Secretary of State December 6, 2005.

2005-390**CHICAGO MUSIC AWARDS DAY**

PROCLAMATIONS

WHEREAS, the Chicago Music Awards is an annual event that exhibits and recognizes Illinois entertainers in various music genres, including blues, country western, dance classical, gospel, jazz, Latin, opera, polka, pop, rhythm and blues, reggae, and rock; and

WHEREAS, the Chicago Music Awards was founded in 1981 to honor reggae and other world-beat music artists. Today, the awards ceremony honors artists of all music genres performed in Illinois; and

WHEREAS, in addition to exhibiting and recognizing the best entertainers in our state, the Chicago Music Awards also encourages and promotes high standards of conduct, performance, and professionalism; and

WHEREAS, this year, Martin's Inter-Culture will present the 25th Annual Chicago Music Awards in association with several sponsors at the Museum of Science and Industry in Chicago on December 10:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 10, 2005 as **CHICAGO MUSIC AWARDS DAY** in Illinois, and recognize the commitment and dedication of Martin's Inter-Culture to supporting Illinois artists and entertainers.

Issued by the Governor on December 6, 2005.

Filed with the Secretary of State December 6, 2005.

2005-391**WOMEN BUSINESS OWNERS DAY**

WHEREAS, the National Association of Women Business Owners (NAWBO) is the voice of America's 10.6 million women-owned businesses. Since 1975, NAWBO has helped women evolve their businesses by sharing resources and providing a single voice to shape economic and public policy; and

WHEREAS, NAWBO started as an informal meeting of women business owners in the Washington, D.C. area who met to trade information about federal contracts, bank credit, and other business issues; and

WHEREAS, every few weeks, more women began attending the group and it became clear that there was a great need for a formal organization devoted to helping women business owners, so NAWBO was created; and

PROCLAMATIONS

WHEREAS, today, the organization has more than 8,000 members and chapters throughout the country, including three in Illinois. On February 8, 2006, all three Illinois chapters will meet in Springfield in honor of the Springfield Chapter's 20th anniversary to address with state representatives issues important to women business owners; and

WHEREAS, "Step Up To The Plate" is the theme of the event, which will be the first time all three Illinois chapters gather to discuss economic and public policy issues at the state level:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 8, 2006 as **WOMEN BUSINESS OWNERS DAY** in Illinois in commemoration of the National Association of Women Business Owners for their commitment and dedication to helping thousands of women who are actively making a difference in business, and in recognition of their Springfield Chapter as they celebrate 20 years of service to local women business owners.

Issued by the Governor on December 9, 2005.
Filed with the Secretary of State December 9, 2005.

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