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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Commuter Savings Program
- 2) Code Citation: 80 Ill. Adm. Code 2190
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2190.10	New
2190.20	New
2190.110	New
2190.120	New
2190.210	New
2190.220	New
2190.310	New
2190.320	New
2190.410	New
2190.420	New
2190.510	New
2190.520	New
2190.530	New
2190.610	New
2190.620	New
2190.710	New
2190.720	New
2190.730	New
2190.740	New
2190.750	New
2190.760	New
2190.770	New
2190.780	New
2190.790	New
- 4) Statutory Authority: Implementing and authorized by the State Employees Group Insurance Act of 1971 [5 ILCS 375]
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules cite the governing authority and provide for administration of a Commuter Savings Program of benefits for individuals in the service of the State.
- 6) Published Studies or Reports and Sources of Underlying Data Used to Compose This Rulemaking: None

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- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:
- Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706
- 217/785-1793
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: Existing procedures will not change due to the rule.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE F: EMPLOYEE BENEFITS

CHAPTER 1: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2190

COMMUTER SAVINGS PROGRAM

SUBPART A: INTRODUCTION AND DEFINITIONS

Section

- 2190.10 Summary and Purpose of the Commuter Savings Program (CSP)
- 2190.20 Definitions

SUBPART B: ADMINISTRATION

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- 2190.110 Administration of the Plan
- 2190.120 Expenses of Administration

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SUBPART D: ELECTION

Section

- 2190.310 Election Procedures
- 2190.320 Benefit Options and Limits

SUBPART E: QUALIFIED TRANSPORTATION BENEFIT ACCOUNTS

Section

- 2190.410 Establishment of Accounts
- 2190.420 Crediting to Accounts

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- 2190.510 Termination of Enrollment
- 2190.520 Termination, Leave of Absence or Death of Participant
- 2190.530 Fraud

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Section

- 2190.610 Procedures
- 2190.620 Exclusions

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- 2190.710 Illegality of a Particular Provision
- 2190.720 Applicable Law
- 2190.730 Effect on Pensions
- 2190.740 Effect on Social Security
- 2190.750 Benefits Solely from General Assets
- 2190.760 Nonassignability of Rights
- 2190.770 Tax Consequences
- 2190.780 Indemnification of State by Participants
- 2190.790 Right to Amend and Terminate Reserved

AUTHORITY: Implementing section 132(f) of the Internal Revenue Code (926 USC 132(f)), Section 405-110 of the Civil Administrative Code of Illinois [20 ILCS 405/405-110], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/3 and 9] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION AND DEFINITIONS

Section 2190.10 Summary and Purpose of the Commuter Savings Program (CSP)

The Commuter Savings Program (CSP) is intended to serve as a qualified transportation fringe program under section 132(f) of the Internal Revenue Code (26 USC 132(f)) and is to be interpreted in a manner consistent with the requirements of this Section. The purpose of CSP is to enable participants the opportunity to pay qualified transportation expenses with pre-tax payroll deducted contributions, limited to expenses not claimed on federal tax forms.

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Section 2190.20 Definitions

- a) Whenever used in this Part, the following words and phrases shall have the meanings specified.

"Code" means the Internal Revenue Code of 1954 (26 USC 1 et seq.) and applicable regulations, or any successor statute.

"Commuter Highway Vehicle" means any highway vehicle with seating capacity of at least 6 adults (not including the driver) for which at least 80% of the mileage use can reasonably be expected to be:

for purposes of transporting employees in connection with travel between their residence and their place of employment; and

on trips during which the number of employees transported for those purposes is at least one-half of the adult seating capacity of the vehicle (not including the driver).

"Compensation" means wages, salary or other compensation received by a Plan participant as reported on the participant's W-2 from the employer.

"Department" means the Illinois Department of Central Management Services.

"Eligible Employee" means any active State of Illinois employee working full-time or more than 50% of the average work week and who has payroll checks processed through the Office of the Comptroller for the State of Illinois. An eligible employee of the employer excludes independent contractors, temporary employees, and retirees who return to work for no longer than 75 days per year after they retire.

"Employer" means the State of Illinois, which includes all officers, boards, commissions, and agencies created by the Illinois Constitution, whether in the executive, legislative or judicial branch; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government that are created by or pursuant to statute other than units of local government and their officers, school districts and boards of election commissioners, and all administrative units and corporate outgrowths of the above as may be created by executive order of the Governor.

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"Group Insurance Representative" or "GIR" means an individual who assists the Department with the administration of the Plan.

"Participant" means each eligible employee who participates in the Plan in accordance with Section 2190.210 of this Part.

"Pay Period" means a regular accounting period established by the State of Illinois for measuring and paying compensation earned by employees. A pay period may be monthly, semi-monthly or biweekly.

"Plan" means the State of Illinois Commuter Savings Program as set forth in this Part, and as may be amended from time to time in compliance with the Illinois Administrative Procedure Act [5 ILCS 100].

"Plan Administrator" means an organization, company or other entity designated by the Director to perform certain duties related to the administration of a specific plan in accordance with the terms of the contract between that organization and the Department.

"Plan Year" means the 12-consecutive-month period comprising the State fiscal year beginning July 1.

"Qualified Parking" means parking provided to the eligible employee on or near the business premises of the employer or on or near a location from where the eligible employee commutes to work by transportation on mass transit facilities, in a commuter highway vehicle or by carpool. This term shall not include any parking on or near property used by the eligible employee for residential purposes.

"Qualified Transportation Expenses" means:

mileage reimbursement, up to the federally set limits, for transportation in a commuter highway vehicle if the transportation is in connection with travel between the participant's residence and place of employment;

any transit pass; or

qualified parking.

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"Reimbursement" means to pay a participant in the Plan for qualified transportation expenses.

"Transit Pass" means any pass, token, fare card, voucher or similar item entitling a person to transportation (or transportation at a reduced price) if the transportation is:

on mass transit facilities (whether or not publicly owned); or

provided by any person in the business of transporting persons for compensation or hire if the transportation is provided in a highway vehicle with a seating capacity of at least 6 adults (not including the driver).

- b) A pronoun or adjective in the masculine gender includes the feminine gender and the singular includes the plural, unless the context clearly indicates otherwise.

SUBPART B: ADMINISTRATION

Section 2190.110 Administration of the Plan

- a) The Plan shall be administered by the Plan Administrator.
- b) The Department reserves the right to enter into agreements with other agencies to delegate various record keeping and other administrative functions to the employing agencies of the participants.
- c) It shall be the principal duty of the Department to see that the Plan is carried out for the exclusive benefit of persons entitled to participate in the Plan without discrimination among them.

Section 2190.120 Expenses of Administration

Any expenses incurred relative to the administration of the Plan shall be paid by the Department.

SUBPART C: PARTICIPATION

Section 2190.210 Date of Participation

- a) An eligible employee will become a participant upon an election under this Plan to participate.

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- b) Eligible employees may enroll in the Plan at any time.
- c) Participation can only be through payroll deduction.

Section 2190.220 Errors

- a) Participants are responsible for notifying their GIR of any payroll deduction errors.
- b) In the event a deduction is missed or an incorrect amount is deducted because of payroll or other processing errors, the error must be corrected on the payroll immediately following the discovery of the error.
- c) If the correction of the error causes an economic hardship for the participant, funds sufficient to correct the error will be deducted from the participant's paycheck over the two months immediately following the discovery of the error.
- d) If the error is unable to be corrected on payroll and the participant's account does not contain funds sufficient to cover the costs of participation in the Plan, the participant will be asked to refund to the Department any amount owed.
- e) If the participant refuses, the Department will request the Comptroller to withhold the required amount from the participant's next available paycheck pursuant to 74 Ill. Adm. Code 285.
- f) If the error is unable to be corrected on payroll and the participant's account contains funds in excess of those necessary to participate in the Plan, the Plan Administrator will refund the participant any excess amount.

SUBPART D: ELECTION

Section 2190.310 Election Procedures

- a) An eligible employee may elect to participate in this Plan by contacting the Plan Administrator. The Plan Administrator will notify the Department and the participant's GIR of the enrollment and the amount of the deduction.

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- b) Enrollment decisions or changes must be made and communicated to the Plan Administrator on or before the 10th day of each month to be effective at the start of the following month.
- c) Eligible employees may enroll in the Plan at any time. Eligible employees are not required to re-enroll each Plan year.

Section 2190.320 Benefit Options and Limits

- a) Maximum contributions are in accordance with limitations set forth in the federal guidelines.
- b) Separate maximums apply to each qualified transportation benefit.

SUBPART E: QUALIFIED TRANSPORTATION BENEFIT ACCOUNTS

Section 2190.410 Establishment of Accounts

The Plan Administrator shall establish and maintain a qualified transportation benefit account for each participant.

Section 2190.420 Crediting to Accounts

- a) There shall be credited to each account, as of each pay period, an amount equal to the reduction made in the participant's compensation in accordance with the participant's election.
- b) All amounts credited shall be the property of the State until paid out pursuant to Subpart G of this Part.

SUBPART F: TERMINATION

Section 2190.510 Termination of Enrollment

- a) Participants may terminate enrollment in the Plan at any time.
- b) Termination decisions must be made and communicated to the Plan Administrator on or before the 10th day of each month to be effective at the start of the following month.

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Section 2190.520 Termination, Leave of Absence or Death of Participant

- a) If a participant terminates employment or takes a leave of absence, the participant must notify the Plan Administrator and his or her GIR by the 10th of the month prior to the termination or leave of absence.
- b) If the participant returns to State service, the participant may re-enroll in the Plan.
- c) In the event a participant dies, the participant's participation in the Plan shall be terminated.

Section 2190.530 Fraud

In the event a participant knowingly supplies the Department or the Plan Administrator with false information or knowingly files a claim that is not qualified for reimbursement as adjudicated by the Internal Revenue Service or a court of competent jurisdiction, the Department shall exclude the participant from further participation in the Plan.

SUBPART G: REIMBURSEMENT

Section 2190.610 Procedures

- a) Fees for transit passes are paid directly to the pass provider and the transit pass is mailed to the participant before the beginning of the month the pass is to be used.
- b) Fees for qualified parking may be paid directly to the parking provider or the participant may be reimbursed by submitting a claim form and proof of service directly to the Plan Administrator.
- c) Claims for mileage reimbursement for transportation in a commuter highway vehicle must be submitted on a claim form with proof of expense directly to the Plan Administrator.

Section 2190.620 Exclusions

A participant shall not be reimbursed for any expense that would otherwise be a qualified transportation expense if:

- a) The expense was incurred at a time when the participant was not a participant in the Plan; or

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- b) A claim for reimbursement of such expense has not been filed in accordance with the provisions of Section 2190.610 of this Part; or
- c) The expense was claimed as a credit or deduction on the participant's federal or State income tax form; or
- d) The expense is reimbursable under any other benefit plan maintained by the employer or purchased privately by the participant.

SUBPART H: MISCELLANEOUS

Section 2190.710 Illegality of a Particular Provision

The illegality of any provision of this Part shall not affect the other provisions of the Part and this Part shall be construed in all respects as if the invalid provisions were omitted.

Section 2190.720 Applicable Law

To the extent not preempted by federal law, the Plan shall be governed and construed according to the laws of the State of Illinois.

Section 2190.730 Effect on Pensions

Participation in the Plan will not affect the amount paid into a participant's pension nor reduce benefits received.

Section 2190.740 Effect on Social Security

Participation in the Plan reduces a participant's Social Security wages by the amount contributed and may therefore reduce the benefits received.

Section 2190.750 Benefits Solely from General Assets

The benefits provided by the Plan will be paid solely from the general assets of the State. The State will not be required to maintain any fund or segregate any amount for the benefit of any participant, and no participant or other person shall have any claim against, right to, or security or interest in, any asset of the State from which any payment under the Plan may be made.

Section 2190.760 Nonassignability of Rights

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The right of any participant to receive reimbursement under the Plan shall not be alienable by the participant by assignment or any other method except as provided in Section 2190.610 of this Part. Any attempt to alienate a participant's interest, other than as specifically authorized, will not be recognized.

Section 2190.770 Tax Consequences

Once enrolled, it shall be the obligation of each participant to determine whether each payment under Section 2190.420 is excludable from the participant's compensation for federal and State income tax purposes. Participants should notify the Department if there is reason to believe that any payment is not excludable.

Section 2190.780 Indemnification of State by Participants

If any participant receives reimbursements under Section 2190.610 that are not for qualified transportation expenses, the participant shall indemnify and reimburse the State for any liability the State may incur for failure to withhold federal or State income tax.

Section 2190.790 Right to Amend and Terminate Reserved

- a) The Department has established the Plan with the bona fide intention and expectation that it will be continued indefinitely, but the Department will have no obligation to maintain the Plan for any given length of time and may discontinue or terminate the Plan at any time without liability.
- b) Upon termination or discontinuance of the Plan, all elections and reductions in compensation relating to the Plan shall terminate, and the Department will pay any remaining balances to the participants as additional taxable compensation.

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- 1) Heading of the Part: Indian Child Welfare Services
- 2) Code Citation: 89 Ill. Admin. Code 307
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
307.10	New
307.15	New
307.20	New
307.25	New
307.30	New
307.35	New
307.40	New
307.45	New
- 4) Statutory Authority: 25 USC 1901; 20 ILCS 505/5
- 5) A Complete Description of the Subjects and Issues Involved: This Part requires the Department to protect the interests of Indian children by providing services to prevent placement away from the parent or Indian custodian, whenever possible. When the child must be removed from his/her parent or Indian custodian, or is given up for adoption, the Department must place the child in a foster or adoptive home that reflects the unique values of the child's tribal culture. The Department must notify the State's Attorney of the child's Indian heritage. The Department and the court are required to notify the parents or Indian custodian and the tribe of a Juvenile Court proceeding involving possible abuse, neglect or dependency of an Indian child, and the court must transfer the case to the tribal court if the tribal court asserts jurisdiction.
- 6) Published Studies or Reports and Sources of Underlying Data Used to Compose This Rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 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 rulemakings pending on this Part? Yes. The Department has filed a Notice of Proposed Repealer to repeal this Part to be published in this issue of the *Illinois Register*.

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- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].
- 12) Time, place and manner in which interested parties may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
FAX: 217/557-0692
E-Mail address: cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small business affected: None
 - 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: This rulemaking was not included on either of the 2 most recent agendas because: the revisions were not anticipated at the time the regulatory agenda was completed.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 307

INDIAN CHILD WELFARE SERVICES

Section

307.10	Purpose
307.15	Definitions
307.20	Identification of Indian Children
307.25	Notification of Proceedings
307.30	Transfer of Jurisdiction
307.35	Placement of an Indian Child
307.40	Retaining Custody of an Indian Child
307.45	Terminating Parental Rights

AUTHORITY: Implementing the Indian Child Welfare Act (25 USC 1901 et seq.) and authorized by Section 4 of the Department of Children and Family Services Act [20 ILCS 505/4].

SOURCE: Old Part repealed at 30 Ill. Reg. _____ and new Part adopted at 30 Ill. Reg. _____, effective _____.

Section 307.10 Purpose

The purpose of the Indian Child Welfare Act is to promote the identity of Indian children and their connection or affiliation with their Indian tribes. The Department of Children and Family Services recognizes that Indian children are central in the maintenance of Indian tribal culture, traditions and values. Therefore, the Department shall, in conjunction with Indian communities, organizations and agencies, provide a method of early identification of Indian children and their families in order to provide services that assure all the additional protections afforded by the Indian Child Welfare Act.

Section 307.15 Definitions

"Department" means the Department of Children and Family Services.

"Extended family member" shall be defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has

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reached the age of 18 and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or step-parents.

"Indian" means any person who is a member of an Indian tribe, or who is an Alaska Native and a member of the Regional Corporation as defined in 43 USC 1606.

"Indian child" means any unmarried person who is under age 18 and is a member of an Indian tribe, or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

"Indian child's tribe" means the Indian tribe in which an Indian child is a member or eligible for membership as determined by the tribe; or, in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.

"Indian custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom or under State law or to whom temporary physical care, custody, and control has been transferred by the parent of the child.

"Indian tribe" means any Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in 43 USC 1602(c).

"Parent" means any biological parent or parents of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include the unwed father where paternity has not been acknowledged or established.

"Qualified expert witness" means:

a member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child rearing practices; or

a lay expert witness having substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing

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social and cultural standards and child rearing practices within the Indian child's tribe; or

a professional person having substantial education and experience in the area of his or her specialty. (See 44 FR 67593 (1979).)

"Secretary" means the Secretary of the United States Department of the Interior.

"Tribal court" means a court of jurisdiction over child custody proceedings that is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe that is vested with authority over child custody proceedings.

Section 307.20 Identification of Indian Children

In order for the Department to inform any Indian child, any parent of an Indian child, or any Indian custodian of his or her rights under the Indian Child Welfare Act, the Department shall determine if a child is an Indian child at intake or at any point in the life of the case.

Section 307.25 Notification of Proceedings

- a) The Department shall notify the child's parents or Indian custodian and the child's tribe by registered mail, return receipt requested, within 10 days after determining that an Indian child is the subject of a proceeding under Article II of the Juvenile Court Act of 1987 [705 ILCS 405] or for termination of parental rights.
- b) If the identity or location of the parents or Indian custodian and the tribe cannot be determined, the Department shall notify the Secretary by registered mail, with return receipt requested. The Secretary shall have 15 days after receipt to provide the requisite notice to the parents or Indian custodian and the tribe.
- c) No proceeding for adjudication of wardship under Article II of the Juvenile Court Act of 1987 or termination of parental rights shall be held until at least 10 days after receipt of notice by the parent or Indian custodian and the tribe, or by the Secretary. The parent or Indian custodian or tribe shall, upon request, be granted up to 20 additional days to prepare for the proceeding. (See 25 USC 1912(a).)

Section 307.30 Transfer of Jurisdiction

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- a) When removal of an Indian child from the custody of his or her parent or Indian custodian is contemplated, or when parental rights to an Indian child may be terminated, the child's tribe has the option to request transfer of jurisdiction to the tribal court.
- b) In the event that a single tribe's jurisdiction cannot be established because of multiple tribal claims of right, the Department shall not participate in the intertribal jurisdictional dispute unless specifically requested by the tribes to aid in the resolution of the jurisdictional conflict.
- c) Absent good cause to the contrary, the State court must transfer proceedings to the tribal court. However, objection by either parent shall act as an absolute bar to such transfer.
- d) When the State court transfers the proceedings to the tribal court, the Department shall transfer custody or guardianship of the Indian child as directed by the State or tribal court.

Section 307.35 Placement of an Indian Child

- a) In choosing an adoptive placement, the Department shall assure that the child is placed in accordance with the provisions of 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services Is Legally Responsible). In addition, preference must be given in the following order, absent good cause to the contrary, to the placement of an Indian child with:
 - 1) a member of the Indian child's extended family;
 - 2) other members of the Indian child's tribe; or
 - 3) other Indian families. (See 25 USC 1915(a).)
- b) In choosing a foster care or preadoptive placement, the Department shall assure that the child is placed in the least restrictive setting that most approximates a family and in which his or her special needs, if any, may be met. The child shall also be placed within reasonable proximity to his or her home, taking into account any special needs of the child. In addition, preference must be given in the following order, absent good cause to the contrary, to the placement of an Indian child with:

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- 1) a member of the Indian child's extended family;
 - 2) a foster home licensed or approved or specified by the Indian child's tribe;
 - 3) an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - 4) an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs. (25 USC 1915(b).)
- c) In the case of a placement under subsection (a) or (b) of this Section, if the Indian child's tribe establishes a different order of preference by resolution, the Department or court selecting the placement shall follow that order so long as the placement is the least restrictive setting appropriate to the particular needs of the child, as provided in subsection (b) of this Section. When appropriate, the preference of the Indian child or parent shall be considered, provided that, when a consenting parent expresses a desire for anonymity, the court or Department shall give weight to that desire in applying the preferences.
- d) The standards to be applied in meeting the preference requirements of this Section shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or with which the parent or extended family members maintain social and cultural ties.
- e) The Department shall maintain a record of each placement of an Indian child that includes efforts to comply with the order of preference specified in this Section. The Department shall make these records available for inspection, at any time, upon the request of the Secretary or the Indian child's tribe.

Section 307.40 Retaining Custody of an Indian Child

- a) When seeking temporary custody or placement of, or termination of parental rights to, an Indian child, the Department shall inform the court that the child named in the petition or motion is an Indian child as soon as that information becomes known.
- b) Excluding extraordinary circumstances, the Department may retain temporary custody of an Indian child for a reasonable period of time not to exceed 90 days. Continued custody after that period may occur only upon a court finding, based

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upon the testimony of a qualified expert witness, that the child is likely to suffer serious emotional or physical injury if returned to the custody of the parent or Indian custodian. The court's finding shall be supported by clear and convincing evidence.

- c) Each party to an involuntary placement proceeding involving an Indian child shall have the right to examine all reports or other documents that the Department may present during the proceedings.

Section 307.45 Terminating Parental Rights

- a) When the Department determines at an internal legal screening (as defined in 89 Ill. Adm. Code 309.80 (Termination of Parental Rights)) that adoption is in the best interests of an Indian child and sufficient legal grounds exist for termination of parental rights, the Department shall notify the State's Attorney of the names and addresses of the child's parents or Indian custodian and the child's tribe for purposes of the Juvenile Court proceeding, if these persons or the tribe have not been previously served.
- b) The Department shall request the State's Attorney to notify the tribe so the tribe may intervene in a proceeding for the termination of parental rights.
- c) To terminate parental rights, the court must find, beyond a reasonable doubt, that the child is likely to suffer serious emotional or physical injury if returned to the custody of his or her parent or Indian custodian. The court's finding shall be based upon the testimony of a qualified expert witness. (See 25 USC 1912(f).)
- d) Each party to a proceeding to terminate parental rights that involves an Indian child shall have the right to examine all reports or other documents that the Department may present during the proceedings.
- e) When a parent or Indian custodian voluntarily consents to a foster care placement, or when a parent voluntarily consents to termination of his or her parental rights, the consent shall not be valid unless executed in writing and acknowledged before a judge of a court of competent jurisdiction and accompanied by the judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall also certify that the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian

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custodian understood. Any consent given prior to, or within ten days after, the birth of the Indian child shall not be valid.

- f) A parent or Indian custodian may withdraw consent to a foster care placement under State law at any time and, upon such withdrawal, the child shall be returned to the parent or Indian custodian when the sole basis of placement was the consent.
- g) When a parent of an Indian child has executed a surrender or consent for adoption, the surrender or consent may be withdrawn by the parent for any reason at any time prior to the entry of an order terminating that parent's parental rights or an order of adoption, as the case may be, and the child shall be returned to the parent.
- h) After the entry of an order of adoption of an Indian child, the parent may petition the court to vacate the order for adoption on the grounds that his or her consent was obtained through fraud or duress. If the court finds that the consent was obtained through fraud or duress, the court shall vacate the order of adoption and return the child to the parent. No action to void or revoke a consent to or surrender for adoption based on fraud or duress may be commenced after 24 months from the date of the entry of the order for adoption.

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- 1) Heading of the Part: Indian Child Welfare Services
- 2) Code Citation: 89 Ill. Admin. Code Part 307
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
307.1	Repeal
307.2	Repeal
307.3	Repeal
307.4	Repeal
307.5	Repeal
307.6	Repeal
307.7	Repeal
307.8	Repeal
- 4) Statutory Authority: 25 USC 1901; 20 ILCS 505/5
- 5) A Complete Description of the Subjects and Issues Involved: This Part requires the Department to protect the interests of Indian children by providing services to prevent placement away from the parent or Indian custodian, whenever possible. When the child must be removed from his/her parent or Indian custodian, or is given up for adoption, the Department must place the child in a foster or adoptive home that reflects the unique values of the child's tribal culture. The Department must notify the State's Attorney of the child's Indian heritage. The Department and the court are required to notify the parents or Indian custodian and the tribe of a Juvenile Court proceeding involving possible abuse, neglect or dependency of an Indian child, and the court must transfer the case to the tribal court if the tribal court asserts jurisdiction.
- 6) Published Studies or Reports and Sources of Underlying Data Used to Compose This Rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 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 rulemakings pending on this Part? Yes. The Department has filed a Notice of Proposed Rules to replace this Part to be published in this issue of the Illinois Register.

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- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].
- 12) Time, Place and Manner in which interested parties may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498

217/524-1983

TDD: 217/524-3715

FAX: 217/557-0692

E-Mail address: cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda in which rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the revisions were not anticipated at the time the regulatory agenda was completed.

The full text of the Proposed Repealer appears on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 307

INDIAN CHILD WELFARE SERVICES [\(REPEALED\)](#)

Section

307.1	Purpose
307.2	Definitions
307.3	Intake Information
307.4	Services Which Trigger the Indian Child Welfare Requirements
307.5	Notification of the Indian Child's Tribe
307.6	Retaining Custody for Involuntary Placements
307.7	Terminating Parental Rights
307.8	Transfer of Jurisdiction

AUTHORITY: Implementing the Indian Child Welfare Act (25 USC 1901 et seq.) and authorized by Section 4 of the Children and Family Services Act [20 ILCS 505/4].

SOURCE: Adopted and codified at 5 Ill. Reg. 8645, effective August 19, 1981; repealed at 30 Ill. Reg. _____, effective _____.

Section 307.1 Purpose

The purpose of the Indian Child Welfare Act is to protect the Indian child as a resource for Indian communities throughout the nation. The Department of Children and Family Services recognizes that the Indian child is the primary element in the maintenance of Indian tribal culture, traditions and values. Therefore, the Department shall, in conjunction with Illinois Native American communities, organizations and agencies, provide a method of early identification of Indian children and their families, in order to provide services which assure all the additional protections afforded by the Indian Child Welfare Act.

Section 307.2 Definitions

"Department" means the Department of Children and Family Services.

"Extended family member" shall be as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or

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uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparents.

"Indian" means any person who is a member of an Indian tribe, or who is an Alaska native and a member of the regional corporation as defined in section 7 of the Alaska Native Claims Settlement Act (85 Stat. 688, 691 ff.) (43 U.S.C. 1601, 1606).

"Indian child" means any unmarried person who is under age eighteen; and

- a) is a member of an Indian tribe; or
- b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

"Indian child's tribe" means

- a) the Indian tribe in which an Indian child is a member or eligible for membership as determined by the tribe; or
- b) in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.

"Indian custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom or under State law or to whom temporary physical care, custody, and control has been transferred by the parent of such child.

"Indian tribe" means any Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the United States Department of the Interior because of their status as Indians, including any Alaska native village as defined in Section 3(c) of the Alaska Native Claims Settlement Act (85 Stat. 688, 689), as amended (43 U.S.C. 1601, 1602(c)).

"Parent" means any biological parent or parents of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include the unwed father where paternity has not been acknowledged or established.

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"Tribal court" means a court of jurisdiction over child custody proceedings and which is either a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings.

Section 307.3 Intake Information

In order for the Department to inform any Indian child, any parent of an Indian child, or any Indian custodian of the rights afforded under the Indian Child Welfare Act, the Department shall determine at intake if a child has any Indian lineage.

Section 307.4 Services Which Trigger the Indian Child Welfare Requirements

- a) In choosing an out-of-home placement the Department shall assure that the child is placed in accordance with the Department's placement requirements as specified in Department rules. In addition, preference must be given in the following order, absent good cause to the contrary, to placement with:
 - 1) a member of the Indian child's extended family;
 - 2) a foster home, licensed, approved or specified by the Indians child's tribe, whether on or off the reservation; and
 - 3) an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - 4) an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the child's needs.
- b) The Indian child's tribe may establish a different order of preference by resolution. The Department shall document efforts to place the child according to these priorities.

Section 307.5 Notification of the Indian Child's Tribe

- a) Non-Emergency Involuntary Proceedings. When the placement of an Indian child is contemplated under court order pursuant to a petition that a minor is neglected, dependent, or otherwise in need of supervision, the Department shall inform the

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court that an Indian child is named in the petition. The State's Attorney will then notify the tribe concerning a possible change of status which affects the parents or Indian custodian of the child, in order to allow the tribe to intervene.

- b) Emergency Involuntary Proceedings. When the emergency placement of an Indian child is required, the Department of Children and Family Services must notify the court of the placement but may do so as soon as possible after the placement is completed.

Section 307.6 Retaining Custody for Involuntary Placements

- a) Excluding extraordinary circumstances, the Department may retain temporary custody of an Indian child for a reasonable period of time not to exceed 90 days. Continued custody after that period may occur only upon a court finding supported by clear and convincing evidence. This standard is appreciably higher than that ordinarily required for findings of neglect, dependency or for a minor in need of supervision. Under the Indian Child Welfare Act, the involuntary placement hearing also requires the testimony of expert witnesses who can assert that the child is likely to suffer serious emotional or physical injury if returned to the custody of the parent or Indian custodian. The court must decide that the child is in danger if left with the parents.
- b) Each party to an involuntary placement proceeding involving an Indian child shall have the right to examine all reports or other documents which the Department may present during the proceedings.

Section 307.7 Terminating Parental Rights

- a) When the Department decides that terminating parental rights is the appropriate plan for an Indian child, the Department shall notify the State's Attorney that the anticipated termination proceeding involves an Indian child. The State's Attorney will notify the child's tribe so the tribe may intervene in the termination proceeding. Evidence beyond a reasonable doubt that the child is likely to suffer serious emotional or physical injury if returned to the custody of his parent or Indian custodian must support a decision to terminate parental rights. This evidence must include expert witness testimony. Ordinarily, clear and convincing evidence that the parent is unfit is the standard of proof for terminating parental rights and the testimony of an expert witness is optional.
- b) Each party to a proceeding to terminate parental rights which involves an Indian

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child shall have the right to examine all reports or other documents which the Department may present during the proceedings.

- c) If the parents of an Indian child wish to surrender the child for adoption, these surrenders must be executed in court before a judge. The surrendering parents may request that the surrender be kept confidential, including the process of identifying Indian status. This procedure deviates from the standard practice concerning other surrenders. An Indian parent may surrender a newborn child only after ten days have passed since that baby's birth. This contrasts with the 72-hour rule for other parents. All surrenders under the Indian Child Welfare Act are revocable at least until the termination order is issued, and in some cases may be revoked up to the time the final adoption decree of the Indian child is entered. Once more this contrasts with the instant irrevocability of other surrenders.
- d) Upon a finding of fraud or duress in obtaining consent to adoption, the decree of adoption is vacated, and the Indian child returned to the parent by the court. The automatic return of the child to the parent is also unique to this Act.

Section 307.8 Transfer of Jurisdiction

- a) When removal of an Indian child from the custody of his parent or Indian custodian is contemplated, or when parental rights to any Indian child may be terminated, the child's tribe(s) has the option to request transfer of jurisdiction to the tribal court.
- b) In the event that clear cut jurisdiction cannot be established because of multiple tribal claims of right, the Department shall refrain from involving itself in the intertribal dispute unless specifically requested by the tribes to aid in the resolution of the jurisdictional contest.
- c) The State Court must transfer such proceedings to the tribe unless it determines there is good cause to the contrary. However, objection by either parent shall act as an absolute bar to such transfer. When the State Court does not find a good cause to bar a transfer to the tribal court, the Department shall transfer the case immediately upon receipt of the State Court order to transfer the case.

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Licensing Standards for Child Care Institutions and Maternity Centers
- 2) Code Citation: 89 III. Adm. Code 404
- 3) Section Number: 404.9 Proposed Action: Amend
- 4) Statutory Authority: Implementing and authorized by the Child Care Act [225 ILCS 10] and the Children's Product Safety Act [430 ILCS 125]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending Section 404.9 to incorporate the recommendation made by the Office of the Inspector General that the governing body of institutions or maternity centers shall assure that there is no familial relationship between the executive director and the chief financial officer.
- 6) Published Studies or Reports and Sources of Underlying Data Used to Compose This Rulemaking: None
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

217/524-1983

TDD: 217/524-3715

FAX 217/557-0692

E-Mail: cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on these proposed amendments submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses affected: This rulemaking affects child care institutions and maternity centers that are subject to licensure by the Department.
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional costs to small businesses are anticipated.
 - C) Types of professional skills necessary for compliance: Clerical
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: This rulemaking was not anticipated when the last two Regulatory Agendas were published.

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

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSUREPART 404
LICENSING STANDARDS FOR CHILD CARE INSTITUTIONS
AND MATERNITY CENTERS

Section

404.1	Purpose
404.2	Definitions
404.3	Effective Date of Standards (Repealed)
404.4	Application for License
404.5	Renewal of License
404.6	Provisions Pertaining to License
404.7	Provisions Pertaining to Permits
404.8	Incorporation
404.9	Composition and Responsibilities of the Governing Body
404.10	Finances
404.11	The Administrator
404.12	Administrative Coverage
404.13	Child Care Staff
404.14	Support Personnel
404.15	Substitute Child Care Staff
404.16	Volunteers
404.17	Requirements of Professional Staff
404.18	Medical and Health Services
404.19	Social Work Staff
404.20	Teachers
404.21	Recreation Staff
404.22	Staff Training
404.23	Health Requirements for Staff and Volunteers
404.24	Background Checks
404.25	Criteria for the Admission and Discharge of Children
404.26	Admission Preparation Requirements
404.27	Agreements and Consents Between Responsible Parties
404.28	Child Care Groupings
404.29	Discipline of Children
404.30	Controls
404.31	Clothing and Personal Belongings

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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404.32	Personal Care and Hygiene
404.33	Allowances
404.34	Education
404.35	Work and Training
404.36	Recreation and Leisure Time
404.37	Health and Safety
404.38	Food and Nutrition
404.39	Professional Services
404.40	Visitation
404.41	Community Life
404.42	Religion
404.43	Termination of Residential Care
404.44	Buildings
404.45	Grounds
404.46	Equipment
404.47	Records and Reports
404.48	Records Retention
404.49	Transportation
404.50	Severability of This Part

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] and the Children's Product Safety Act [430 ILCS 125].

SOURCE: Adopted and codified at 5 Ill. Reg. 13070, effective November 30, 1981; amended at 7 Ill. Reg. 3424, effective April 4, 1983; amended at 8 Ill. Reg. 22870, effective November 15, 1984; amended at 9 Ill. Reg. 19712, effective December 20, 1985; amended at 11 Ill. Reg. 17504, effective October 15, 1987; amended at 21 Ill. Reg. 4488, effective April 1, 1997; amended at 24 Ill. Reg. 17031, effective November 1, 2000; emergency amendment at 26 Ill. Reg. 6868, effective April 17, 2002, for a maximum of 150 days; emergency expired September 13, 2002; amended at 27 Ill. Reg. 508, effective January 15, 2003; amended at 29 Ill. Reg. 9976, effective July 1, 2005; amended at 30 Ill. Reg. _____, effective _____.

Section 404.9 Composition and Responsibilities of the Governing Body

- a) The governing body of an institution incorporated not-for-profit shall be a Board of Directors composed of at least five persons. All board members shall be of reputable and responsible character. The governing body shall be responsible to the Department for maintaining the standards set forth in this Part.

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NOTICE OF PROPOSED AMENDMENT

- b) If incorporated as a not-for-profit corporation, the governing body shall adopt a conflict of interest policy that requires, at a minimum:
- 1) that no member of the board of directors may derive any personal profit directly by reason of his or her membership on the board of directors or because of services provided to the board (the restriction of deriving profit from a transaction does not apply as long as the goods or services provided to the center or institution are priced at or below market value, and are documented and accessible for review by the Department or its auditors upon request);
 - 2) that each board member must disclose to the board any personal interest that he or she or any immediate family member may have in any current or potential matter before the board and refrain from participating in any decision on such matters; ~~and~~
 - 3) that no member of the administrator's or the chief financial officer's immediate families shall serve on the board of directors for the child care institution or maternity center and no member or any board member's immediate family may serve as administrator, the chief financial officer, or independent contractor of the institution; ~~and-~~
 - 4) that there shall be no familial relationship between the executive director and the chief financial officer.
- c) If incorporated as a for-profit corporation, the board shall adopt a code of conduct.
- d) The governing body shall:
- 1) establish written by-laws;
 - 2) assure that the institution operates at all times with an on-site administrator, who, by official notice, is made known to the Department;
 - 3) hold at least four meetings annually;
 - 4) keep records of minutes of all Board meetings reflecting official actions of the Board;

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 5) officially notify the Department in writing within two days after a change in the administrator of the institution or within 30 days after any major changes in the corporate structure, including, but not limited to:
 - A) changes in the articles of incorporation or bylaws;
 - B) changes in the not-for-profit status or tax exempt status as determined by the Internal Revenue Service (if applicable) or its charitable organization status as determined by the Illinois Attorney General;
 - C) addition of any principal shareholder owning at least five percent of the stock of the corporation;
 - D) changes in the governing body or its officers; and
 - E) other changes in services provided by the institution;
- 6) establish written policies of the institution which shall be made available to all board members and employees including services to be provided by the institution: admissions, personnel policies, fiscal operations, care of children and other policies as needed to direct the institution, such as family visitation, community contacts with children and the functions of the administrator;
- 7) provide and maintain physical facilities appropriate for the program and supporting services;
- 8) maintain and keep all records and documents required by this Part in the State of Illinois where they shall be readily available for licensing review;
- 9) assure fidelity bonding of fiscally responsible officers and employees, elected or appointed, whether or not compensated by salary, against breach of fiduciary duty or the loss of monies, securities or other property which the institution may sustain through any fraudulent or dishonest act or acts committed by any officer or employee acting alone or in collusion with others; and
- 10) assure that all persons working with children are of reputable character.

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: The Campaign Financing Act
- 2) Code Citation: 26 Ill. Adm. Code 207
- 3) Section Number: 207.150 Proposed Action:
New Section
- 4) Statutory Authority: Implementing Sections 4-8, 5-7, 6-35, and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/4-8, 5-7, 6-35 and 1A-8(9)].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking sets forth the procedures to be used by the election authorities when transmitting absentee, early and grace period voter request information (requestor name, address, address to which the ballot is to be sent, township or ward number and precinct number, and ballot type) electronically to the State Board of Elections pursuant to Section 19-4 and 20-4 of the Election Code. It also sets out the procedures by which political committees may access this information (other than the address to which the ballot was sent) and requires the Board to keep a record of this access.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain any incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking implements Section 19-4 and 20-4 of the Election Code with the objective of making absentee, early and grace period voter request information available to registered political committees and to the Board for the purpose of detecting possible fraud.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

Steven S. Sandvoss
General Counsel
State Board of Elections
1020 S. Spring St.
Springfield IL 62708

217/782-0608

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: At the time of the publication of the regulatory agendas, this amendment had not been anticipated.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 207

MISCELLANEOUS

Section

207.10	Failure to Nominate Candidate
207.20	Notice of Primary Election – County of 500,000 Or More
207.30	Document Copying Fees
207.40	County Clerk Notifications to State Board of Elections of Certain Filings for Office
207.50	Deputy Registrars; Definition of Bonafide State Civic Organization
207.60	Chad Removal
207.70	Post Tabulation Testing
207.80	Notation of Straight Party Tickets and of Overvotes and Undervotes by Electronic Voting Systems
207.90	Reporting of Errors in Vote Tabulation Where Electronic Voting Systems Are In Use
207.100	Requirements for Operator's Log
207.110	Requirements for Voter Information Tapes
207.120	Procedures for Election Night Equipment Failure
207.130	Testing Voting Systems
207.140	Certification of Signature Imaging Systems
<u>207.150</u>	<u>Receipt and Dissemination of Absentee Voting Information</u>
207.APPENDIX A	Log for Vote Tabulation
207.APPENDIX B	VIS Format

AUTHORITY: Implementing Sections 4-8, 5-7, 6-35, 19-4 and 20-4 and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/4-8, 5-7, 6-35, 19-4, 20-4 and 1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; codified at 6 Ill. Reg. 7219; amended at 6 Ill. Reg. 8976, effective July 12, 1982; amended at 8 Ill. Reg. 24560, effective December 6, 1984; amended at 11 Ill. Reg. 18660, effective October 30, 1987; amended at 15 Ill. Reg. 14427, effective September 27, 1991; amended at 18 Ill. Reg. 14714, effective September 9, 1994; amended 20 Ill. Reg. 2634, effective February 10, 1997; amended at 30 Ill. Reg. _____, effective _____.

Section 207.150 Receipt and Dissemination of Absentee Voting Information

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

- a) Sections 19-4 and 20-4 of the Election Code require the election authorities in Illinois to transmit to the State Board of Elections the name, street address, ward or township, and precinct number of every person who:
- 1) requests an absentee ballot to be voted either in person or by mail;
 - 2) voted early under the provisions of Article 19A of the Election Code; or
 - 3) voted under the provisions of grace period voting contained in Section 4-50, 5-50 or 6-100 of the Election Code.
- b) The transmission shall occur within one business day after the public posting of the information in the office of the election authority and the information shall be transmitted electronically, in a standard format prescribed by the State Board of Elections.
- c) For persons who vote at a primary election, the State Board of Elections shall request that, in addition to the information specified in subsection (a), the election authorities transmit the type of ballot requested: Democrat, Republican, other established political party, or non-partisan. For all elections in which a voter requests to vote absentee by mail, the request shall include the address to which the absentee ballot is to be sent.
- d) Except as provided in subsection (f), the State Board of Elections shall make this information available to State and local political committees registered with the Board on a secure website containing search and download capabilities. To access this information, committees shall request and obtain an account and password from the Board. One password shall be issued to the committee by the Board and it shall be valid for the committee as a whole, regardless of how many officers are serving the committee. Only the chairman or treasurer of the committee, as listed on the committee's most current D-1 Statement of Organization, will be entitled to receive a user ID and password on behalf of the committee.
- e) A committee may at any time request that its password issued by the Board be changed or voided entirely. The Board shall, after determining that the request was made by the current chairman or treasurer of the committee as described in subsection (d), change or void the password in accordance with the committee's request.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

- f) The State Board of Elections shall not make available to any person or political committee the address to which the applicant's absentee ballot is to be sent. The retention of this information by the Board is for internal tracking purposes only.
- g) In compliance with the intent of the General Assembly in enacting Sections 19-4 and 20-4 of the Election Code, the State Board of Elections will create a computer program that will keep a record of which political committees access absentee ballot information through the use of their designated account and password, and how frequently this access is initiated by the committee.

AGENCY NOTE: This Section interprets and applies Sections 19-4 and 20-4 of the Election Code [10 ILCS 5/19-4 and 20-4].

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 1) Heading of Part: Right-To-Know Notice Costs
- 2) Code Citation: 35 Ill. Adm. Code 1662
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1662.100	New
1662.105	New
1662.110	New
1662.115	New
1662.120	New
1662.125	New
1662.130	New
1662.135	New
- 4) Statutory Authority: Section 25d-7(b) of the Environmental Protection Act (415 ILCS 5/25d-7(b)).
- 5) A Complete Description of the Subjects and Issues Involved: Section 25d-7(b) of the Environmental Protection Act (415 ILCS 5/25d-7(b)) requires the Illinois EPA to adopt rules setting forth costs for which persons may be liable to the State under Section 25d-3(d) of the Environmental Protection Act (415 ILCS 5.25d-3(d)). The proposed rules contain the procedures the Agency will use in identifying and collecting these costs.
- 6) Published Studies or Reports and Sources of Underlying Data Used to Compose This Rule? No
- 7) Will this rule replace any emergency rulemakings currently in effect? No
- 8) Does this rule contain an automatic repeal date? No
- 9) Does this rule contain incorporation by reference? No
- 10) Are there any other proposed rules pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rules do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [(30 ILCS 805/3(b))].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on these proposed rules may submit them in writing by no later than 45 days after publication of this notice to:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

Stephanie Flowers, Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small businesses, small municipalities, or not-for-profit corporations that are determined to be responsible parties with respect to the release or substantial threat of release for which notice is given under Section 25d-3 of the Act or that are a remedial applicant that has agreed to reimburse the Agency for notice costs pursuant to Section 740.305(a)(6) when the Agency has determined that notice must be given pursuant to Section 25d-3 of the Act would be subject to the procedures set forth in this new rule.
 - B) Reporting, bookkeeping or other proposed procedures required for compliance: No new reporting, bookkeeping or other procedures will be required as a result of the proposed rules.
 - C) Types of professional skills necessary for compliance: No specific professional skills are required for compliance with the proposed rules.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE O: RIGHT TO KNOW
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 1662
RIGHT-TO-KNOW NOTICE COSTS

Section

1662.100	Purpose
1662.105	Applicability
1662.110	Definitions
1662.115	Severability
1662.120	Right-To-Know Notice Costs
1662.125	Request for Payment
1662.130	Submittal of Payment
1662.135	Manner of Payment

AUTHORITY: Implementing Section 25d-3(d) and authorized by Section 25d-7(b) of the Environmental Protection Act [415 ILCS 5/25d-3(d) and 25d-7(b)].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

Section 1662.100 Purpose

This Part sets forth costs for which persons may be liable to the State under Section 25d-3(d) of the Act.

Section 1662.105 Applicability

The costs set forth in this Part may be collected from any person who is:

- a) a responsible party with respect to the release or substantial threat of release for which notice is given pursuant to Section 25d-3 of the Act; or
- b) a remedial applicant that has agreed to such costs under 35 Ill. Adm. Code 740.305(a)(6) when the Agency has determined that notice must be given pursuant to Section 25d-3 of the Act.

Section 1662.110 Definitions

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" is the Environmental Protection Agency established by the Environmental Protection Act. (Section 3.105 of the Act)

"Agency travel costs" means costs incurred and documented for travel in accordance with 80 Ill. Adm. Code 2800 and 3000 by individuals employed by the Agency. These costs include, but are not limited to, costs for lodging, meals, travel, automobile mileage, vehicle leasing, tolls, taxi fares, parking and miscellaneous items.

"Indirect costs" means those costs incurred by the Agency that cannot be attributed directly to a specific site but are necessary to support the site-specific activities, including, but not limited to, such expenses as managerial and administrative services, building rent and maintenance, utilities, telephone and office supplies.

"Other contractual costs" means costs for contractual services not otherwise specifically identified, including, but not limited to, printing, blueprints, photography, film processing, computer services and overnight mail.

"Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative, agent or assigns. (Section 3.315 of the Act)

"Personnel costs" means costs relative to the employment of individuals by the Agency. These costs include, but are not limited to, hourly wages and fringe benefits.

"Professional and artistic services contractual costs" means costs of consultants and contractors used by the Agency to perform services related to the Agency's obligation to give notice pursuant to Section 25d-3 of the Act.

Section 1662.115 Severability

If any provision of this Part or its application to any person or under any circumstance is adjudged invalid, that adjudication does not affect the validity of this Part as a whole or of any portion not adjudged invalid.

ENVIRONMENTAL PROTECTION AGENCY

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Section 1662.120 Right-To-Know Notice Costs

- a) Responsible parties and remedial applicants are liable for the following costs incurred by the Agency in giving the notice pursuant to Section 25d-3 of the Act:
- 1) Personnel costs;
 - 2) Agency travel costs;
 - 3) Site evaluation costs, including, but not limited to, costs associated with reviewing plans, reports, photographs and maps;
 - 4) File creation costs, including, but not limited to, costs associated with imaging, duplicating, indexing, quality assurance, and identifying documents exempt from public view;
 - 5) Information systems costs, including, but not limited to, costs associated with internet posting, document scanning, and database creation;
 - 6) Document repository costs;
 - 7) Meeting costs, including, but not limited to, costs associated with public meetings, hearings, and special meetings;
 - 8) Postage costs, including, but not limited to, direct mail and special courier;
 - 9) Press services costs, including, but not limited to, costs associated with publishing and broadcasting;
 - 10) Correspondence costs, including, but not limited to, costs associated with document preparation;
 - 11) Professional and artistic services contractual costs;
 - 12) Other contractual costs; and
 - 13) Indirect costs.
- b) For purposes of this Part, costs will begin to accrue on the date the Agency determines that notice is required under Section 25d-3 of the Act.

ENVIRONMENTAL PROTECTION AGENCY

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Section 1662.125 Request for Payment

The Agency shall prepare a written request for payment for costs incurred in providing the notice pursuant to Section 25d-3 of the Act. Costs shall be documented, and the documentation shall be made available to the responsible party or remedial applicant upon written request.

Section 1662.130 Submittal of Payment

- a) Payments for costs incurred by the Agency in providing the notice pursuant to Section 25d-3 of the Act must be submitted to the Agency within 45 days after receipt of the Agency's written request for payment.
- b) If payment is not received in full by the due date specified in subsection (a), the Agency may initiate other action, including, but not limited to:
 - 1) Referral to the State Comptroller's Offset System pursuant to the State Comptrollers Act [15 ILCS 405];
 - 2) Referral to the Department of Revenue's Debt Collection Bureau pursuant to the Illinois State Collection Act [30 ILCS 210]; and/or
 - 3) Agency enforcement as authorized by the Act.

Section 1662.135 Manner of Payment

- a) Payment must be made by check or money order. The check or money order must identify the site name and address, Illinois inventory identification number, and Federal Employer Identification Number or Social Security Number of the responsible party or remedial applicant. Payment must be mailed or delivered to the address designated by the Agency in the written request for payment. Payments that are hand-delivered must be delivered during the Agency's normal business hours.
- b) Pursuant to Section 25d-3(d) of the Act, the check or money order must be made payable to "Treasurer – State of Illinois, For Deposit in the Hazardous Waste Fund" for all moneys paid to the State for costs related to releases and substantial threats of release of hazardous substances, pesticides, and petroleum, other than releases and substantial threats of release of petroleum from underground storage tanks subject to Title XVI of the Act.

ENVIRONMENTAL PROTECTION AGENCY

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- c) Pursuant to Section 25d-3(d) of the Act, the check or money order must be made payable to "Treasurer – State of Illinois, For Deposit in the Underground Storage Tank Fund" for all moneys paid to the State for costs related to releases and substantial threats of release of petroleum from underground storage tanks subject to Title XVI of the Act.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)
- 2) Code Citation: 89 Ill. Adm. Code 679
- 3) Section Number: 679.50 Proposed Action: Amend
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides that customers who cannot be served under the waiver programs' Service Cost Maximums and who meet the criteria established by DHFS, may be eligible for an exceptional care rate. Companion amendments are also being proposed to 89 Ill. Adm. Code 682 and 684.
- 6) Published Studies or Reports and Sources of Underlying Data Used to Compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAMPART 679
DETERMINATION OF NEED (DON) AND
RESULTING SERVICE COST MAXIMUMS (SCMs)

Section

679.10	General Provisions
679.20	Composition of the DON
679.30	Scoring of the DON Except for Respite Cases
679.40	Scoring the DON for Respite Cases
679.50	Service Cost Maximums (SCMs)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5062, effective March 21, 1995; amended at 20 Ill. Reg. 6303, effective April 18, 1996; amended at 21 Ill. Reg. 2674, effective February 7, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; emergency amendment at 22 Ill. Reg. 2328, effective January 12, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10445, effective May 29, 1998; emergency amendment at 22 Ill. Reg. 16031, effective August 14, 1998, for a maximum of 150 days; emergency expired on January 11, 1999; amended at 23 Ill. Reg. 1615, effective January 20, 1999; amended at 23 Ill. Reg. 7492, effective June 17, 1999; emergency amendment at 23 Ill. Reg. 10526, effective August 10, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 285, effective December 23, 1999; amended at 24 Ill. Reg. 6563, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 9966, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 17126, effective November 3, 2000; emergency amendment at 27 Ill. Reg. 17428, effective November 6, 2003, for a maximum of 150 days; emergency expired April 3, 2004; amended at 28 Ill. Reg. 7056, effective April 30, 2004; emergency amendment at 28 Ill. Reg. 15178, effective November 8, 2004, for a maximum of 150 days; emergency expired April 6, 2005; amended at 30 Ill. Reg. _____, effective _____.

Section 679.50 Service Cost Maximums (SCMs)

- a) For each individual meeting the minimum required DON scores for eligibility (see 89 Ill. Adm. Code 682), there is a corresponding Service Cost Maximum (SCM) for his/her DON score which is the maximum amount that may be

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expended for services through HSP for an individual who chooses HSP services over institutionalization. This amount directly corresponds to the amount the State would expect to pay for the nursing care component of institutionalization if the individual chose institutionalization.

- b) The monthly SCMs for individuals served under the HSP Disabled Individual Medicaid Waiver are:

DON Range	11/1/03 SCM	8/1/04 SCM	8/1/05 SCM	8/1/06 SCM	8/1/07 SCM
29-32	\$1,154	\$1,194	\$1,249	\$1,329	\$1,488
33-40	\$1,326	\$1,371	\$1,435	\$1,527	\$1,710
41-49	\$1,475	\$1,526	\$1,597	\$1,699	\$1,902
50-59	\$1,766	\$1,827	\$1,912	\$2,034	\$2,277
60-69	\$2,076	\$2,147	\$2,247	\$2,390	\$2,677
70-79	\$2,244	\$2,322	\$2,430	\$2,585	\$2,894
80-100	\$2,412	\$2,495	\$2,612	\$2,778	\$3,111

- c) The monthly SCMs for individuals served under the HSP AIDS Medicaid Waiver are:

DON Range	11/1/03 SCM	8/1/04 SCM	8/1/05 SCM	8/1/06 SCM	8/1/07 SCM
29-32	\$1,486	\$1,538	\$1,609	\$1,712	\$1,917
33-40	\$2,228	\$2,305	\$2,412	\$2,566	\$2,873
41-49	\$2,970	\$3,073	\$3,216	\$3,421	\$3,831
50-59	\$3,714	\$3,842	\$4,021	\$4,278	\$4,790
60-69	\$4,458	\$4,611	\$4,827	\$5,134	\$5,749
70-79	\$5,198	\$5,378	\$5,628	\$5,987	\$6,704
80-100	\$5,943	\$6,148	\$6,435	\$6,845	\$7,664

- d) The monthly SCMs for individuals served under the HSP Brain Injury Medicaid Waiver are:

<u>DON Range</u>	<u>11/1/03 SCM</u>	<u>8/1/04 SCM</u>	<u>8/1/05 SCM</u>	<u>8/1/06 SCM</u>	<u>8/1/07 SCM</u>
<u>29-32</u>	<u>\$1,286</u>	<u>\$1,331</u>	<u>\$1,393</u>	<u>\$1,482</u>	<u>\$1,659</u>
<u>33-40</u>	<u>\$1,427</u>	<u>\$1,476</u>	<u>\$1,545</u>	<u>\$1,644</u>	<u>\$1,841</u>
<u>41-49</u>	<u>\$1,586</u>	<u>\$1,640</u>	<u>\$1,717</u>	<u>\$1,826</u>	<u>\$2,045</u>

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<u>50-59</u>	<u>\$1,901</u>	<u>\$1,966</u>	<u>\$2,058</u>	<u>\$2,189</u>	<u>\$2,451</u>
<u>60-69</u>	<u>\$2,234</u>	<u>\$2,311</u>	<u>\$2,419</u>	<u>\$2,573</u>	<u>\$2,881</u>
<u>70-79</u>	<u>\$2,415</u>	<u>\$2,499</u>	<u>\$2,615</u>	<u>\$2,782</u>	<u>\$3,115</u>
<u>80-100</u>	<u>\$2,597</u>	<u>\$2,686</u>	<u>\$2,811</u>	<u>\$2,990</u>	<u>\$3,349</u>

d) ~~The SCM for individuals served through the Medicaid Waiver for Ventilator Assisted Individuals shall be no higher than the comparable institutionalized cost of care for the individual, less the costs for equipment and supplies.~~

e) The SCM for an individual may be exceeded on a monthly basis to meet a temporary increase in need for services as long as the average monthly cost for services during the twelve month period does not exceed the SCM. Such an increase in services shall not last more than 3 months.

f) The exceptional care rate (ECR) for individuals who cannot be served under an HSP waiver's SCM is established by the Department of Healthcare and Family Services (HFS) under 89 Ill. Adm. Code 140.569(i). This rate is comparable to the assessed cost for institutionalization and shall not be exceeded. To determine the exceptional care rate for an individual served under an HSP waiver program:

- 1) the nearest approved exceptional care nursing facility to the individual's home is identified;
- 2) the exceptional care rate for that facility is requested from HFS; and
- 3) the daily exceptional care rate is multiplied by 30.3 to establish a monthly average.

f) ~~The monthly SCMs for individuals served under the Medicaid Waiver for Persons with a Brain Injury are:~~

DON Range	11/1/03 SCM	8/1/04 SCM	8/1/05 SCM	8/1/06 SCM	8/1/07 SCM
29-32	\$1,286	\$1,331	\$1,393	\$1,482	\$1,659
33-40	\$1,427	\$1,476	\$1,545	\$1,644	\$1,841
41-49	\$1,586	\$1,640	\$1,717	\$1,826	\$2,045
50-59	\$1,901	\$1,966	\$2,058	\$2,189	\$2,451
60-69	\$2,234	\$2,311	\$2,419	\$2,573	\$2,881
70-79	\$2,415	\$2,499	\$2,615	\$2,782	\$3,115
80-100	\$2,597	\$2,686	\$2,811	\$2,990	\$3,349

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Eligibility
- 2) Code Citation: 89 Ill. Adm. Code 682
- 3) Section Number: 682.100 Proposed Action:
Amend
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides that a physician's certification will be done every two years. Implementing this rule change with the exceptional care rulemaking will provide for greater continuity of services and more accurate case reviews, along with assisting HSP to better serve children transitioning out of the DSCC waiver. Companion amendments are also being proposed on 89 Ill. Adm. Code 679 and 684.
- 6) Published Studies or Reports and Sources of Underlying Data Used to Compose this Rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Physicians will be providing certifications every two years on customers of the Home Services Program.
 - B) Reporting, bookkeeping or other procedures required for compliance: Documentation of the physician certification will be maintained in the customer's case file.
 - C) Types of professional skills necessary for compliance: Counselors in the Home Services Program maintain a Master's Degree. Customer certification must be performed by a licensed physician or by a neuropsychologist for a person with a brain injury.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 682
ELIGIBILITY

SUBPART A: GENERAL APPLICABILITY

Section
682.10 General Applicability

SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section
682.100 General Eligibility Criteria

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section
682.200 Assets Limitation
682.210 Transfer of Assets
682.220 Exempt Assets
682.230 Assets Held in Joint Ownership
682.240 Income Allowances (Repealed)
682.250 Cost Sharing Provisions (Repealed)
682.260 General Exceptions to Cost Share Provisions (Repealed)

SUBPART D: EFFECT OF OTHER SERVICES ON HSP

Section
682.300 Effect of Other Services on HSP

SUBPART E: REDETERMINATION OF ELIGIBILITY

Section
682.400 Redetermination Requirements
682.410 Redetermination Time Frames

SUBPART F: GRANDFATHERING PROVISIONS

DEPARTMENT OF HUMAN SERVICES

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Section

682.500	Exceptions to Eligibility Standards
682.510	Exceptions to Cost Sharing Provisions (Repealed)
682.520	Exceptions to Service Cost Maximums

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5070, effective March 21, 1995; amended at 20 Ill. Reg. 6307, effective April 18, 1996; amended at 20 Ill. Reg. 15749, effective December 3, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 2226, effective January 12, 1998; amended at 23 Ill. Reg. 3981, effective March 19, 1999; amended at 23 Ill. Reg. 14450, effective December 6, 1999; amended at 24 Ill. Reg. 7724, effective May 12, 2000; amended at 25 Ill. Reg. 6278, effective May 15, 2001; emergency amendment at 28 Ill. Reg. 15183, effective November 8, 2004, for a maximum of 150 days; emergency expired April 6, 2005; amended at 30 Ill. Reg. _____, effective _____.

SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section 682.100 General Eligibility Criteria

In order to receive services through HSP a customer must:

- a) be a citizen of the United States, or be an individual who is living permanently in the United States after having been legally admitted;
- b) have applied for, be a recipient of, or be found eligible for Medicaid benefits through ~~HFS~~~~DPA~~ and within 60 days after the date of application for HSP provide verification to the HSP counselor of the aforementioned. Customers may be found eligible for Medicaid and be placed on Spend Down. However, a customer is not required to meet the eligibility criteria for Medicaid to receive benefits, nor is Medicaid eligibility or verification of application required to receive Interim Services (see 89 Ill. Adm. Code 682). The customer must agree to apply for Medicaid, and cooperate with ~~HFS~~~~the Department of Public Aid~~, to receive Interim Services. Customers having applied for HSP services prior to October 1, 1991, may choose to apply for Medicaid;
- c) be a resident of the State of Illinois;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- d) be under the age of 60 at the time of application for HSP services, unless the individual is applying for services under the HSP AIDS Medicaid Waiver ~~for Persons with AIDS~~ or under the HSP for Persons with a Brain Injury Medicaid Waiver, in which case there is no age criteria for application;
- e) have a severe disability which is expected to last for at least 12 months or for the duration of life;
- f) be an individual with a disability who is in need of long-term care, as determined by the DON score completed as a result of a prescreening (89 Ill. Adm. Code 679) or application for HSP services. In order to be determined to have met this criteria, the individual must receive a DON score of at least 15 points on part A, which includes, if applicable, the 10 points from the Mini-Mental Examination, with a total DON score of at least 29 points;
- g) with DHS assistance, obtain certification at least every two years from a physician or from a neuropsychologist for a person with a brain injury (as defined in Section 676.30(r)), ~~with DHS assistance~~, that indicates the individual is in need of long-term care and this care can safely and adequately be provided in the individual's home according to the physician and as provided in the HSP Service Plan ~~developed for the individual~~; and
- h) not require in-home services that are expected to cost more than the cost the State would pay for institutional care for an individual with a similar DON score.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Service Planning and Provisions
- 2) Code Citation: 89 Ill. Adm. Code 684
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
684.70	Amend
684.75	Amend
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides that customers who cannot be served under the waiver programs' Service Cost Maximums and who meet the criteria established by DHFS, may be eligible for an exceptional care rate. This rulemaking also provides that a physician's certification will be done every two years. Implementing this rulemaking will provide for greater continuity of services and more accurate case reviews, along with assisting HSP to better serve children transitioning out of the DSCC waiver. Companion amendments are also being proposed on 89 Ill. Adm. Code 679 and 682.
- 6) Published Studies or Reports and Sources of Underlying Data Used to Compose this Rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Physicians will be providing certifications every two years on customers of the Home Services Program.
 - B) Reporting, bookkeeping or other procedures required for compliance: Documentation of the physician certification will be maintained in the customer's case file.
 - C) Types of professional skills necessary for compliance: Counselors in the Home Services Program maintain a Master's Degree. Customer certification must be performed by a licensed physician or by a neuropsychologist for a person with a brain injury.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER d: HOME SERVICES PROGRAM

PART 684
 SERVICE PLANNING AND PROVISION

Section

684.10	Service Plan
684.20	Procuring an Appropriate Service Provider
684.30	Family Members as Service Providers
684.40	Distribution of the Service Plan
684.50	Service Plan Content
684.60	Provision of Services
684.70	Service Planning Limitations
684.75	Required Physician's Certification of HSP Service Plan
684.80	Interim Services
684.90	Coordination of HSP and Other Services
684.100	Denial or Termination of HSP Services

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5129, effective March 21, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18955, effective October 1, 1998; amended at 23 Ill. Reg. 6470, effective May 17, 1999; amended at 23 Ill. Reg. 12644, effective October 4, 1999; amended at 24 Ill. Reg. 2687, effective February 2, 2000; amended at 24 Ill. Reg. 10220, effective June 27, 2000; emergency amendment at 28 Ill. Reg. 15188, effective November 8, 2004, for a maximum of 150 days; emergency expired April 6, 2005; amended at 29 Ill. Reg. 16504, effective October 17, 2005; amended at 30 Ill. Reg. _____, effective _____.

Section 684.70 Service Planning Limitations

- a) For customers served under a ~~through the standard~~ Medicaid Waiver program administered by DHS-DRS, all services listed on the Service Plan must be necessary to meet an unmet care need of the individual or, for respite cases, to provide relief to the caregiver, and must be within the SCM for the DON score attained by the customer as a result of the determination or redetermination of eligibility.

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- b) ~~Customers who cannot be served under the HSP waiver programs' SCM and who meet the criteria established by HFS, may be eligible for an exceptional care rate (89 Ill. Adm. Code 140.569(a)(2)). The monthly cost of these services provided through the Home Services Program shall not exceed the exceptional care rate. For customers receiving services through the Medicaid Waiver for Persons with AIDS, all services listed on the Service Plan must be necessary to meet an unmet care need of the customer or, for respite cases, to provide relief to the caregiver, and must be within the SCM for the DON score attained by the customer as a result of the determination or redetermination of eligibility.~~
- e) ~~The SCM may be exceeded for ventilator assisted individuals (VAIs) who are receiving HSP services but have had established, through DPA, a higher rate less the cost of supplies and equipment established by DPA for institutional placement. In such cases, the amount that may be expended for HSP services shall not exceed the special care rate established for that customer by DPA.~~
- d) ~~For individuals served through the Medicaid Waiver for Persons with Brain Injury, all services listed on the Service Plan must be necessary to provide a package of HSP services, including the specific community based services, to meet their unmet service needs. The cost of the services must be within the SCM for the DON score attained by the individual as a result of the determination or redetermination of eligibility.~~

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

Section 684.75 Required Physician's Certification of HSP Service Plan

- a) A Physician's Certification (IL 488-1780) shall be obtained from the customer's physician when:
- 1a) the customer's initial service plan is developed (Section 684.10); and
- 2b) ~~at least every two years during the redetermination of eligibility after any service cost increase longer than 90 days, when the increase is caused by an increase in the hours of service or in the type of service that raises the service cost to a level higher than allowed by the customer's current DON score;~~
- e) ~~the cost of services decreases for a period longer than 90 days to a level lower~~

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~~than the SCM for the customer's current DON score and the decrease is due to the customer's health improving; or~~

d) ~~during the redetermination of eligibility (89 Ill. Adm. Code 682: Subpart E) either:~~

1) ~~the service costs increase to a level higher than the customer's previous DON score SCM due to an increase in the hours of service;~~

2) ~~the type of service increases to a level higher than the customer's previous DON score SCM; or~~

3) ~~the service costs decrease to a lower SCM level than the customer's previous DON score because of an improvement in the customer's health.~~

b) The services provided to the customer shall not be interrupted while the new Physician's Certification is being secured by DHS-~~DRSORS~~/HSP.

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

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- 1) Heading of the Part: Control of Emissions from Large Combustion Sources
- 2) Code Citation: 35 Ill. Adm. Code Part 225
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
225.100	New
225.120	New
225.130	New
225.140	New
225.200	New
225.202	New
225.205	New
225.210	New
225.220	New
225.230	New
225.232	New
225.235	New
225.237	New
225.240	New
225.250	New
225.260	New
225.261	New
225.263	New
225.265	New
225.270	New
225.290	New
225.295	New
- 4) Statutory Authority: 415 ILCS 5/27 (2005)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is proposed to meet certain obligations of the State of Illinois under the Clean Air Act, 42 USC Section 7401 et seq.; specifically, to satisfy Illinois' obligation to submit a State Implementation Plan to address the requirements of the Clean Air Mercury Rule, 70 Fed. Reg. 28606. This proposal will require Illinois coal-fired EGUs that serve a generator greater than 25 megawatts producing electricity for sale to begin to utilize control technology for mercury as necessary to achieve the numerical standards set by the proposed rule beginning July 1, 2009. To achieve this goal while preserving flexibility, the regulations provide new and existing sources with two alternative mercury emission standards to demonstrate compliance. The first alternative allows a source to comply

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with a mercury emission standard of 0.0080 lb mercury/GWh gross electrical output for each EGU. In the alternative, sources may control emissions by a minimum of 90% from input mercury levels. In addition, through December 31, 2013, companies with several sources with EGUs may utilize averaging demonstrations between the sources. Those sources that have no sister plants are grouped into a co-op so that they may also average amongst the listed facilities. However, every source in the averaging demonstration must attain at least a 75% reduction of input mercury or 0.020 lb mercury/GWh gross electrical output. This proposal also sets forth permitting, monitoring, recordkeeping, and reporting requirements for affected sources.

As is explained in the Notice of Withdrawal published in this issue of the *Illinois Register*, this is the second first-notice publication of this proposed rule. The Board withdrew its original first notice publication in response to a preliminary injunction entered by the Sangamon County Circuit Court on May 1, 2006 in "Dynergy Midwest Generation, Inc., Kincaid Generation, L.L.C., and Midwest Generation, L.L.C. v. PCB and IEPA", No 2006-CH-213. The Sangamon County Circuit Court enjoined the Board from proceeding pursuant to the hearing and rulemaking schedule required by Section 28.5 (fast track Clean Air Act rulemaking procedures) of the Act [415 ILCS 5/28.5 (2004)]. Because the Circuit Court's action concerns the statutory authority that the Board used to propose this rulemaking, the Board is, on its own motion, proposing a new rule in this same issue of the *Illinois Register* that is in substance identical to the proposal that is being withdrawn with this notice. The only change being made in the new proposal is that the Board is citing only its general rulemaking authority under Section 27 of the Environmental Protection Act (Act) [415 ILCS 5/27 (2004)].

- 6) Published studies or Reports and Sources of Underlying Data Used to Compose this Rulemaking: The regulatory proposal included the Illinois EPA's "Technical Support Document for Reducing Mercury Emissions from Coal-Fired Electric Generating Units (TSD)" that relied on several published studies and reports. Copies of the documents the Illinois EPA relied upon are available for review with the Pollution Control Board and are listed below. The *TSD* includes an executive summary of the results from the Integrated Planning Model that was performed by ICF Resources, Inc. contracted by the Illinois EPA. The underlying data used to perform the modeling and the results are also available for review at the Pollution Control Board.

Anderson, H.A., J.F. Amrhein, P. Shubat, and J. Hesse. Protocol for a uniform Great

- 7) Will this proposed rule replace any emergency rule currently in effect? No
- 8) Does this rule contain an automatic repeal date? No

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- 9) Does this proposed rule contain incorporations by reference? Yes
- 10) Are there any other proposed rules pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rule does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2004)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R06-25 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

For more information contact Marie Tipsord at 312/814-4925 or email at tipsordm@ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: The proposed rulemaking requires the owner or operator of an affected source to install required emissions monitoring systems, complete required certification tests, and record, report, and quality-assure the data from such systems. The owner or operator of an affected source must also maintain emissions monitoring information, submit quarterly reports, compliance certifications, and annual certifications of compliance.

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- C) Types of Professional skills necessary for compliance: No professional skills beyond those currently required by the existing State and federal air pollution control regulations applicable to affected sources will be required.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2006

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

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 225

CONTROL OF EMISSIONS FROM LARGE COMBUSTION SOURCES

SUBPART A: GENERAL PROVISIONS

Section	
225.100	Severability
225.120	Abbreviations and Acronyms
225.130	Definitions
225.140	Incorporations by Reference

SUBPART B: CONTROL OF MERCURY EMISSIONS
FROM COAL-FIRED ELECTRIC GENERATING UNITS

Section	
225.200	Purpose
225.202	Measurement Methods
225.205	Applicability
225.210	Compliance Requirements
225.220	Clean Air Act Permit Program (CAAPP) Permit Requirements
225.230	Emission Standards for EGUs at Existing Sources
225.232	Averaging Demonstrations for Existing Sources
225.235	Units Scheduled for Permanent Shut Down
225.237	Emission Standards for New Sources with EGUs
225.240	General Monitoring and Reporting Requirements
225.250	Initial Certification and Recertification Procedures for Emissions Monitoring
225.260	Out of Control Periods for Emission Monitors
225.261	Additional Requirements to Provide Heat Input Data
225.263	Monitoring of Gross Electrical Output
225.265	Coal Analysis for Input Mercury Levels
225.270	Notifications
225.290	Recordkeeping and Reporting
225.295	Treatment of Mercury Allowances

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AUTHORITY: Implementing Section 9.10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.10, 27 and 28.5].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 225.100 Severability

If any Section, subsection or clause of this Part is found invalid, such finding shall not affect the validity of this Part as a whole or any Section, subsection or clause not found invalid.

Section 225.120 Abbreviations and Acronyms

Unless otherwise specified within this Part, the abbreviations used in this Part shall be the same as those found in 35 Ill. Adm. Code 211. The following abbreviations and acronyms are used in this Part:

Act	Environmental Protection Act [415 ILCS 5]
Btu	British thermal unit
CAA	Clean Air Act (42 USC 7401 et seq.)
CAAPP	Clean Air Act Permit Program
CO ₂	carbon dioxide
EGU	electric generating unit
GWh	gigawatt hour
hr	hour
lb	pound
MW	megawatt
MWe	megawatt electrical
MWh	megawatt hour
NO _x	nitrogen oxides
O ₂	oxygen
RATA	relative accuracy test audit
SO ₂	sulfur dioxide
USEPA	United States Environmental Protection Agency

Section 225.130 Definitions

The definitions contained in this Section apply only to the provisions of this Part. Unless otherwise defined in this Section and unless a different meaning of a term is clear from its

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context, the definitions of terms used in this Part shall have the meanings specified for those terms in 35 Ill. Adm. Code 211.

"Averaging demonstration" means, with regard to Subpart B of this Part, a demonstration of compliance that is based on the combined performance of EGUs at two or more sources.

"Boiler" means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

"Bottoming-cycle cogeneration unit" means a cogeneration unit in which the energy input to the unit is first used to produce useful thermal energy and at least some of the reject heat from the useful thermal energy application or process is then used for electricity production.

"Coal" means any solid fuel classified as anthracite, bituminous, subbituminous, or lignite by the American Society for Testing and Materials (ASTM) Standard Specification for Classification of Coals by Rank D388-77, 90, 91, 95, 98a, or 99 (Reapproved 2004).

"Coal-derived fuel" means any fuel (whether in a solid, liquid or gaseous state) produced by the mechanical, thermal, or chemical process.

"Coal-fired" means combusting any amount of coal or coal-derived fuel, alone or in combination with any amount of any other fuel, during a specified year.

"Cogeneration unit" means a stationary, fossil fuel-fired boiler or stationary, fossil fuel-fired combustion turbine:

Having equipment used to produce electricity and useful thermal energy for industrial, commercial, heating, or cooling purposes through the sequential use of energy; and

Producing during the 12-month period starting on the date the unit first produces electricity and during any calendar year after the calendar year in which the unit first produces electricity:

For a topping-cycle cogeneration unit:

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Useful thermal energy not less than 5 percent of total energy output; and

Useful power that, when added to one-half of useful thermal energy produced, is not less than 42.5 percent of total energy input, if useful thermal energy produced is 15 percent or more of total energy output, or not less than 45 percent of total energy input, if useful thermal energy produced is less than 15 percent of total energy output.

For a bottoming-cycle cogeneration unit, useful power not less than 45 percent of total energy input.

"Combustion turbine" means:

An enclosed device comprising a compressor, a combustor, and a turbine and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine; and

If the enclosed device under the above paragraph of this definition is combined cycle, any associated heat recovery steam generator and steam turbine.

"Commence commercial operation" means, with regard to Subpart B of this Part, with regard to an Electric Generating Unit that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation. Such date shall remain the unit's date of commencement of operation even if the Electric Generating Unit is subsequently modified, reconstructed or repowered.

"Designated representative" means, with regard to Subpart B of this Part, the same as defined in 40 CFR 60.4102.

"Flue" means a conduit or duct through which gases or other matter is exhausted to the atmosphere.

"Gross electrical output" means the total electrical output from an Electric Generating Unit before making any deductions for energy output used in any way related to the production of energy. For an Electric Generating Unit generating

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only electricity, the gross electrical output is the output from the turbine/generator set.

"Input mercury" means the mass of mercury that is contained in the coal combusted within an Electric Generating Unit.

"Nameplate capacity" means, starting from the initial installation of a generator, the maximum electrical generating output (in MWe) that the generator is capable of producing on a steady-state basis and during continuous operation (when not restricted by seasonal or other deratings) as specified by the manufacturer of the generator or, starting from the completion of any subsequent physical change in the generator resulting in an increase in the maximum electrical generating output (in MWe) that the generator is capable of producing on a steady-state basis and during continuous operation (when not restricted by seasonal or other deratings), such increased maximum amount as specified by the person conducting the physical change.

"Output-based emission standard" means, with regard to Subpart B of this Part, a maximum allowable rate of emissions of mercury per unit of gross electrical output from an Electric Generating Unit.

"Repowered" means, with regard to an EGU, replacement of a coal-fired boiler with one of the following coal-fired technologies at the same source as the coal-fired boiler:

Atmospheric or pressurized fluidized bed combustion;

Integrated gasification combined cycle;

Magnetohydrodynamics;

Direct and indirect coal-fired turbines;

Integrated gasification fuel cells; or

As determined by the USEPA in consultation with the United States Department of Energy, a derivative of one or more of the technologies under this definition and any other coal-fired technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste

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reduction relative to the performance of technology in widespread commercial use as of January 1, 2005.

"Rolling 12-month basis" means, with regard to Subpart B of this Part, a determination made on a monthly basis from the relevant data for a particular calendar month and the preceding 11 calendar months (total of 12 months of data), with two exceptions. For determinations involving one EGU, calendar months in which the EGU does not operate (zero EGU operating hours) shall not be included in the determination, and shall be replaced by a preceding month or months in which the EGU does operate, so that the determination is still based on 12 months of data. For determinations involving two or more EGUs, calendar months in which none of the EGUs covered by the determination operates (zero EGU operating hours) shall not be included in the determination, and shall be replaced by preceding months in which at least one of the EGUs covered by the determination does operate, so that the determination is still based on 12 months of data.

Section 225.140 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

- a) 40 CFR 60, 60.17, 60.45a, 60.49a(k)(1), 60.49a(p), 60.50a(h), and 60.4170 through 60.4176 (2005).
- b) 40 CFR 75 (2005).
- c) ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA 19428-2959, (610) 832-9585:
 - 1) ASTM D388-77, 90, 91, 95, 98a, or 99, Classification of Coals by Rank (Reapproved 2004).
 - 2) ASTM D3173-03, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke (Approved April 10, 2003).
 - 3) ASTM D3684-01, Standard Test Method for Total Mercury in Coal by the Oxygen Bomb Combustion/Atomic Absorption Method (Approved October 10, 2001).

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- 4) ASTM D5865-04, Standard Test Method for Gross Calorific Value of Coal and Coke (Approved April 1, 2004).
- 5) ASTM D6414-01, Standard Test Method for Total Mercury in Coal and Coal Combustion Residues by Acid Extraction or Wet Oxidation/Cold Vapor Atomic Absorption (Approved October 10, 2001).
- 6) ASTM D6784-02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method) (Approved April 10, 2002).

SUBPART B: CONTROL OF MERCURY EMISSIONS
FROM COAL-FIRED ELECTRIC GENERATING UNITS

Section 225.200 Purpose

The purpose of this Subpart is to control the emissions of mercury from coal-fired electrical generating units in Illinois.

Section 225.202 Measurement Methods

Measurement of mercury shall be according to the following:

- a) Continuous emission monitoring pursuant to 40 CFR 75 (2005).
- b) ASTM D3173-03, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke (Approved April 10, 2003).
- c) ASTM D3684-01, Standard Test Method for Total Mercury in Coal by the Oxygen Bomb Combustion/Atomic Absorption Method (Approved October 10, 2001).
- d) ASTM D5865-04, Standard Test Method for Gross Calorific Value of Coal and Coke (Approved April 1, 2004).
- e) ASTM D6414-01, Standard Test Method for Total Mercury in Coal and Coal Combustion Residues by Acid Extraction or Wet Oxidation/Cold Vapor Atomic Absorption (Approved October 10, 2001).

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- f) ASTM D6784-02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method) (Approved April 10, 2002).

Section 225.205 Applicability

The following stationary coal-fired boilers and stationary coal-fired combustion turbines are EGUs and are subject to this Subpart:

- a) Except as provided in subsection (b) of this Section, a unit serving, at any time since the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.
- b) For a unit that qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity and continues to qualify as a cogeneration unit, a cogeneration unit serving at any time a generator with nameplate capacity of more than 25 MWe and supplying in any calendar year more than one-third of the unit's potential electric output capacity or 219,000 MWh, whichever is greater, to any utility power distribution system for sale. If a unit qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity but subsequently no longer qualifies as a cogeneration unit, the unit shall be subject to subsection (a) of this Section starting on the day on which the unit first no longer qualifies as a cogeneration unit.

Section 225.210 Compliance Requirements

- a) **Permit Requirements**
The owner or operator of each source with one or more EGUs subject to this Subpart at the source must apply for a CAAPP permit that addresses the applicable requirements of this Subpart.
- b) **Monitoring Requirements**
 - 1) The owner or operator of each source and each EGU at the source must comply with the monitoring requirements of Sections 225.240 through 225.290 of this Subpart.
 - 2) The compliance of each EGU with the mercury requirements under Sections 225.230 and 225.237 of this Subpart shall be determined by the

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emissions measurements recorded and reported in accordance with Sections 225.240 through 225.290 of this Subpart.

- c) **Mercury Emission Reduction Requirements**
The owner or operator of any EGU subject to this Subpart shall comply with applicable requirements for control of mercury emissions under Section 225.230 or Section 225.237 of this Subpart.

- d) **Recordkeeping and Reporting Requirements**
Unless otherwise provided, the owner or operator of a source with one or more EGUs at the source shall keep on site at the source each of the documents listed in subsections (d)(1) through (d)(3) of this Section for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Agency.
 - 1) All emissions monitoring information, in accordance with Sections 225.240 through 225.290 of this Subpart.
 - 2) Copies of all reports, compliance certifications, and other submissions and all records made or required or documents necessary to demonstrate compliance with the requirements of this Subpart.
 - 3) Copies of all documents used to complete a permit application and any other submission under this Subpart.

- e) **Liability**
 - 1) The owner or operator of each source with one or more EGUs shall meet the requirements of this Subpart.
 - 2) Any provision of this Subpart that applies to a source shall also apply to the owner and operator of such source and to the owner and operator of each EGU at the source.
 - 3) Any provision of this Subpart that applies to an EGU shall also apply to the owner and operator of such EGU.

- f) **Effect on Other Authorities.** No provision of this Subpart shall be construed as exempting or excluding the owner and operator of a source or EGU from

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compliance with any other provision of an approved State Implementation Plan, a permit, the Act, or the CAA.

Section 225.220 Clean Air Act Permit Program (CAAPP) Permit Requirements

- a) Application Requirements
 - 1) Each source with one or more EGUs subject to the requirements of this Subpart is required to submit a CAAPP permit application that addresses all applicable requirements of this Subpart, applicable to each EGU at the source.
 - 2) For any EGU that commenced commercial operation:
 - A) on or before December 31, 2008, the owner or operator of that EGU must submit an initial permit application or application for CAAPP permit modification that meets the requirements of this Section by December 31, 2008.
 - B) after December 31, 2008, the owner or operator of any such EGU must submit an initial CAAPP permit application or application for CAAPP modification that meets the requirements of this Section not later than 180 days before initial startup of the EGU, unless the construction permit issued for the EGU addresses the requirements of this Subpart.
- b) Contents of Permit Applications

In addition to other information required for a complete application for CAAPP permit or CAAPP permit modification, the application shall include the following information:

 - 1) The ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration, if applicable.
 - 2) Identification of each EGU at the source.
 - 3) The intended approach to the monitoring requirements of Sections 225.240 through 225.290 of this Subpart.

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- 4) The intended approach to the mercury emission reduction requirements of Section 225.230 or 225.237 of this Subpart, as applicable.
- c) Permit Contents
- 1) Each CAAPP permit issued by the Agency for a source with one or more EGUs subject to the requirements of this Subpart shall contain federally enforceable conditions addressing all applicable requirements of this Subpart, which conditions shall be a complete and segregable portion of the source's entire CAAPP permit.
 - 2) In addition to conditions related to the applicable requirements of this Subpart, each such CAAPP permit shall also contain the information specified under subsection (b) of this Section.

Section 225.230 Emission Standards for EGUs at Existing Sources

- a) Emission Standards
- 1) Beginning July 1, 2009, the owner or operator of a source with one or more EGUs subject to this Subpart that commenced commercial operation on or before December 31, 2008 shall comply with one of the following standards for each EGU on a rolling 12-month basis:
 - A) An emission standard of 0.0080 lb mercury/GWh gross electrical output; or
 - B) A minimum 90-percent reduction of input mercury.
 - 2) For an EGU complying with subsection (a)(1)(A) of this Section, the actual mercury emission rate of the EGU for each 12-month rolling period, as monitored in accordance with this Subpart and calculated as follows, shall not exceed the applicable emission standard:

$$ER = \sum_{i=1}^{12} E_i \div \sum_{i=1}^{12} O_i$$

Where:

ER = Actual mercury emissions rate of the EGU for the particular 12-

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month rolling period, expressed in lb/GWh.

E_i = Actual mercury emissions of the EGU, in lbs, in an individual month in the 12-month rolling period, as determined in accordance with the emissions monitoring provisions of this Subpart.

O_i = Gross electrical output of the EGU, in GWh, in an individual month in the 12-month rolling period, as determined in accordance with Section 225.263 of this Subpart.

- 3) For an EGU complying with subsection (a)(1)(B) of this Section, the actual control efficiency for mercury emissions achieved by the EGU for each 12-month rolling period, as monitored in accordance with this Subpart and calculated as follows, shall meet or exceed the applicable efficiency requirement:

$$CE = 100 \times \left\{ 1 - \left(\sum_{i=1}^{12} E_i \div \sum_{i=1}^{12} I_i \right) \right\}$$

Where:

CE = Actual control efficiency for mercury emissions of the EGU for the particular 12-month rolling period, expressed as a percent.

E_i = Actual mercury emissions of the EGU, in lbs, in an individual month in the 12-month rolling period, as determined in accordance with the emissions monitoring provisions of this Subpart.

I_i = Amount of mercury in the fuel fired in the EGU, in pounds, in an individual month in the 12-month rolling period, as determined in accordance with Section 225.265 of this Subpart.

b) Alternative Emission Standards for Single EGUs

- 1) As an alternative to compliance with one of the above emission standards in subsection (a) of this Section, the owner or operator of the EGU may comply with the emission standards of this Subpart by demonstrating that the actual emissions of mercury from the EGU are less than the allowable emissions of mercury from the EGU on a rolling 12-month basis.
- 2) For this purpose, for each rolling 12-month period, the actual emissions of mercury from the EGU, as monitored in accordance with this Subpart,

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must not exceed the allowable emissions of mercury from the EGU, as further provided by the following formulas:

$$E_{12} \leq A_{12}$$

$$E_{12} = \sum_{i=1}^{12} E_i$$

$$A_{12} = \sum_{i=1}^{12} A_i$$

Where:

- E_{12} = Actual mercury emissions of the EGU for the particular 12-month rolling period.
- A_{12} = Allowable mercury emissions of the EGU for the particular 12-month rolling period.
- E_i = Actual mercury emissions of the EGU in an individual month in the 12-month rolling period.
- A_i = Allowable mercury emissions of the EGU in an individual month in the 12-month rolling period, based on either the input mercury to the unit ($A_{Input\ i}$) or the electrical output from the EGU ($A_{Output\ i}$), as selected by the owner or operator of the EGU for that given month.
- $A_{Input\ i}$ = Allowable mercury emissions of the EGU in an individual month based on the input mercury to the EGU, calculated as 10.0 percent (or 0.100) of the input mercury to the EGU.
- $A_{Output\ i}$ = Allowable mercury emissions of the EGU in a particular month based on the electrical output from the EGU, calculated as the product of the output based mercury limit, i.e., 0.0080 lb/GWh, and the electrical output from the EGU, in GWh.

- 3) If the owner or operator of an EGU does not conduct the necessary sampling, analysis, and recordkeeping, in accordance with Section 225.265 of this Subpart, to determine the mercury input to the EGU, the allowable emissions of the EGU must be calculated based on the electrical output of the EGU.

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- c) If two or more EGUs are served by common stack(s) and the owner or operator conducts monitoring for mercury emissions in the common stack(s), as provided for by 40 CFR 75, subpart I, such that the mercury emissions of each EGU are not determined separately, compliance of the EGUs with the applicable emission standards of this Subpart shall be determined as if the EGUs were a single EGU.
- d) Alternative Emission Standards for Multiple EGUs
- 1) As an alternative to compliance with the emission standards of subsection (a) of this Section, the owner or operator of a source with an EGU may comply with the emission standards of this Subpart by demonstrating that the actual emissions of mercury from all EGUs at the source are less than the allowable emissions of mercury from all EGUs at the source on a rolling 12-month basis.
 - 2) For this purpose, for each rolling 12-month period, the actual emissions of mercury from all the EGUs at the source, as monitored in accordance with this Subpart, must not exceed the sum of the allowable emissions of mercury from all the EGUs at the source, as further provided by the following formulas:

$$E_S \leq A_S$$

$$E_S = \sum_{i=1}^n E_i$$

$$A_S = \sum_{i=1}^n A_i$$

Where:

- E_S = Sum of the actual mercury emissions of the EGUs at the source.
 A_S = Sum of the allowable mercury emissions of the EGUs at the source.
 E_i = Actual mercury emissions of an individual EGU at the source, as determined in accordance with subsection (b)(2) of this Section.
 A_i = Allowable mercury emissions of an individual EGU at the source, as determined in accordance with subsection (b)(2) of this Section.
 n = Number of EGUs covered by the demonstration.

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- 3) If an owner or operator of a source with two or more EGUs that is relying on this subsection (d) to demonstrate compliance fails to meet the requirements of this subsection (d) in a given 12-month rolling period, all EGUs at such source covered by the compliance demonstration are considered out of compliance with the applicable emission standards of this Subpart for the entire last month of that period.

Section 225.232 Averaging Demonstrations for Existing Sources

- a) Through December 31, 2013, as an alternative to compliance with the emission standards of Section 225.230(a) of this Subpart, the owner or operator of an EGU may comply with the emission standards of this Subpart by means of an Averaging Demonstration (Demonstration) that shows that the actual emissions of mercury from the EGU and other EGUs at the source and other EGUs at other sources covered by the Demonstration are less than the allowable emissions of mercury from all EGUs covered by the Demonstration on a rolling 12-month basis.
- b) The EGUs at each source covered by a Demonstration must also comply with one of the following emission standards on a source-wide basis for the period covered by the Demonstration:
 - 1) An emission standard of 0.020 lb mercury/GWh gross electrical output; or
 - 2) A minimum 75 percent reduction of input mercury.
- c) For the purpose of this Section, compliance shall be determined using the equations in Section 225.230(a)(2), (a)(3), or (d)(2) of this Subpart, as applicable, addressing all EGUs at the sources covered by the Demonstration, rather than only EGUs at one source.
- d) Limitations on Demonstrations
 - 1) The owners or operators of more than one existing source with EGUs can only participate in Demonstrations that include other existing sources that they own or operate.
 - 2) Single Existing Source Demonstrations

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- A) The owner or operator of only a single existing source with EGUs (i.e., City, Water, Light & Power, City of Springfield, ID 167120AAO; Electric Energy, Inc., ID 127855AAC; Kincaid Generating Station, ID 021814AAB; and Southern Illinois Power Cooperative/Marion Generating Station, ID 199856AAC) can only participate in Demonstrations with other such owners or operators of a single existing source of EGUs.
- B) Participation in Demonstrations under this Section by the owner or operator of only a single existing source with EGUs must be authorized through federally enforceable permit conditions for each such source participating in the Demonstration.
- e) A source may be included in only one Demonstration during each rolling 12-month period.
- f) The owner or operator of EGUs using Demonstrations to show compliance with this Subpart must complete the determination of compliance for each 12-month rolling period no later than 60 days following the end of the period.
- g) If averaging is used to demonstrate compliance with this Subpart, the effect of a failure to demonstrate compliance shall be that the compliance status of each source shall be determined under Section 225.230 of this Subpart as if the sources were not covered by a Demonstration.
- h) For purposes of this Section, if the owner or operator of any source that participates in a Demonstration with an owner or operator of a source that does not maintain the required records, data, and reports for the EGUs at the source, or does not submit copies of such records, data, or reports to the Agency upon request, then the effect of this failure will be deemed to be a failure to demonstrate compliance and the compliance status of each source shall be determined under Section 225.230 of this Subpart as if the sources were not covered by a Demonstration.

Section 225.235 Units Scheduled for Permanent Shut Down

- a) The emission standards of Section 225.230(a) of this Subpart are not applicable to an EGU that will be permanently shut down as follows:

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- 1) The owner or operator of an EGU for which this Section is being relied upon shall by no later than June 30, 2009:
 - A) Have notified the Illinois EPA that it is planning to permanently shut down the EGU by the applicable date specified in subsection (a)(3) or (4) of this Section. This notification shall be accompanied by a description of the actions that have already been taken to allow the shut down of the EGU and a description of the future actions that must be accomplished to complete the shut down of the EGU, with the anticipated schedule for those actions and the anticipated date of permanent shut down of the unit.
 - B) Have applied for a construction permit or be actively pursuing a federally enforceable agreement that requires the EGU to be permanently shut down in accordance with this Section.
 - C) Have applied for revisions to the operating permit(s) for the EGU to include provisions that terminate the authorization to operate the unit in accordance with this Section.
- 2) The owner or operator of an EGU for which this Section is being relied upon shall by no later than June 30, 2010:
 - A) Have obtained a construction permit or entered into a federally enforceable agreement as addressed by subsection (a)(1)(B) of this Section; or
 - B) Have obtained revised operating permit(s) in accordance with subsection (a)(1)(C) of this Section.
- 3) The plan for permanent shut down of the EGU must provide for the EGU to be permanently shut down by no later than the applicable date specified below:
 - A) If the owner or operator of the EGU is not constructing a new EGU or other generating units to specifically replace the existing EGU, by December 31, 2010.

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- B) If the owner or operator of the EGU is constructing a new EGU or other generating units to specifically replace the existing EGU, by December 31, 2011.
- 4) The owner or operator of the EGU must permanently shut down the EGU by the date specified in subsection (a)(3) of this Section, unless the owner or operator submits a demonstration to the Illinois EPA before such date showing that circumstances beyond its reasonable control (such as protracted delays in construction activity, unanticipated outage of another EGU, or protracted shakedown of a replacement unit) have occurred that interfere with the plan for permanent shut down of the EGU, in which case the date for shut down of the EGU may be extended as follows:
- A) If the owner or operator of the EGU is not constructing a new EGU or other generating units to specifically replace the existing EGU, for up to one year, i.e., permanent shut down of the EGU to occur by no later than December 31, 2011.
- B) If the owner or operator of the EGU is constructing a new EGU or other generating units to specifically replace the existing EGU, for up to 18 months, i.e., permanent shutdown of the EGU to occur by no later than June 30, 2013; provided, however, that after December 31, 2012, the existing EGU shall only operate as a back-up unit to address periods when the new generating units are not in service.
- b) Notwithstanding Sections 225.230 and 225.232 of this Subpart, any EGU that is not required to comply with Section 225.230 of this Subpart pursuant to this Section shall not be included when determining whether any other EGUs at the source or other sources are in compliance with Section 225.230 of this Subpart.
- c) If an EGU, for which the owner or operator of the source has relied upon this Section in lieu of complying with Section 225.230(a) of this Subpart, is not permanently shut down as required by this Section, the EGU shall be considered to be a new EGU subject to the emission standards in Section 225.237(a) of this Subpart beginning in the month after the EGU was required to be permanently shut down, in addition to any other penalties that may be imposed for failure to permanently shut down the EGU in accordance with this Section.

Section 225.237 Emission Standards for New Sources with EGUs

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- a) Standards
 - 1) The owner or operator of a source with one or more EGUs, but that previously had not had any EGUs that commenced commercial operation before January 1, 2009, shall comply with one of the following emission standards for each EGU on a rolling 12-month basis:
 - A) An emission standard of 0.0080 lb mercury/GWh gross electrical output; or
 - B) A minimum 90 percent reduction of input mercury.
 - 2) For this purpose, compliance may be demonstrated using the equations in Section 225.230(a)(2), (a)(3), or (b)(2) of this Subpart.
- b) The initial 12-month rolling period for which compliance with the emission standards of subsection (a)(1) of this Section must be demonstrated for a new EGU shall commence on the date that the initial performance test for the mercury emission standard under 40 CFR 60.45a also commences. The continuous emission monitoring systems required by this Subpart for mercury emissions from the EGU must be certified prior to this date. Thereafter, compliance shall be demonstrated on a rolling 12-month basis in terms of calendar months.

Section 225.240 General Monitoring and Reporting Requirements

The owner or operator of an EGU shall comply with the monitoring, recordkeeping, and reporting requirements as provided in this Section, Sections 225.250 through 225.290 of this Subpart, and subpart I of 40 CFR 75. If the EGU utilizes a common stack with units that are not EGUs and the owner or operator of the EGU does not conduct emissions monitoring in the duct to the common stack from each EGU, the owner or operator of the EGU shall conduct emissions monitoring in accordance with 40 CFR 75.82(b)(2) and this Section, including monitoring in the duct to the common stack from each unit that is not an EGU, unless the owner or operator of the EGU counts the combined emissions measured at the common stack as the mass emissions of mercury for the EGUs for recordkeeping and compliance purposes.

- a) Requirements for installation, certification, and data accounting. The owner or operator of each EGU shall:

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- 1) Install all monitoring systems required under this Section and Sections 225.250 through 225.290 of this Subpart for monitoring mercury mass emissions (including all systems required to monitor mercury concentration, stack gas moisture content, stack gas flow rate, and CO₂ or O₂ concentration, as applicable, in accordance with 40 CFR 75.81 and 75.82).
 - 2) Successfully complete all certification tests required under Section 225.250 and meet all other requirements of this Section, Sections 225.250 through 225.290 of this Subpart, and subpart I of 40 CFR 75 applicable to the monitoring systems required under subsection (a)(1) of this Section.
 - 3) Record, report, and quality-assure the data from the monitoring systems required under subsection (a)(1) of this Section.
 - 4) If the owner or operator elects to use the low mass emissions excepted monitoring methodology for an EGU that emits no more than 464 ounces (29 pounds) of mercury per year pursuant to 40 CFR 75.81(b), also perform emissions testing in accordance with 40 CFR 75.81(c) to demonstrate that the EGU is eligible to use this excepted emissions monitoring methodology, as well as comply with all other applicable requirements of 40 CFR 75.81(b) through (f), and submit a copy of any information required to be submitted to the USEPA under these provisions to the Illinois EPA. The initial emissions testing to demonstrate eligibility of an EGU for the low mass emissions excepted methodology shall be conducted by the following dates:
 - A) If the EGU has commenced commercial operation before July 1, 2008, at least by January 1, 2009, or 45 days prior to relying on the low mass emissions excepted methodology, whichever date is later.
 - B) If the EGU has commenced commercial operation on or after July 1, 2008, at least 45 days prior to the applicable date specified under subsection (b)(2) of this Section or 45 days prior to relying on the low mass emissions excepted methodology, whichever date is later.
- b) Emissions Monitoring Deadlines. The owner or operator shall meet the emissions monitoring system certification and other emissions monitoring requirements of

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subsections (a)(1) and (a)(2) of this Section on or before the following dates. The owner or operator shall record, report, and quality-assure the data from the emissions monitoring systems required under subsection (a)(1) of this Section on and after the following dates:

- 1) For the owner or operator of an EGU that commences commercial operation before July 1, 2008, by January 1, 2009.
 - 2) For the owner or operator of an EGU that commences commercial operation on or after July 1, 2008, by 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which the EGU commences commercial operation.
 - 3) For the owner or operator of an EGU for which construction of a new stack or flue or installation of add-on mercury emission controls, a flue gas desulfurization system, a selective catalytic reduction system, a fabric filter, or a compact hybrid particulate collector system is completed after the applicable deadline under subsection (b)(1) or (2) of this Section, by 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which emissions first exit to the atmosphere through the new stack or flue, add-on mercury emissions controls, flue gas desulfurization system, selective catalytic reduction system, fabric filter, or compact hybrid particulate collector system.
- c) Reporting Data
- 1) Except as provided in subsection (c)(2) of this Section, the owner or operator of an EGU that does not meet the applicable emissions monitoring date set forth in subsection (b) of this Section for any emissions monitoring system required under subsection (a)(1) of this Section shall, for each such monitoring system, determine, record, and report maximum potential (or, as appropriate, minimum potential) values for mercury concentration, stack gas flow rate, stack gas moisture content, and any other parameters required to determine mercury mass emissions in accordance with 40 CFR 75.80(g).
 - 2) The owner or operator of an EGU that does not meet the applicable emissions monitoring date set forth in subsection (b)(3) of this Section for any emissions monitoring system required under subsection (a)(1) of this Section shall, for each such monitoring system, determine, record, and

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report substitute data using the applicable missing data procedures in 40 CFR 75.80(f), in lieu of the maximum potential (or, as appropriate, minimum potential) values for a parameter, if the owner or operator demonstrates that there is continuity between the data streams for that parameter before and after the construction or installation under subsection (b)(3) of this Section.

d) Prohibitions

- 1) No owner or operator of an EGU shall use any alternative emissions monitoring system, alternative reference method for measuring emissions, or any other alternative to the emissions monitoring and measurement requirements of this Section and Sections 225.250 through 225.290 of this Subpart, unless such alternative is promulgated by the USEPA and approved in writing by the Agency or the use of such alternative is approved in writing by the Agency and USEPA.
- 2) No owner or operator of an EGU shall operate the EGU so as to discharge, or allow to be discharged, mercury emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Section, Sections 225.250 through 225.290 of this Subpart, and subpart I of 40 CFR 75.
- 3) No owner or operator of an EGU shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording mercury mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Section, Sections 225.250 through 225.290 of this Subpart, and subpart I of 40 CFR 75.
- 4) No owner or operator of an EGU shall retire or permanently discontinue use of the continuous emission monitoring system or any component thereof, or any other approved monitoring system under this Subpart, except under any one of the following circumstances:
 - A) The owner or operator is monitoring emissions from the EGU with another certified monitoring system that has been approved, in accordance with the applicable provisions of this Section, Sections

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225.250 through 225.290 of this Subpart, and subpart I of 40 CFR 75, by the Agency for use at that EGU and that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or

- B) The owner or operator or designated representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with Section 225.250(a)(3)(A) of this Subpart.
- e) Long-term Cold Storage
The owner or operator of an EGU that is in long-term cold storage is subject to the applicable provisions of 40 CFR 75 for monitoring, recordkeeping, and reporting for units in long-term cold storage.

Section 225.250 Initial Certification and Recertification Procedures for Emissions Monitoring

- a) The owner or operator of an EGU shall comply with the following initial certification and recertification procedures for a continuous emissions monitoring system (i.e., a continuous emission monitoring system or an excepted monitoring system (sorber trap monitoring system) under 40 CFR 75.15) required by Section 225.240(a)(1). The owner or operator of an EGU that qualifies for, and for which the owner or operator elects to use, the low mass emissions excepted methodology under 40 CFR 75.81(b) shall comply with the procedures in subsection (c) of this Section.
 - 1) Requirements for Initial Certification. The owner or operator of an EGU shall ensure that, for each continuous emissions monitoring system required by Section 225.240(a)(1) of this Subpart (including the automated data acquisition and handling system), the owner or operator successfully completes all of the initial certification testing required under 40 CFR 75.80(d) by the applicable deadline in Section 225.240(b) of this Subpart. In addition, whenever the owner or operator of an EGU installs a monitoring system to meet the requirements of this Subpart in a location where no such monitoring system was previously installed, the owner or operator must successfully complete the initial certification requirements of 40 CFR 75.80(d).

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- 2) Requirements for Recertification. Whenever the owner or operator of an EGU makes a replacement, modification, or change in any certified continuous emission monitoring system, or an excepted monitoring system (sorbent trap monitoring system) under 40 CFR 75.15, and required by Section 225.240(a)(1) of this Subpart, that may significantly affect the ability of the system to accurately measure or record mercury mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or appendix B to 40 CFR 75, the owner or operator of an EGU shall recertify the monitoring system in accordance with 40 CFR 75.20(b). Furthermore, whenever the owner or operator of an EGU makes a replacement, modification, or change to the flue gas handling system or the EGU's operation that may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system, and each excepted monitoring system (sorbent trap monitoring system) under 40 CFR 75.15, whose accuracy is potentially affected by the change, all in accordance with 40 CFR 75.20(b). Examples of changes to a continuous emission monitoring system that require recertification include replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site.
- 3) Approval Process for Initial Certification and Recertification. Subsections (a)(3)(A) through (D) of this Section apply to both initial certification and recertification of a continuous monitoring system required by Section 225.240(a)(1) of this Subpart. For recertifications, replace the words "certification" and "initial certification" with the word "recertification", replace the word "certified" with the word "recertified", and follow the procedures in 40 CFR 75.20(b)(5) in lieu of the procedures in subsection (a)(3)(E) of this Section.
 - A) Notification of Certification. The owner or operator shall submit to the Agency, USEPA Region 5, and the Administrator of the USEPA written notice of the dates of certification testing, in accordance with Section 225.270 of this Subpart.
 - B) Certification Application. The owner or operator shall submit to the Agency a certification application for each monitoring system. A complete certification application shall include the information specified in 40 CFR 75.63.

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- C) **Provisional Certification Date.** The provisional certification date for a monitoring system shall be determined in accordance with 40 CFR 75.20(a)(3). A provisionally certified monitoring system may be used under this Subpart for a period not to exceed 120 days after receipt by the Agency of the complete certification application for the monitoring system under subsection (a)(3)(B) of this Section. Data measured and recorded by the provisionally certified monitoring system, in accordance with the requirements of 40 CFR 75, will be considered valid quality-assured data (retroactive to the date and time of provisional certification), provided that the Agency does not invalidate the provisional certification by issuing a notice of disapproval within 120 days after the date of receipt by the Agency of the complete certification application.
- D) **Certification Application Approval Process.** The Agency will issue a written notice of approval or disapproval of the certification application to the owner or operator within 120 days after receipt of the complete certification application required by subsection (a)(3)(B) of this Section. In the event the Agency does not issue such a notice within the 120-day period, each monitoring system that meets the applicable performance requirements of 40 CFR 75 and is included in the certification application will be deemed certified for use under this Subpart.
- i) **Approval Notice.** If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of 40 CFR 75, then the Agency will issue a written notice of approval of the certification application within 120 days after receipt.
- ii) **Incomplete Application Notice.** If the certification application is not complete, then the Agency will issue a written notice of incompleteness that sets a reasonable date by which the owner or operator must submit the additional information required to complete the certification application. If the owner or operator does not comply with the notice of incompleteness by the specified date, then the Agency may issue a notice of disapproval under subsection

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(a)(3)(D)(iii) of this Section. The 120-day review period shall not begin before receipt of a complete certification application.

- iii) Disapproval Notice. If the certification application shows that any monitoring system does not meet the performance requirements of 40 CFR 75 or if the certification application is incomplete and the requirement for disapproval under subsection (a)(3)(D)(ii) of this Section is met, then the Agency will issue a written notice of disapproval of the certification application. Upon issuance of such notice of disapproval, the provisional certification is invalidated by the Agency and the data measured and recorded by each uncertified monitoring system shall not be considered valid quality-assured data beginning with the date and hour of provisional certification (as defined under 40 CFR 75.20(a)(3)). The owner or operator shall follow the procedures for loss of certification in subsection (a)(3)(E) of this Section for each monitoring system that is disapproved for initial certification.
 - iv) Audit Decertification. The Agency may issue a notice of disapproval of the certification status of a monitor in accordance with Section 225.260(b) of this Subpart.
- E) Procedures for Loss of Certification. If the Agency issues a notice of disapproval of a certification application under subsection (a)(3)(D)(iii) of this Section or a notice of disapproval of certification status under subsection (a)(3)(D)(iv) of this Section, then:
- i) The owner or operator shall substitute the following values, for each disapproved monitoring system, for each hour of EGU operation during the period of invalid data specified under 40 CFR 75.20(a)(4)(iii) or 75.21(e) and continuing until the applicable date and hour specified under 40 CFR 75.20(a)(5)(i). For a disapproved mercury pollutant concentration monitor and disapproved flow monitor, respectively, the maximum potential concentration of mercury and the maximum potential flow rate, as defined in

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Sections 2.1.7.1 and 2.1.4.1 of appendix A to 40 CFR 75. For a disapproved moisture monitoring system and disapproved diluent gas monitoring system, respectively, the minimum potential moisture percentage and either the maximum potential CO₂ concentration or the minimum potential O₂ concentration (as applicable), as defined in Sections 2.1.5, 2.1.3.1, and 2.1.3.2 of appendix A to 40 CFR 75. For a disapproved excepted monitoring system (sorber trap monitoring system) under 40 CFR 75.15 and disapproved flow monitor, respectively, the maximum potential concentration of mercury and maximum potential flow rate, as defined in Sections 2.1.7.1 and 2.1.4.1 of appendix A to 40 CFR 75.

- ii) The owner or operator shall submit a notification of certification retest dates and a new certification application in accordance with subsections (a)(3)(A) and (B) of this Section.
 - iii) The owner or operator shall repeat all certification tests or other requirements that were failed by the monitoring system, as indicated in the Agency's notice of disapproval, no later than 30 unit operating days after the date of issuance of the notice of disapproval.
- b) Exemption
- 1) If an emissions monitoring system has been previously certified in accordance with 40 CFR 75 and the applicable quality assurance and quality control requirements of 40 CFR 75.21 and appendix B to 40 CFR 75 are fully met, the monitoring system shall be exempt from the initial certification requirements of this Section.
 - 2) The recertification provisions of this Section shall apply to an emissions monitoring system required by Section 225.240(a)(1) of this Subpart exempt from initial certification requirements under subsection (a)(1) of this Section.
- c) Initial certification and recertification procedures for EGUs using the mercury low mass emissions excepted methodology under 40 CFR 75.81(b). The owner or

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operator of an EGU qualified to use the mercury low mass emissions excepted methodology under 40 CFR 75.81(b) shall meet the applicable certification and recertification requirements in 40 CFR 75.81(c) through (f).

- d) **Certification Applications.** The owner or operator of an EGU shall submit an application to the Agency within 45 days after completing all initial certification or recertification tests required under this Section, including the information required under 40 CFR 75.63.

Section 225.260 Out of Control Periods for Emission Monitors

- a) Whenever any emissions monitoring system fails to meet the quality-assurance and quality-control requirements or data validation requirements of 40 CFR 75, data shall be substituted using the applicable missing data procedures in subparts D and I of 40 CFR 75.
- b) **Audit Decertification.** Whenever both an audit of an emissions monitoring system and a review of the initial certification or recertification application reveal that any emissions monitoring system should not have been certified or recertified because it did not meet a particular performance specification or other requirement under Section 225.250 of this Subpart or the applicable provisions of 40 CFR 75, both at the time of the initial certification or recertification application submission and at the time of the audit, the Agency will issue a notice of disapproval of the certification status of such monitoring system. For the purposes of this subsection, an audit shall be either a field audit or an audit of any information submitted to the Agency. By issuing the notice of disapproval, the Agency revokes prospectively the certification status of the emissions monitoring system. The data measured and recorded by the monitoring system shall not be considered valid quality-assured data from the date of issuance of the notification of the revoked certification status until the date and time that the owner or operator completes subsequently approved initial certification or recertification tests for the monitoring system. The owner or operator shall follow the applicable initial certification or recertification procedures in Section 225.250 of this Subpart for each disapproved monitoring system.

Section 225.261 Additional Requirements to Provide Heat Input Data

The owner or operator of an EGU that monitors and reports mercury mass emissions using a mercury concentration monitoring system and a flow monitoring system shall also monitor and report heat input rate at the EGU level using the procedures set forth in 40 CFR 75.

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Section 225.263 Monitoring of Gross Electrical Output

The owner or operator of an EGU complying with this Subpart by means of Section 225.230(a)(1) or using electrical output (O_i) and complying by means of Section 225.230(b) or (d) or Section 225.232 of this Subpart shall monitor gross electrical output of the associated generator(s) in MWh on an hourly basis.

Section 225.265 Coal Analysis for Input Mercury Levels

- a) The owner or operator of an EGU complying with this Subpart by means of Section 225.230(a)(2) or using input mercury levels (I_i) and complying by means of Section 225.230(b) or (d) or Section 225.232 of this Subpart shall:
 - 1) Perform daily sampling of the coal combusted in the EGU for mercury content. The owner or operator of such EGU shall collect a minimum of one 2-lb grab sample per day of operation from the belt feeders anywhere between the crusher house or breaker building and the boiler. The sample shall be taken in such a manner so as to provide a representative mercury content for the coal burned on that day.
 - 2) Analyze the grab coal sample for the following:
 - A) Determine the heat content using ASTM D5865-04 or equivalent approved in writing by the Agency.
 - B) Determine the moisture content using ASTM D3173-03 or equivalent approved in writing by the Agency.
 - C) Measure the mercury content using ASTM D6414-01, ASTM D3684-01, or equivalent approved in writing by the Agency.
 - 3) The owner or operator of multiple EGUs at the same source using the same crusher house or breaker building may take one sample per crusher house or breaker building, rather than one per EGU.
 - 4) The owner or operator of an EGU shall use the data analyzed under subsection (b) of this Section to determine the mercury content in terms of lbs/trillion Btu.

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- b) The owner or operator of an EGU that must conduct sampling and analysis of coal pursuant to subsection (a) of this Section shall begin such activity by the following date:
 - 1) If the EGU is in daily service, at least 30 days before the start of the month for which such activity will be required.
 - 2) If the EGU is not in daily service, on the day that the EGU resumes operation.

Section 225.270 Notifications

The owner or operator of a source with one or more EGUs shall submit written notice to the Agency according to the provisions in 40 CFR 75.61 for each EGU or group of EGUs monitored at a common stack and each non-EGU monitored under 40 CFR 75.82(b)(2)(ii).

Section 225.290 Recordkeeping and Reporting

- a) General Provisions
 - 1) The owner or operator of an EGU and its designated representative shall comply with all applicable recordkeeping and reporting requirements in this Section and with all applicable recordkeeping and reporting requirements of 40 CFR 75.84.
 - 2) The owner or operator of an EGU shall maintain records for each month identifying the emission standard in Section 225.230(a) or 225.237(a) of this Section with which it is complying or that is applicable for the EGU and the following records related to the emissions of mercury that the EGU is allowed to emit:
 - A) For an EGU for which the owner or operator is complying with this Subpart by means of Section 225.230(a)(2) or 225.237(a)(1)(B) or using input mercury levels to determine the allowable emissions of the EGU, records of the daily mercury content of coal used (lbs/trillion Btu) and the daily and monthly input mercury (lbs), which shall be kept in the file required under 40 CFR 75.84(a).

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- B) For an EGU for which the owner or operator of an EGU complying with this Subpart by means of Section 225.230(a)(1) or 225.237(a)(1)(A) or using electrical output to determine the allowable emissions of the EGU, records of the daily and monthly gross electrical output (GWh), which shall be kept in the file required under 40 CFR 75.84(a).
- 3) The owner or operator of an EGU shall maintain records of the following for each EGU:
 - A) Monthly emissions of mercury from the EGU.
 - B) For an EGU for which the owner or operator is complying by means of Section 225.230(b) or (d) of this Subpart, records of the monthly allowable emissions of mercury from the EGU.
 - 4) The owner or operator of an EGU that is participating in an Averaging Demonstration pursuant to Section 225.232 of this Subpart shall maintain records identifying all sources and EGUs covered by the Demonstration for each month and, within 60 days after the end of each calendar month, calculate and record the actual and allowable mercury emissions of the EGU for the month and the applicable 12-month rolling period.
 - 5) The owner or operator of an EGU shall maintain the following records related to quality assurance activities conducted for emissions monitoring systems:
 - A) The results of quarterly assessments conducted under Section 2.2 of appendix B of 40 CFR 75; and
 - B) Daily/weekly system integrity checks under Section 2.6 of appendix B of 40 CFR 75.
 - 6) The owner or operator of an EGU shall maintain an electronic copy of all electronic submittals to the USEPA under 40 CFR 75.84(f).
 - 7) The owner or operator of an EGU shall retain all records required by this Section at the source unless otherwise provided in the CAAPP permit issued for the source and shall make a copy of any record available to the Agency upon request.

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- b) Quarterly Reports. The owner or operator of a source with one or more EGUs shall submit quarterly reports to the Agency as follows:
- 1) These reports shall include the following information for operation of the EGUs during the quarter:
 - A) The total operating hours of each EGU and the mercury CEMS, as also reported in accordance with 40 CFR 75.
 - B) A discussion of any significant changes in the measures used to control emissions of mercury from the EGUs or the coal supply to the EGUs, including changes in the source of coal.
 - C) Summary information on the performance of the mercury CEMS. When the mercury CEMS was not inoperative, repaired, or adjusted, except for routine zero and span checks, this shall be stated in the report.
 - D) If the CEMS downtime was more than 5.0 percent of the total operating time for the EGU: the date and time identifying each period during which the CEMS was inoperative, except for routine zero and span checks; the nature of CEMS repairs or adjustments and a summary of quality assurance data consistent with 40 CFR 75, i.e., the dates and results of the Linearity Test(s) and any Relative Accuracy Test Audit(s) during the quarter; a listing of any days when a required daily calibration was not performed; and the date and duration of any periods when the CEMS was out-of-control as addressed by Section 225.260 of this Subpart.
 - 2) The owner or operator shall submit each quarterly report to the Agency within 45 days following the end of the calendar quarter covered by the report.
- c) Compliance Certification. The owner or operator of a source with one or more EGUs shall submit to the Agency a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the EGUs' emissions are correctly and fully monitored. The certification shall state:

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- 1) That the monitoring data submitted were recorded in accordance with the applicable requirements of this Section 225.290 and Sections 225.240 through 225.270 of this Subpart, and 40 CFR 75, including the quality assurance procedures and specifications; and
 - 2) For an EGU with add-on mercury emission controls, a flue gas desulfurization system, a selective catalytic reduction system, or a compact hybrid particulate collector system and for all hours where mercury data are substituted in accordance with 40 CFR 75.34(a)(1):
 - A) That:
 - i) The mercury add-on emission controls, flue gas desulfurization system, selective catalytic reduction system, or compact hybrid particulate collector system was operating within the range of parameters listed in the quality assurance/quality control program listed under appendix B to 40 CFR 75; or
 - ii) With regard to a flue gas desulfurization system or a selective catalytic reduction system, quality-assured SO₂ emission data recorded in accordance with 40 CFR 75 document that the flue gas desulfurization system was operating properly, or quality-assured NO_x emission data recorded in accordance with 40 CFR 75 document that the selective catalytic reduction system was operating properly, as applicable; and
 - B) The substitute data values do not systematically underestimate mercury emissions.
- d) Annual Certification of Compliance
- 1) The owner or operator of a source with one or more EGUs subject to this Subpart shall submit to the Agency an Annual Certification of Compliance with this Subpart no later than May 1 of each year and shall address compliance for the previous calendar year. Such certification shall be submitted to the Agency, Air Compliance and Enforcement Section, and the Air Regional Field Office.

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- 2) Annual Certifications of Compliance shall indicate whether compliance existed for each EGU for each month in the year covered by the Certification and certification to that effect. In addition, for each EGU, the owner or operator shall provide the following:
- A) If complying with this Subpart by means of Section 225.230(a)(1)(A) or 225.237(a)(1)(A):
- i) Actual emissions rate, in lb/GWh, for each 12-month rolling period ending in the year covered by the Certification;
 - ii) Actual emissions, in lbs, and gross electrical output, in GWh, for each 12-month rolling period ending in the year covered by the Certification; and
 - iii) Actual emissions, in lbs, and gross electrical output, in GWh, for each month in the year covered by the Certification and in the previous year.
- B) If complying with this Subpart by means of Section 225.230(a)(1)(B) or 225.237(a)(1)(B):
- i) Actual control efficiency for emissions for each 12-month rolling period ending in the year covered by the Certification, expressed as a percent;
 - ii) Actual emissions, in lbs, and mercury content in the fuel fired in such EGU, in lbs, for each 12-month rolling period ending in the year covered by the Certification; and
 - iii) Actual emissions, in lbs, and mercury content in the fuel fired in such EGU, in lbs, for each month in the year covered by the Certification and in the previous year.
- C) If complying with this Subpart by means of Section 225.230(b):
- i) Actual emissions and allowable emissions for each 12-month rolling period ending in the year covered by the Certification; and

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- ii) Actual emissions and allowable emissions, and which standard of compliance the owner or operator was utilizing for each month in the year covered by the Certification and in the previous year.
- D) If complying with this Subpart by means of Section 225.230(d):
- i) Actual emissions and allowable emissions for all EGUs at the source for each 12-month rolling period ending in the year covered by the Certification; and
 - ii) Actual emissions and allowable emissions, and which standard of compliance the owner or operator was utilizing for each month in the year covered by the Certification and in the previous year.
- E) If complying with this Subpart by means of Section 225.232:
- i) Actual emissions and allowable emissions for all EGUs at the source in an Averaging Demonstration for each 12-month rolling period ending in the year covered by the Certification; and
 - ii) Actual emissions and allowable emissions, with the standard of compliance the owner or operator was utilizing for each EGU at the source in an Averaging Demonstration for each month for all EGUs at the source in an Averaging Demonstration in the year covered by the Certification and in the previous year.
- F) Any deviations, data substitutions, or exceptions each month and discussion of the reasons for such deviations, data substitutions, or exceptions.
- 3) All Annual Certifications of Compliance required to be submitted shall include the following certification by a responsible official:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system

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designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- 4) The owner or operator of an EGU shall submit its first Annual Certification of Compliance to address calendar year 2009 or the calendar year in which the EGU commences commercial operation, whichever is later. Notwithstanding subsection (d)(2) of this Section, in the Annual Certifications of Compliance that are required to be submitted by May 1, 2010 and May 1, 2011 to address calendar years 2009 and 2010, respectively, the owner or operator is not required to provide 12-month rolling data for any period that ends before June 30, 2010.
- e) Deviation Reports. For each EGU, the owner or operator shall promptly notify the Agency of deviations from requirements of this Subpart. At a minimum, these notifications shall include a description of such deviations within 30 days after discovery of the deviations, and a discussion of the possible cause of such deviations, any corrective actions, and any preventative measures taken.
- f) Quality Assurance RATA Reports. The owner or operator of an EGU shall submit to the Agency, Air Compliance and Enforcement Section, the quality assurance RATA report for each EGU or group of EGUs monitored at a common stack and each non-EGU under 40 CFR 75.82(b)(2)(ii) within 45 days after completing a quality assurance RATA.

Section 225.295 Treatment of Mercury Allowances

Any mercury allowances allocated to the Agency by the USEPA shall be treated as follows:

- a) No such allowances shall be allocated to any owner or operator of an EGU or other sources of mercury emissions into the atmosphere or discharges into the waters of the State.
- b) The Agency shall hold all allowances allocated by the USEPA to the State. At the end of each calendar year, the Agency shall instruct the USEPA to retire permanently all such allowances.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Extensions of Jurisdiction
- 2) Code Citation: 80 Ill. Adm. Code 305
- 3) Section Number: 305.250 Adopted Action:
New Section
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415/4b]
- 5) Effective Date of Amendment: May 4, 2006
- 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 was Published in the Illinois Register: January 27, 2006; 30 Ill. Reg. 1160
- 10) Has JCAR issued a Statement of Objection to the amendment? No
- 11) Differences between proposal and final version: No substantive changes were made. All nonsubstantive, technical changes recommended by JCAR were made.
- 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No letter was necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This change is a result of positions being included in the AFSCME bargaining unit and the agreement with AFSCME to include the positions under the Personnel Code.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Denise Connelly
Illinois Department of Central Management Services
503 Stratton Office Building
Springfield IL 62706

(217)524-5970

- 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 B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 305
EXTENSIONS OF JURISDICTION

Section

305.50	Extends Jurisdiction A, B & C
305.60	Extends Jurisdiction A, B & C (July 1, 1970)
305.70	Extends Jurisdiction A, B & C (July 1, 1970)
305.80	Extends Jurisdiction A, B & C (August 1, 1970)
305.90	Extends Jurisdiction A, B & C (August 1, 1971)
305.100	Extends Jurisdiction A, B & C (November 16, 1971)
305.110	Extends Jurisdiction A, B & C (April 1, 1972)
305.120	Extends Jurisdiction A, B & C (May 1, 1972)
305.130	Extends Jurisdiction A & C (October 1, 1972)
305.140	Extends Jurisdiction A & C (October 1, 1972)
305.150	Extends Jurisdiction A, B and C (November 1, 1972)
305.160	Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)
305.170	Extension of Jurisdiction
305.180	Termination of Extension of Jurisdiction
305.190	Extension of Jurisdiction
305.200	Third Extension of Jurisdiction to Office of the Treasurer
305.210	Extends Jurisdiction A, B and C (December 1, 1998)
305.220	Extends Jurisdiction A, B and C (December 1, 1998)
305.230	Extends Jurisdiction A, B and C (July 16, 2002)
305.240	Extends Jurisdiction A, B and C (April 7, 2005)
<u>305.250</u>	<u>Extends Jurisdiction A, B and C (January 16, 2006)</u>

AUTHORITY: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].

SOURCE: Filed May 29, 1975; emergency amendment at 2 Ill. Reg. 46, p. 3, effective January 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 1, p. 61, effective January 1, 1979; codified at 7 Ill. Reg. 13214; amended at 10 Ill. Reg. 21643, effective December 15, 1986; amended at 22 Ill. Reg. 21302, effective December 1, 1998; emergency amendment at 26 Ill. Reg. 12060, effective July 16, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16150, effective October 18, 2002; emergency amendment at 29 Ill. Reg. 5751, effective April 7, 2005,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

for a maximum of 150 days; emergency expired September 3, 2005; amended at 29 Ill. Reg. 14530, effective September 14, 2005; emergency amendment at 30 Ill. Reg. 1378, effective January 16, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 9321, effective May 4, 2006.

Section 305.250 Extends Jurisdiction A, B and C (January 16, 2006)

Effective January 16, 2006, Jurisdictions A, B and C of the Personnel Code [20 ILCS 415] will be extended to all non-Code, non-supervisory positions that include the classifications of Administrative Assistant I, Administrative Assistant II and Administrative Assistant III in the Capital Development Board and the Illinois Commerce Commission; all non-code, non-supervisory positions that include the classifications of Desktop Technician, General Services Technician, Business Analyst II, System Engineer I, System Engineer II, System Engineer III, System Developer I, System Developer II, System Developer III and Administrative Coordinator in the Illinois Commerce Commission; all non-code, non-supervisory positions that include the classification of Nuclear Safety Policy Analyst I who perform the functions of review of agency records management policies in the Illinois Emergency Management Agency. Employees of these offices serving prior to January 16, 2006 will be required to qualify within 6 months in the same kind of examination as the entrance examination for a comparable position. All appointments in these divisions made subsequent to January 16, 2006 will be made pursuant to provisions of the Illinois Personnel Code and the Personnel Rules (80 Ill. Adm. Code 301-303). No provision of this Section in any way affects the status of any employee in the Capital Development Board, the Illinois Commerce Commission or the Illinois Emergency Management Agency already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and the Personnel Rules of the Department of Central Management Services will apply to the employees of the above named offices effective January 16, 2006.

(Source: Added at 30 Ill. Reg. 9321, effective May 4, 2006)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Storage, Transportation, Sale, and Use of Liquefied Petroleum Gas
- 2) Code Citation: 41 Ill. Adm. Code 200
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
200.5	Amended
200.7	Amended
200.10	Amended
200.20	Amended
200.30	Amended
200.40	Amended
200.100	Amended
- 4) Statutory Authority: 430 ILCS 5/3
- 5) Effective Date of the Rulemaking: May 2, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. The incorporation is located at Section 200.7.
- 8) A copy of the adopted amendments, including any material incorporated by reference, is are on file in the agency's principal office and available for public inspection. The agency has ordered a copy of all referenced standards identified in Section 200.7, and such materials will be available for public inspection in the agency's principal office.
- 9) Date Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 15419; October 14, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:
 1. In Section 200.5, capitalized "office".
 2. After Section 200.7, added:
 - a) The following materials are incorporated by reference in this Part:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 1) The American Petroleum Institute (API), 1220 L Street, NW, Washington, DC 20005-4070.

API 2510

Design and Construction of LPG Installation

- 2) The National Fire Protection Association (NFPA); 1 Batterymarch Park, Quincy MA 02169-7471.

A) NFPA 54: National Fuel Gas Code

B) NFPA 58: Liquefied Petroleum Gas Code

C) NFPA 59: Utility LP Gas Plant Code

D) NFPA 1192 Standard on Recreational Vehicles

- b) No incorporation by reference in this Part includes any later amendment or edition beyond the date stated in the text of this Part.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending? No
- 15) Summary and Purpose of the Rulemaking: The underlying purpose for these amendments is to adopt the current published national standards.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

John Fennell
General Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

(217) 785-0969

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 200

STORAGE, TRANSPORTATION, SALE, AND USE
OF LIQUEFIED PETROLEUM GAS

Section

200.5	Introduction
200.7	Incorporations by Reference
200.10	Storage and Handling of Liquefied Petroleum Gases
200.20	Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants
200.30	Rules For Installation of Gas Appliances And Gas Piping
200.40	Storage and Handling of Liquefied Petroleum Gas at Gas Processing Plants
200.50	Installations Must Be In Compliance
200.60	Submittal Of Plans
200.70	Applications, Plans and Blueprints Must Be Filed in Triplicate – What Applications and Drawings Must Show
200.80	Operation of Installation Prohibited Until Final Inspection and Approval
200.90	No Supplier Shall Service Any Installation Not In Compliance With Law
200.100	Personnel Must be Properly Trained
200.110	No Self Service Permitted
200.120	Interstate Commerce Commission or Department of Transportation Containers (Repealed)
200.160	Cylinder System Installations (Bottled Gas) (Repealed)
200.170	Minimum Safety Requirements for Manifolding American Society of Mechanical Engineers Containers (Repealed)
200.180	Location of Containers (Repealed)
200.190	Abandoned Tanks
200.200	Marking of Tank Trucks and Trailers (Repealed)
200.210	Lighting Requirements on Trucks and Trailers (Repealed)
200.230	Drivers of Trucks and Trailers Must Be Properly Trained (Repealed)
200.240	When Tank Truck May Not Be Left Unattended (Repealed)
200.250	Tank Trucks and Tractors Must Be In Good Repair (Repealed)
200.260	Parking In Congested Areas Prohibited (Repealed)
200.270	Travel In Heavy Traffic Districts To Be Avoided (Repealed)
200.280	Gear Shift Requirements for Loaded Tank Trucks (Repealed)
200.290	Semi-Trailers Loading and Unloading (Repealed)
200.300	Fire Extinguisher Requirements (Repealed)
200.310	Excess Flow Valves Not To Be Tampered With (Repealed)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 200.320 When Transportation and Sale Prohibited (Repealed)
200.330 Containers To Be Transported In Upright Position (Repealed)
200.340 Fireworks Prohibited
200.350 Additional Safety Measures Authorized

AUTHORITY: Authorized by and implementing Section 3 of the Liquefied Petroleum Gas Regulation Act [430 ILCS 5/3].

SOURCE: Rules for the Storage, Transportation, Sale and Use of Liquefied Petroleum Gases, filed October 15, 1971; codified at 5 Ill. Reg. 10697; amended at 8 Ill. Reg. 2467, effective June 1, 1984; amended at 19 Ill. Reg. 11455, effective August 1, 1995; amended at 21 Ill. Reg. 4999, effective April 15, 1997; amended at 23 Ill. Reg. 4227, effective April 1, 1999; amended at 25 Ill. Reg. 3655, effective March 1, 2001; amended at 26 Ill. Reg. 10814, effective July 1, 2002; amended at 30 Ill. Reg. 9325, effective May 2, 2006.

Section 200.5 Introduction

Pursuant to the authority conferred upon the Office of the State Fire Marshal by Section 3 of the ~~Liquid Petroleum Gas Regulation~~ Gas Storage Act (~~Ill. Rev. Stat. 1991, ch. 96½, par. 5603~~) [430 ILCS 5/3], the Office of the State Fire Marshal is adopting this Part [220 ILCS 15/3] the following rules and regulations in relation to the storage, transportation, sale and use of liquefied petroleum gases ~~are hereby adopted~~.

(Source: Amended at 30 Ill. Reg. 9325, effective May 2, 2006)

Section 200.7 Incorporations by Reference

- a) The following materials are incorporated by reference in this Part:
- 1) The American Petroleum Institute (API), 1220 L Street, NW, Washington, DC 20005-4070.

<u>API 2510</u>	<u>Design and Construction of LPG Installation</u>
-----------------	--
 - 2) The National Fire Protection Association (NFPA); 1 Batterymarch Park, Quincy MA 02169-7471.
 - A) NFPA 54: National Fuel Gas Code

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- B) NFPA 58: Liquefied Petroleum Gas Code
- C) NFPA 59: Utility LP Gas Plant Code
- D) NFPA 1192 Standard on Recreational Vehicles

- b) No incorporation by reference in this Part includes any later amendment or edition beyond the date stated [in the text of this Part](#).

(Source: Amended at 30 Ill. Reg. 9325, effective May 2, 2006)

Section 200.10 Storage and Handling of Liquefied Petroleum Gases

Standards for the Storage and Handling of Liquefied Petroleum Gases as contained in the ~~2004~~2001 Edition ([except that Section 5.2.3, regarding the requalification of cylinders filled on site, will not be effective until January 1, 2008](#)) of NFPA ~~Standard No. 58~~ (Liquefied Petroleum Gas Code), ~~by the National Fire Protection Association~~ are mandatory.

(Source: Amended at 30 Ill. Reg. 9325, effective May 2, 2006)

Section 200.20 Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants

Standards for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants as published in the ~~2004~~1992 Edition of ~~NFPA Standard NFPA No. 59~~ [by the National Fire Protection Association \(Utility LP Gas Plant Code\)](#) are mandatory.

(Source: Amended at 30 Ill. Reg. 9325, effective May 2, 2006)

Section 200.30 Rules For Installation of Gas Appliances And Gas Piping

Standards for the Installation of ~~Gas Appliances~~gas appliances and ~~Gas Piping~~gas piping as published in the ~~2002~~1999 Edition of ~~NFPA Standard NFPA No. 54~~ [by the National Fire Protection Association](#) (National Fuel Gas Code) are mandatory. Standards for ~~Fuel Systems~~fuel systems and ~~Equipment~~equipment in ~~Recreational Vehicles~~recreational vehicles as published in the ~~2002~~1996 Edition of ~~NFPA 1192 Standard NFPA No. 501C~~ [by the National Fire Protection Association \(Standards on Recreational Vehicles\)](#) are mandatory.

(Source: Amended at 30 Ill. Reg. 9325, effective May 2, 2006)

Section 200.40 Storage and Handling of Liquefied Petroleum Gas [at Gas Processing Plants](#)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

~~Standards for Storage and handling of liquefied petroleum gas at natural gas processing plants, refineries, and petrochemical plants~~Handling of Liquefied Petroleum Gas at Natural Gas Processing Plants, Refineries, and Petrochemical Plants shall comply with the ~~1995~~1989 Edition of Standard API 2510 ~~of~~by the American Petroleum Institute (Design and Construction of ~~LPG~~LPG-Gas Installation).

(Source: Amended at 30 Ill. Reg. 9325, effective May 2, 2006)

Section 200.100 Personnel Must be Properly Trained

Personnel performing installation, service, operation and maintenance work must be properly trained in such work in accordance with the applicable NFPA Standard cited in this Part.
Documentation of training must be made available to the OSFM upon request.

(Source: Amended at 30 Ill. Reg. 9325, effective May 2, 2006)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

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

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Bldg., 3rd Floor
Springfield, Illinois 62762

(217) 785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

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

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

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SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section

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

SUBPART E: PROJECT ADVANCE

Section

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

SUBPART F: EXCHANGE PROGRAM

Section

- 112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

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Section

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

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SUBPART H: PAYMENT AMOUNTS

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

SUBPART I: OTHER PROVISIONS

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

SUBPART J: CHILD CARE

Section	
112.350	Child Care (Repealed)

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

SUBPART K: TRANSITIONAL CHILD CARE

Section

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

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

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency

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amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; preemptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency

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amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; Subparts C, D and E recodified to Subparts G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13

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Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20

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Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg.

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16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006.

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section 112.84 Employment Retention and Advancement Project (Repealed)

~~The Employment Retention and Advancement Project is a 5-year demonstration project, with an experimental design, operated by the Department. The purpose of the demonstration project is to test the effectiveness of directed career advancement compared to conventional approaches. The project may be extended beyond the initial 5-year period.~~

~~a) Selection Criteria~~

~~The Department will identify TANF cash clients, under the age of 50, who:~~

- ~~1) have been working 30 or more hours per week for 6 or more consecutive months; and~~
- ~~2) have had their TANF cash 60-month limit clock stopped for all 6 months; and~~
- ~~3) reside in Cook or St. Claire county.~~

~~These clients will be randomly assigned to one of the two research groups described in subsection (c) of this Section.~~

~~b) Participation Requirements~~

~~Participation in the Employment Retention and Advancement Project is mandatory for all persons described in subsection (a) of this Section and selected for participation. Clients must discuss participation in the group described in subsection (c)(1)(A) of this Section with the service provider that initially contacts them and cooperate in all activities of their Responsibility and Services Plan (see Section 112.65), as mutually amended with the service provider. The reconciliation process is available to clients who disagree with the resultant RSP (see Section 112.77). A client who, without good cause, fails to participate in the initial discussion with the service provider or with activities added to his/her Responsibility and Services Plan is subject to sanction. (See Section 112.79 for sanctions and Section 112.80 for good cause.)~~

~~e) Experimental and Control Groups~~

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- 1) ~~Working TANF cash clients identified, pursuant to subsection (a) of this Section, will be randomly assigned to one of the two following research groups:~~
 - A) ~~Experimental—This experimental group will receive intensive services focused on education and/or training and/or work related activities to improve their advancement and earnings potential. The names of clients selected for this group will be sent to a contracted service provider that will aggressively reach out to the sample clients and work with them in selecting appropriate education, training, and/or work related activities designed to help them move up to better jobs.~~

~~Activities may include developing an advancement plan with specific steps and identifying career ladders, either with the current employer or with another employer or industry. Other approaches might include targeted job development and job search assistance, career counseling, working with employers to develop advancement strategies, removal of specific barriers, coordination of work supports (e.g., child care, transitional Medicaid, employment expenses, etc.). Educational and/or training activities may be included to develop or expand job expertise.~~
 - B) ~~Control—This group is subject to existing policy and practices. These clients continue to be served by local office staff and through any existing relationships with other service providers.~~
- 2) ~~As long as the Employment Retention and Advancement Project is in effect, a client designated as an experimental or control group member retains that designation for purposes of data collection even if that client leaves the project area or stops receiving TANF cash. An experimental group member may continue receiving services when he or she leaves the project area or stops receiving TANF cash.~~
- d) ~~Time Limit on Receipt of Benefits~~
 - 1) ~~Individuals who participate in the Employment Retention and Advancement Project are subject to the TANF 60-month time limit as described in 89 Ill. Adm. Code 112.1 and 112.2, except for clients~~

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~~assigned to the educational and training focused activities. For participants in educational or training focused activities, a month will not count toward the 60-month limit if the client is working at least 20 hours per week and has a combination of work and education hours of at least 30 hours per week for a TANF 04 case (TANF case where a child has one absent parent, one incapacitated parent, or one parent ineligible for assistance) and 35 hours per week for a TANF 06 case (TANF case where a child has 2 parents receiving cash benefits and both are medically able to work). (See Section 112.1.)~~

- ~~2) Education hours are calculated using actual class hours. Study hours are not included in this calculation.~~

(Source: Repealed at 30 Ill. Reg. 9331, effective May 8, 2006)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Perinatal HIV Prevention Code
- 2) Code Citation: 77 Ill. Adm. Code 699
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
699.10	New Section
699.20	New Section
699.30	New Section
699.100	New Section
699.200	New Section
699.300	New Section
699.400	New Section
699.410	New Section
699.420	New Section
699.APPENDIX A.ILLUSTRATION A	New Section
699.APPENDIX A.ILLUSTRATION B	New Section
- 4) Statutory Authority: Perinatal HIV Prevention Act [410 ILCS 335]; and Sections 2310-10 and 2310-580 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10 and 2310-580]
- 5) Effective Date of Rulemaking: May 4, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file and available for public inspection at the Illinois Department of Public Health, 535 W. Jefferson Street, Springfield, Illinois 62761-0001.
- 9) Notices of Proposed Published in the Illinois Register: May 13, 2005; 29 Ill. Reg. 6857
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: The following changes were made in response to comments received during the first notice or public comment period:
 - a) In SUBPART A: GENERAL PROVISIONS, "Sample" was inserted after "ILLUSTRATION B".

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- b) In Section 699.10(d), "guardian" was deleted and "legally authorized representative" was inserted.
- c) In Section 699.10(d), "Referral to" was inserted after "newborn infant".
- d) In Section 699.10(d), "are" was changed to "is".
- e) In Section 699.20, "legal guardian" was deleted and "legally authorized representative" was added; "Legal guardian" was deleted and "Legally authorized representative" was added.
- f) In Section 699.100(d)(4), "acquired *immune deficiency syndrome (AIDS)*" was deleted, and "AIDS" was added.
- g) In Section 699.100(d), "the natural history of" was deleted.
- h) In Section 699.300(a), (b), and (c), each use of "guardian" was deleted and replaced with "legally authorized representative".
- i) In Section 699.300(d), the following was inserted:
 - "3) Information about HIV infection and HIV transmission;
 - 4) Information about the meaning of the test and test results, such as: the purpose, potential uses, and limitations of the test, rapid HIV test, rapid HIV test results and the need for confirmatory testing;
 - 5) Methods of preventing HIV transmission; and
 - 6) Information about the *availability of referrals for further information or counseling.* (Section 5 of the AIDS Confidentiality Act)"
- j) In Section 699.APPENDIX A, "Consent for HIV Testing" was deleted and "Rapid HIV Testing Forms" was inserted.
- k) In Section 699.ILLUSTRATION A, "Rapid" was inserted after "Sample".
- l) In Section 699.ILLUSTRATION A, "Rapid" was inserted after "Written Refusal of".
- m) In Section 699.ILLUSTRATION A, each reference to "child" was deleted and replaced with "baby".
- n) In Section 699.ILLUSTRATION A, underlining was removed from text within the box.
- o) In Section 699.ILLUSTRATION B, "Sample" was inserted after "Illustration B".
- p) In Section 699.ILLUSTRATION B, in the first box, the third dot point was changed as follows:

"Illinois law that requires all newborn infants to be tested for HIV after birth if the mother's HIV status is unknown, unless the parent provides a written refusal; and".
- q) In Section 699.ILLUSTRATION B, the text in the second box was replaced with:

"If you take the rapid HIV test, your test results are confidential. Under Illinois law, confidential HIV information can be given only to people to whom you allow it to be given by your written approval, to people who need to know your HIV status in order to provide medical care and

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services, including: an authorized agent or employee of a health facility or a healthcare provider if the health facility or provider is authorized to obtain test results; those who are exposed to blood/body fluids in the course of their employment; and organizations that review the services you receive.

The law also allows your confirmed HIV test results to be released: to public health officials as required by law; for payment for care and treatment; to a temporary caretaker of children taken into protective custody by the Illinois Department of Children and Family Services; and to any other entity permitted by the AIDS Confidentiality Act."

- r) In Section 699.ILLUSTRATION B, "those disclosures" was changed to "as".
- s) In Section 699.ILLUSTRATION B, "my blood has been" was changed to "my blood may have been".
- t) In Section 699.ILLUSTRATION B, "virus are present in my" was changed to "virus may be present in my".

The following changes were made during the second notice period at the request of JCAR:

- a) The Authority Note was revised to read: "AUTHORITY: Implementing and authorized by the Perinatal HIV Prevention Act [410 ILCS 335] and Sections 2310-10 and 2310-580 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10 and 2310-580]."
- b) In Section 699.100(c), "conducted and" was added before "documented".
- c) In Section 699.200(d), after "*results*", "shall be conducted in accordance with the AIDS Confidentiality Act and the HIV/AIDS Confidentiality Testing Code and" was added.
- d) In Section 699.410, "**Written Informal**" was changed to "**Written Informed**".
- e) In Section 699.Appendix A, Illustration B, "positive" was added before "preliminary" in the first sentence (beginning "I understand that a positive") after the dot points that follow the bold text "**If I am found to be HIV infected...**"; and in the text under the second shaded box, in the sentences beginning "**I have been counseled...**"; "**I understand...**"; and "**I agree...**".
- f) In Appendix A, Illustration B, in the parenthetical text in the fifth bullet point under the bolded sentence that begins "**The test that I am consenting to take will provide me...**", "tests" was changed to "test results".

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

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any rules pending on this Part? No
- 15) Summary and Purpose of Rules: The Perinatal HIV Prevention Code (77 Ill. Adm. Code 699) implements the Perinatal HIV Prevention Act [410 ILCS 335]. The rules are designed to reduce barriers to routine HIV counseling and testing of pregnant women. For women who arrive at the hospital in labor without a documented HIV test, rapid tests are a necessary safety net. When a positive HIV test is obtained and anti-retroviral medication is administered, HIV transmission to the infant can more likely be prevented. Intervening as late as labor can still reduce transmission by over 50%. The rules are consistent with the recommendations of the U.S. Centers for Disease Control and Prevention, the Institute of Medicine, the American College of Obstetricians and Gynecologists, and other national and state organizations.
- 16) Information and questions regarding these adopted rules shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217-782-2043
(E-mail: rules@idph.state.il.us)

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k. COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 699
PERINATAL HIV PREVENTION CODE

SUBPART A: GENERAL PROVISIONS

- Section
- 699.10 General Applicability
- 699.20 Definitions
- 699.30 Referenced Materials

SUBPART B: HIV PERINATAL COUNSELING AND TESTING

- Section
- 699.100 Perinatal Counseling and Testing

SUBPART C: HIV COUNSELING AND TESTING IN LABOR AND DELIVERY

- Section
- 699.200 HIV Counseling and Testing in Labor and Delivery

SUBPART D: COUNSELING AND TESTING POST-DELIVERY

- Section
- 699.300 HIV Testing of a Newborn Infant Post-Delivery

SUBPART E: HIV TESTING AND TEST RESULT DISCLOSURE

- Section
- 699.400 Approved HIV Tests
- 699.410 Written Informed Consent for HIV Testing
- 699.420 Test Result Disclosure

699.APPENDIX A Sample HIV Testing Forms

699.ILLUSTRATION A Sample Written Refusal Form for Testing Newborn Infants

699.ILLUSTRATION B Sample Written Informed Consent to Perform a Rapid HIV Test in the Labor and Delivery Setting

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AUTHORITY: Implementing and authorized by the Perinatal HIV Prevention Act [410 ILCS 335] and Sections 2310-10 and 2310-580 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10 and 2310-580].

SOURCE: Adopted at 30 Ill. Reg. 9351, effective May 4, 2006.

SUBPART A: GENERAL PROVISIONS

Section 699.10 General Applicability

- a) This Part implements the Perinatal HIV Prevention Act, which concerns the prevention of vertical transmission of HIV infection from mother to newborn infant during pregnancy or labor and delivery. Subpart A includes general provisions that apply to all Sections of the Part, such as definitions and administrative hearing rules.
- b) Subpart B concerns counseling and testing of pregnant women for the presence of antibodies to the human immunodeficiency virus (HIV). These provisions set forth the information that must be included in counseling by a health care professional; the written informed consent that a health care professional must obtain prior to performing an HIV test; and requirements for documentation of testing or test results in accordance with the Perinatal HIV Prevention Act and the AIDS Confidentiality Act.
- c) Subpart C provides for counseling and rapid HIV antibody testing in labor and delivery; the requirement for written informed consent for testing the pregnant woman; and post-delivery follow-up services for women who test positive for HIV.
- d) Subpart D provides for testing of a newborn infant when the mother does not have a documented HIV test result during the current pregnancy. Testing of the newborn infant is required upon delivery or within 48 hours after the newborn infant's birth, unless the parent or legally authorized representative provides written refusal for HIV testing of the newborn infant. Referral to post-delivery follow-up services for newborn infants who test positive for HIV is also required.

Section 699.20 Definitions

The following are definitions of terms used in this Part:

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"Act" means the Perinatal HIV Prevention Act [410 ILCS 335].

"AIDS" means *acquired immunodeficiency syndrome*. (Section 3(b) of the AIDS Confidentiality Act)

"Antiretroviral Preventive Treatment" means a well-established method of preventing vertical HIV transmission.

"Department" means the *Illinois Department of Public Health*. (Section 3(a) of the AIDS Confidentiality Act)

"Health Care Facility" or "Facility" means *any hospital or other institution that is licensed or otherwise authorized to deliver health care services*. (Section 5 of the Act)

"Health Care Professional" means *a physician licensed to practice medicine in all its branches, a physician assistant who has been delegated the provision of health services by his or her supervising physician, or an advanced practice registered nurse who has a written collaborative agreement with a collaborating physician that authorizes the provision of health services*. (Section 5 of the Act)

"Health Care Services" means *any prenatal medical care or labor or delivery services to a pregnant woman and her newborn infant, including hospitalization*. (Section 5 of the Act)

"HIV" means *the human immunodeficiency virus or any other identified causative agent of AIDS*. (Section 3(c) of the AIDS Confidentiality Act)

"Legally Authorized Representative" means an individual who is authorized to consent to HIV testing and/or disclosure of HIV test results for an individual who is:

Under the age of 12,

Deceased,

Declared incompetent by a court of law, or

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Otherwise not competent to consent (for reasons other than age, such as the apparent inability to understand or communicate with the health care provider) as determined by the health care provider seeking such consent.

The following individuals shall be authorized to consent, in the stated order of priority:

For a living or deceased child under the age of 18:

Parent, legally authorized representative or other court-appointed personal representative,

Adult next-of-kin.

For a living or deceased adult age 18 or over:

Agent authorized by durable power of attorney for health care,

Legally authorized representative or other court-appointed personal representative,

Spouse,

Adult children,

Parent,

Adult next-of-kin.

"Perinatal" means of, relating to, or being the period around childbirth, especially the five months before and one month after birth.

"Physician" means a physician licensed to practice medicine under the Medical Practice Act of 1987 [225 ILCS 60].

"Rapid HIV Antibody Test" means a federal Food and Drug Administration (FDA) approved screening test to detect antibodies to HIV that can be collected and processed within a short interval of time (under 60 minutes).

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"Test" or "HIV Test" means a test to determine the presence of the antibody or antigen to HIV, or of HIV infection. (Section 3(g) of the AIDS Confidentiality Act)

"Vertical Transmission" means transmission of a pathogen such as HIV from mother to fetus or baby during pregnancy or birth.

Section 699.30 Referenced Materials

The following materials are referenced in this Part:

- a) Illinois Statutes
 - 1) AIDS Confidentiality Act [410 ILCS 305]
 - 2) Perinatal HIV Prevention Act [410 ILCS 355]
 - 3) Medical Practice Act of 1987 [225 ILCS 60].
 - 4) The Civil Administrative Code of Illinois [20 ILCS 2310]
- b) Illinois Administrative Rules
 - AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697)

SUBPART B: HIV PERINATAL COUNSELING AND TESTING

Section 699.100 Perinatal Counseling and Testing

- a) *Every health care professional who provides health care services to a pregnant woman shall provide the woman with HIV counseling and offer HIV testing as early in the pregnancy as possible, unless she has already received an HIV test during the current pregnancy. (Section 10(a) of the Act)*
- b) *For women at continued risk of exposure to HIV infection, a repeat test should be offered late in pregnancy. (Section 10(a) of the Act)*
- c) *HIV counseling and offer of testing shall be documented in the woman's medical record. (Section 10(b) of the Act) Any testing or test results shall be conducted*

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and documented in accordance with the AIDS Confidentiality Act and the HIV/AIDS Confidentiality and Testing Code.

- d) All HIV counseling shall include, at minimum:
- 1) *The benefits of HIV testing for the pregnant woman, including the prevention of transmission;*
 - 2) *The benefit of HIV testing for the newborn infant, including interventions to prevent HIV transmission;*
 - 3) *The side effects of interventions to prevent HIV transmission;*
 - 4) *The statutory confidentiality provisions that relate to HIV and AIDS testing;*
 - 5) *The voluntary nature of the testing, including the opportunity to refuse testing of a newborn infant in writing; (Section 10 of the Act)*
 - 6) Information about HIV infection and HIV transmission;
 - 7) Information about the meaning of the test and test results, such as: the purpose, potential uses, and limitations of the test, rapid HIV test, rapid HIV test results and the need for confirmatory testing;
 - 8) Methods of preventing HIV transmission; and
 - 9) Information about the *availability of referrals for further information or counseling* (Section 5 of the AIDS Confidentiality Act).
- e) HIV testing shall be provided with the woman's written informed consent. "Written informed consent" means an agreement in writing executed by the subject of a test or the subject's legally authorized representative without undue inducement or any element of force, fraud, deceit, duress or other form of constraint or coercion, which entails at least the following:
- 1) *A fair explanation of the test, including its purpose, potential uses and limitations and the meaning of its results;*

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- 2) *A fair explanation of the procedures to be followed, including the voluntary nature of the test; the right to withdraw consent at any time; the right to anonymity to the extent provided by the AIDS Confidentiality Act with respect to participation in the test and disclosure of test results and the right to confidential treatment of information identifying the subject of the test and the results of the test, to the extent provided by law. (Section 3(d) of the AIDS Confidentiality Act)*

SUBPART C: HIV COUNSELING AND TESTING IN LABOR AND DELIVERY

Section 699.200 HIV Counseling and Testing in Labor and Delivery

- a) A health care facility providing medical care for labor or delivery services to a pregnant woman and her newborn infant shall develop and follow written policies and procedures concerning the delegation of the responsibilities for carrying out the counseling and testing requirements of Subparts C and D of this Part. These policies and procedures shall be provided to the Department upon request. Delegation of responsibilities shall be in accordance with other personnel policies of the facility and the Act.
- b) *Every health care professional or facility that cares for a pregnant woman during labor or delivery shall provide the woman with HIV counseling and offer rapid HIV testing, in accordance with Section 699.100(c) and (d) of this Part, if HIV test results are not already documented in the woman's medical record. HIV testing shall be provided with the woman's written informed consent in accordance with Section 699.100(e) of this Part. (Section 10 of the Act)*
- c) *No counseling or offer of testing is required if the woman's HIV status during the current pregnancy is already provided in her medical record. (Section 10 of the Act)*
- d) *The counseling and offer of testing shall be documented in the woman's labor and delivery medical record. Any testing or test results shall be conducted in accordance with the AIDS Confidentiality Act and the HIV/AIDS Confidentiality and Testing Code and shall be documented in accordance with the AIDS Confidentiality Act and the HIV/AIDS Confidentiality and Testing Code in the woman's medical record. (Section 10 of the Act)*
- e) In addition to the counseling information required in Section 699.100(d) of this Part, when disclosing a positive result of a rapid HIV test to a pregnant woman,

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health care professionals shall provide the woman with post-delivery follow-up referrals to physicians or facilities with experience in providing services to women with HIV.

SUBPART D: HIV COUNSELING AND TESTING POST-DELIVERY

Section 699.300 HIV Testing of a Newborn Infant Post-Delivery

- a) Immediately after birth and *within 48 hours after birth, every health care professional or facility shall provide* to the parent or legally authorized representative an explanation that the newborn infant will be HIV tested when the mother's HIV status is not documented, unless there is a written refusal for HIV testing by the parent or legally authorized representative of the newborn infant. (Section 10(c) of the Act)
- b) *The health care professional or facility shall document in the woman's medical record that counseling and the offer of HIV testing* for the newborn infant were given in accordance with Section 699.100(c) and (d) of this Part, and whether the parent or legally authorized representative provided written refusal for HIV testing for the newborn infant. (Section 10(c) of the Act)
 - 1) The health care professional providing the positive result of an HIV test on a newborn infant shall provide to the parent or legally authorized representative an explanation of antiretroviral preventive treatment for HIV exposed newborn infants.
 - 2) When the newborn infant has tested positive, the health care professional providing information on antiretroviral preventive treatment for the newborn infant shall explain to the mother how the test detects HIV antibodies, offer HIV risk counseling, encourage HIV testing for the mother, and provide referrals to physicians or facilities that have experience treating women and children with HIV.
- c) *Consent for testing of a newborn infant shall be presumed when a health care professional or health care facility seeks to perform a test on a newborn infant whose mother's HIV status is not known, provided that the counseling required under Section 10(d) of the Act and subsection (d) of this Section has taken place and the newborn infant's parent or legally authorized representative has not indicated in writing that he or she refuses to allow the newborn infant to receive HIV testing.* (Section 10 of the Act)

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- d) Counseling Requirements
- 1) *Counseling required under this Subpart must be provided in accordance with the AIDS Confidentiality Act and must include the following:*
 - A) *The benefits of HIV testing for the pregnant woman, including the prevention of transmission.*
 - B) *The benefit of HIV testing for the newborn infant, including interventions to prevent HIV transmission.*
 - C) *The side effects of interventions to prevent HIV transmission.*
 - D) *The statutory confidentiality provisions that relate to HIV and AIDS testing.*
 - E) *The voluntary nature of the testing, including the opportunity to refuse testing in writing. (Section 10(d) of the Act)*
 - 2) *The requirements for counseling and testing must be provided in accordance with the AIDS Confidentiality Act, with the exception of the requirement of consent for testing of newborn infants. (Section 10(e) of the Act)*
 - 3) Information about HIV infection and HIV transmission.
 - 4) Information about the meaning of the test and test results, such as: the purpose, potential uses, and limitations of the test, rapid HIV test, rapid HIV test results and the need for confirmatory testing.
 - 5) Methods of preventing HIV transmission.
 - 6) Information about the *availability of referrals for further information or counseling. (Section 5 of the AIDS Confidentiality Act)*

SUBPART E: HIV TESTING AND TEST RESULT DISCLOSURE

Section 699.400 Approved HIV Tests

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HIV antibody testing shall be completed in accordance with 77 Ill. Adm. Code 697.100 (AIDS Confidentiality and Testing Code).

Section 699.410 Written Informed Consent for HIV Testing

No person may order an HIV test for a pregnant woman without first receiving the written informed consent of the subject of the test or subject's legally authorized representative.
(Section 4 of the AIDS Confidentiality Act)

Section 699.420 Test Result Disclosure

Release of HIV test results shall be as described in 77 Ill. Adm. Code 697.140 (AIDS Confidentiality and Testing Code). Positive results from rapid HIV antibody tests may be released in accordance with 77 Ill. Adm. Code 697.100.

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Section 699.APPENDIX A Sample Rapid HIV Testing Forms

Section 699.ILLUSTRATION A Sample Written Refusal Form for Testing Newborn Infants

WRITTEN REFUSAL OF RAPID HIV ANTIBODY TESTING FOR A NEWBORN INFANT

Test Subject or Number: _____

Date: _____
Time: _____

As a parent or legal guardian of a newborn infant, I am not giving my permission for a Food and Drug Administration (FDA) approved test to detect whether my newborn infant has antibodies to HIV (human immunodeficiency virus).

I understand that:

The human immunodeficiency virus (HIV) is the virus that causes AIDS.

- One way in which HIV is spread is by sexual intercourse, so all sexually active women are potentially at risk for HIV infection.
- HIV can be passed from a mother to her baby during pregnancy, at delivery, and through breastfeeding.
- If I have HIV, it is a serious illness that can affect my health and the health of my baby.
- HIV antibody test results are confidential.

I have been counseled about HIV, including:

- The potential benefit of HIV testing for my newborn infant, including interventions to prevent transmission of infection from mother to baby;
- Information about HIV infection and HIV transmission;
- Information about the meaning of the HIV test and the test results;

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- The side effects of interventions to prevent HIV transmission;
- Information about the availability of referrals and further counseling;
- The voluntary nature of the HIV testing, including the opportunity to refuse, in writing, testing of the newborn infant; and
- The confidentiality provisions that relate to HIV/AIDS testing.

I understand that I can refuse HIV testing of my newborn infant. I understand that testing should occur immediately after birth, but no later than 48 hours after birth. I understand that if my newborn infant receives medication no later than 48 hours after birth, the risk of transmission of HIV would be lowered. I understand that delaying testing to a later time will reduce or eliminate the chance that medication can be used to prevent my baby from becoming HIV infected.

I understand that I have received a fair explanation of:

- The HIV test procedures to be followed;
- My right to withdraw my consent to an HIV test at any time;
- The right to anonymity to the extent provided by law with respect to participation in the HIV test and disclosure of test results, and the right to keep confidential information that identifies the subject of the HIV test and the test results.

I understand that if my newborn infant is tested for HIV, the results of the tests are placed in my newborn infant's record and reported to his/her health care provider, and positive results are reported to the Illinois Department of Public Health. Under Illinois law, confidential HIV information can be given only to people to whom I allow it to be given by my written approval, or to people who need to know my newborn infant's HIV status in order to provide medical care and services, including an authorized agent or employee of a health facility or health care provider, if the health facility or provider is authorized to obtain test results; those who are exposed to my newborn infant's blood/body fluids in the course of their employment; and organizations that review the health care services I receive. The law also allows my newborn infant's HIV information to be released under certain limited circumstances to persons whom I may designate through an authorization, to my legal representative, to my spouse, to the parent of the child, to public health officials as required by law, for payment for care and treatment, and as required for a temporary caretaker of a child taken into protective custody by the Department of Children and Family Services. The results also will be provided to the State and local health

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department to use this information to track the disease and to better plan prevention, health care, and other services.

I understand and agree that my REFUSAL of testing will be placed in my medical record. In addition, I understand that I may withdraw my REFUSAL of HIV testing for my newborn infant at any point in time.

I understand that HIV may be transmitted from me to my newborn infant during labor and delivery. I understand that if I refuse HIV testing for my newborn infant, he/she will not be able to promptly receive medication that lowers the risk of his/her becoming HIV infected. I understand that if HIV has already been transmitted to my child, not performing the test means he/she will not receive proper treatment. Delaying testing to a later time will reduce or eliminate the chance that medication can be used to prevent my child from becoming HIV infected. I understand that HIV infection causes serious illnesses and these illnesses could result in my newborn's death.

With the information presented above having been completely and clearly explained to me, and all of my questions having been answered, I refuse to authorize testing of my newborn infant for HIV.

Patient/Client Signature or Signature of Legally Authorized Representative

Date

Health Care Professional/Facility Witness

Date

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Section 699.APPENDIX A Sample HIV Testing Forms**Section 699.ILLUSTRATION B Sample Written Informed Consent to Perform a Rapid HIV Test in the Labor and Delivery Setting****WRITTEN INFORMED CONSENT TO PERFORM A RAPID
HIV TEST IN THE LABOR AND DELIVERY SETTING**Test Subject or
Number: _____

Date: _____

Time: _____

I hereby grant my permission for a test to detect whether I have antibodies to HIV (human immunodeficiency virus) in my body.

HIV testing is voluntary and requires your consent in writing. The purpose of rapid HIV testing is to show whether you are infected with HIV, the virus that causes AIDS.

If you are HIV infected, rapid HIV testing will allow you to receive immediate medication during labor and delivery to reduce the risk of transmitting HIV to your newborn, and will allow your baby to receive the same medication immediately after birth.

Before you consent to be tested for HIV, speak to your health care provider about:

- **How HIV can be passed from person to person and mother to baby;**
- **Medication that may prevent the transmission of HIV from mother to baby;**
- **Illinois law that requires all newborn infants to be tested for HIV after birth if the mother's HIV status is unknown, unless the parent provides a written refusal; and**
- **The meaning of preliminary HIV test results and how a positive HIV test is confirmed.**

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If you agree with the following statements and want to consent to rapid HIV testing, please sign this form.

I have been counseled about the benefits of having a rapid HIV test and understand that:

- Human immunodeficiency virus (HIV) is the virus that causes AIDS.
- One of the ways in which HIV is spread is by sexual intercourse, so all sexually active women are potentially at risk for HIV infection.
- HIV can be passed from a mother to her baby during pregnancy, at delivery, and through breastfeeding;
- If I have HIV, it is a serious illness that can affect my health and the health of my baby.
- HIV antibody test results are confidential, and the law protects me from discrimination.

If I am found to be HIV infected, treatment is available to reduce the risk that HIV will be transmitted to my baby:

- If I have not yet delivered my baby, I may receive medication as soon as possible to reduce the chance of passing the virus to my baby.
- My baby may receive medication that reduces the risk of his/her becoming HIV infected.
- In many cases, medications prevent the risk of transmission of HIV. If these medications are given to me during labor and delivery, or to my newborn infant immediately after birth, the chance that my baby will be HIV infected is significantly reduced.
- If treatment is started, my health care provider will discuss with me any consequences of taking the medication.

I understand that a preliminary positive result does not mean that I have AIDS, but that my blood may have been exposed to the human immunodeficiency virus, and antibodies to that virus may be present in my body. I understand that if my test results are positive, I will be offered HIV counseling.

I understand that HIV test results may indicate that a person has HIV antibodies when the person does not have the antibodies (a false positive result) or the test may fail to detect that a

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person has antibodies to the virus when the person does in fact have these antibodies (a false negative result).

The test that I am consenting to take will provide me and my health care provider with results within 12 hours:

- If I have the rapid HIV test, I will be given the results no later than 12 hours after my blood is drawn.
- If the rapid HIV test result is negative, no further testing will be done at this time.
- If my rapid HIV test result is negative, it most likely means that I am not infected with HIV, but it may not detect recent infection.
- A preliminary positive HIV test result means there is a possibility that I am HIV infected and that my baby may have been exposed to HIV. A second test, to confirm a preliminary positive HIV test result, will be done.
- I understand that if my preliminary test result is positive, I still may not have HIV infection (false positive test results can occur), but it may be best to start treatment to help prevent the transmission of infection to my baby while I wait for the confirmatory test result.

All preliminary positive test results will be confirmed:

- If the confirmatory HIV test result is negative, I will immediately be taken off of medication that was started to help prevent transmission of HIV from me to my baby.
- If the confirmatory test is positive, any medication that was given to help to prevent transmission of HIV from me to my baby will be continued.
- If the confirmatory test is positive, I will be referred to a physician for my own ongoing medical care.

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Confidentiality of HIV Information:

If you take the rapid HIV test, your test results are confidential. Under Illinois law, confidential HIV information can be given only to people to whom you allow it to be given by your written approval, to people who need to know your HIV status in order to provide medical care and services, including: an authorized agent or employee of a health facility or a healthcare provider if the health facility or provider is authorized to obtain test results; those who are exposed to blood/body fluids in the course of their employment; and organizations that review the services you receive.

The law also allows your confirmed HIV test results to be released: to public health officials as required by law; for payment for care and treatment; to a temporary caretaker of children taken into protective custody by the Illinois Department of Children and Family Services; and to any other entity permitted by the AIDS Confidentiality Act.

I understand that my test results will be kept confidential to the extent provided by law. In addition, I understand that I may withdraw from the testing at any point in time prior to the completion of laboratory tests. I understand that my testing is voluntary.

I agree to be tested using a rapid HIV antibody test and I agree that I may be told of my test results.

I have been counseled that if the result of the rapid HIV antibody test is preliminary positive, then I must undergo additional testing to confirm whether I am HIV positive. I consent to that additional testing.

I understand that a preliminary positive result from my rapid HIV antibody test will be released to designated health care professionals to provide necessary treatment to prevent HIV transmission from mother to child.

I agree that if the result of my HIV test is preliminary positive or if the result of my rapid HIV antibody test is confirmed positive, I may be referred to another health care provider for follow-up testing and care. I consent to the release of my medical information, including my HIV test results and contact information, to that provider for the purpose of follow-up testing and care.

If I choose not to have a rapid HIV test, **I understand** that:

- I may be positive for HIV, which is a serious illness that can affect my health and the health of my baby.

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- I may be positive for HIV and may not receive appropriate treatment for this serious illness.
- I may be HIV positive and my child is at risk of my transmitting HIV to him/her through labor and delivery. As a result, my child could also be HIV positive. I understand that HIV in my child is a serious illness (see above) and this illness (see above) could result in my newborn infant's death, unless my newborn infant is tested and treated.

I have been advised about the purpose, potential uses, limitations, and meaning of the test results; the voluntary nature of the test; the right to withdraw consent at any time prior to the completion of laboratory tests; the medical risks if I refuse; and the confidentiality protections under the law. The information presented above has been completely and clearly explained to me, and all of my questions have been answered. I hereby authorize my physician or facility to collect an oral or blood specimen and perform an HIV antibody test on that specimen.

Patient/Client Signature or Signature of Legally Authorized Representative

Date

Facility/Provider Witness

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

Placement of My Medical Information in My Newborn Infant's Medical Record

I understand that, in order to effectively treat my newborn infant, the results of the tests and my HIV status should be placed in my newborn infant's medical record. If this information is placed in my newborn infant's medical record, I understand that my test results and my HIV status in the newborn infant's medical record may be disclosed to those providing care and treatment to my newborn infant. I also understand that my information in my newborn infant's medical record may be disclosed to my spouse; to a legally authorized representative; to a person whom I have designated through an authorization (my written authorization permitting him or her to release my information); to my newborn infant at a later time; or to a court or other entity that has the legal authority to have access to my newborn infant's medical record.

YES. I consent to have my HIV test results and my HIV status placed in my newborn infant's medical record.

Patient/Client Signature or Signature of Legally Authorized Representative

Date

NO. I do not want my HIV test results and my HIV status placed in my newborn infant's medical record. I understand that this may adversely affect medical treatment for my newborn infant.

Patient/Client Signature or Signature of Legally Authorized Representative

Date

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Pharmacy Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1330
- 3) Register Citation to Notice of Proposed Amendment: 30 Ill. Reg. 6641; April 21, 2006
- 4) Date, Time and Location of Public Hearings:

Wednesday, May 24, 2006, 11:00 A.M – 2:00 P.M.
Warren Newport Public Library
224 No. O'Plaine Road
Gurnee, IL 60031

Wednesday, May 31, 2006, 12:00 P.M. – 2:00 P.M.
Urbana City Council Building
City Council Chamber
400 S. Vine
Urbana, IL 61801

Friday, June 2, 2006, 11:00 A.M. – 2:00 P.M.
SIU-Edwardsville
University Center Building
State Route 157
Edwardsville, IL 62026

- 5) Other Pertinent Information:

The hearings will be held for the sole purpose of gathering public comments on the proposed amendment. Persons interested in presenting testimony at these hearings are advised that the Department of Financial and Professional Regulation will adhere to the following procedures in the conduct of the hearings:

- 1) Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
- 2) No person will be recognized to speak for a second time until all persons wishing to testify have done so.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

- 3) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of call of witnesses, as he/she sees fit.
 - 4) Those individuals who are unable to attend the public hearing, but wish to comment on the proposed amendment, should submit written comments by May 30, 2006.
- 6) Name and Address of Agency Contact Person:
- Barb Smith, Rules Coordinator
Department of Financial and Professional Regulation
320 West Washington, 3rd Floor
Springfield, IL 62786
- 217/785-0813
Fax #: 217/557-4451

STATE BOARD OF EDUCATION

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3) Register Citation to Notice of Proposed Amendments: 30 Ill. Reg. 1567; February 10, 2006
- 4) Dates, Times and Locations of Public Hearings:

Monday, May 22, 2006
6:00 – 8:00 p.m.
South Elgin High School
Conference Room B-100
760 East Main Street
South Elgin, Illinois
847/289-3760

Tuesday, June 13, 2006
6:00 – 8:00 p.m.
Freeport Junior High School
Jeanette Lloyd Theater
701 West Empire Street
Freeport, Illinois
815/232-0329

Monday, June 26, 2006
6:00 – 8:00 p.m.
Western Illinois University
University Union, Sandburg Theatre
1 University Circle
Macomb, Illinois
309/298-1914

Tuesday, June 27, 2006
6:00 – 8:00 p.m.
Edwardsville High School
Auditorium
6161 Center Grove Road
Edwardsville, Illinois
618/355-6016

Monday, August 7, 2006
6:00 – 8:00 p.m.
Rend Lake College
Learning Resource Center Theater
468 No. Ken Gray Parkway
Ina, Illinois
618/437-5321

Tuesday, August 8, 2006
6:00 – 8:00 p.m.
Springfield High School
Commons Area
101 South Lewis Street
Springfield, Illinois
217/525-3100

Monday, August 14, 2006

Tuesday, August 15, 2006

STATE BOARD OF EDUCATION

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

6:00 – 8:00 p.m.
Danville Area Community College
Vermilion Hall, Room 306
Martin Luther King Memorial Way
2000 East Main Street
Danville, Illinois
217/443-2222

6:00 – 8:00 p.m.
Naperville Central High School
Little Theater
440 West Aurora Avenue, Entrance 39
Naperville, Illinois
630/420-6465

Tuesday, September 12, 2006
Michael Bilandic Building
Room C-500
160 North LaSalle Street
Chicago, Illinois

- 5) Other Pertinent Information: The telephone numbers given for the hearing locations should be used only to secure directions. All other inquiries should be addressed to Leigh Ann Smith at 217/782-5589.

The meeting sites are accessible to individuals with disabilities, and no pre-registration is required. However, any individual who needs accommodations for a disability in order to participate in a hearing (e.g., interpretive services, assistive learning devices, materials in alternate formats) should notify the State Board of Education at 217/782-5589.

Those who testify are encouraged to bring written copies of their remarks as well.

Those unable to attend one of these hearings may submit public comment on the proposed amendments via e-mail to rules@isbe.net. The rules are posted on the State Board's web site at www.isbe.net/rules. The public comment period extends through September 15, 2006.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Rental Housing Support Program
- 2) Code Citation: 47 Ill. Adm. Code 380
- 3) The Notice Page being corrected appeared at: 30 Ill. Reg. 6264; April 14, 2006
- 4) The information being corrected is as follows: Item number 12 on the Notice of Proposed Rules:

Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Landlords and small municipalities.
- B) Reporting, bookkeeping or other procedures required for compliance: Required reports consist of (i) reports on units receiving rental assistance and the amount of rental assistance; (ii) the amount paid to each landlord; (iii) the amount of tenant contributions; (iv) vacant apartments and the full rent of each vacant apartment; (v) tenant income certifications; and (vi) that the lease for each unit receiving rental assistance does not violate any State or Federal law.
- C) Types of Professional skills necessary for compliance: No new professional skills required.

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 May 2, 2006 through May 8, 2006 and have been scheduled for review by the Committee at its June 13, 2006 meeting. 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>
6/15/06	<u>Department of Children and Family Services, Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)</u>	11/14/05 29 Ill. Reg. 18207	6/13/06
6/15/06	<u>Department of Children and Family Services, Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)</u>	11/14/05 29 Ill. Reg. 18180	6/13/06
6/15/06	<u>Department of Children and Family Services, Licensing Standards for Youth in Transitional Housing Programs (89 Ill. Adm. Code 409)</u>	12/2/05 29 Ill. Reg. 19322	6/13/06
6/16/06	<u>Department of Agriculture, Illinois Pesticide Act (8 Ill. Adm. Code 250)</u>	11/14/05 29 Ill. Reg. 18175	6/13/06
6/16/06	<u>Workers' Compensation Commission, Miscellaneous (50 Ill. Adm. Code 7110)</u>	2/10/06 30 Ill. Reg. 1828	6/13/06
6/18/06	<u>Illinois Student Assistance Commission, General Provisions (23 Ill. Adm. Code 2700)</u>	2/17/06 30 Ill. Reg. 2119	6/13/06
6/18/06	<u>Illinois Student Assistance Commission, Illinois National Guard (ING) Grant Program (23 Ill. Adm. Code 2730)</u>	2/17/06 30 Ill. Reg. 2142	6/13/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/18/06	<u>Illinois Student Assistance Commission</u> , Grant Program for Dependents of Correctional Officers (23 Ill. Adm. Code 2731)	2/17/06 30 Ill. Reg. 2151	6/13/06
6/18/06	<u>Illinois Student Assistance Commission</u> , Grant Program for Dependents of Police or Fire Officers (23 Ill. Adm. Code 2732)	2/17/06 30 Ill. Reg. 2158	6/13/06
6/18/06	<u>Illinois Student Assistance Commission</u> , Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733)	2/17/06 30 Ill. Reg. 2165	6/13/06
6/18/06	<u>Illinois Student Assistance Commission</u> , Monetary Award Program (MAP) (23 Ill. Adm. Code 2735)	2/17/06 30 Ill. Reg. 2174	6/13/06
6/18/06	<u>Illinois Student Assistance Commission</u> , SILAS Purnell Illinois Incentive for Access (IIA) Program (23 Ill. Adm. Code 2736)	2/17/06 30 Ill. Reg. 2181	6/13/06
6/18/06	<u>Illinois Student Assistance Commission</u> , Robert C. Byrd Honors Scholarship Program (23 Ill. Adm. Code 2755)	2/17/06 30 Ill. Reg. 2186	6/13/06
6/18/06	<u>Illinois Student Assistance Commission</u> , Merit Recognition Scholarship (MRS) Program (23 Ill. Adm. Code 2761)	2/17/06 30 Ill. Reg. 2194	6/13/06
6/18/06	<u>Illinois Student Assistance Commission</u> , Minority Teachers of Illinois (MTI) Scholarship Program (23 Ill. Adm. Code 2763)	2/17/06 30 Ill. Reg. 2198	6/13/06
6/18/06	<u>Illinois Student Assistance Commission</u> , Illinois Future Teacher Corps (IFTTC) Program (23 Ill. Adm. Code 2764)	2/17/06 30 Ill. Reg. 2207	6/13/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/18/06	<u>Illinois Student Assistance Commission</u> , Illinois Special Education Teacher Tuition Waiver (SETTW) Program (23 Ill. Adm. Code 2765)	2/17/06 30 Ill. Reg. 2217	6/13/06
6/18/06	<u>Illinois Student Assistance Commission</u> , Teach Illinois Scholarship Program (23 Ill. Adm. Code 2768)	2/17/06 30 Ill. Reg. 2225	6/13/06
6/18/06	<u>Illinois Student Assistance Commission</u> , Child Welfare Student Loan Forgiveness Program (23 Ill. Adm. Code 2769)	2/17/06 30 Ill. Reg. 2234	6/13/06
6/18/06	<u>Illinois Student Assistance Commission</u> , Student to Student (STS) Program of Matching Grants (23 Ill. Adm. Code 2770)	2/17/06 30 Ill. Reg. 2243	6/13/06
6/21/06	<u>Carnival-Amusement Safety Board</u> , Carnival and Amusement Ride Safety Act (56 Ill. Adm. Code 6000)	12/16/05 29 Ill. Reg. 20119	6/13/06
6/21/06	<u>Department of Financial and Professional Regulation</u> , Consumer Installment Loan Act (38 Ill. Adm. Code 110)	1/27/06 30 Ill. Reg. 1173	6/13/06

DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT

- 1) Heading of the Part: Developmental Disabilities Services
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3)

<u>Section Number</u> :	<u>Proposed Action</u> :
144.102	New
- 4) Date Notice of Proposed Amendment Published in the Illinois Register: August 26, 2005; 29 Ill. Reg. 13158
- 5) Reason for the withdrawal: The Department is reevaluating a change in its rate methodology and will not proceed with this rulemaking at this time.

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED RULE

- 1) Heading of the Part: Control of Emissions from Large Combustion Sources
- 2) Code Citation: 35 Ill. Adm. Code 225
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
225.100	New Section
225.120	New Section
225.130	New Section
225.140	New Section
225.200	New Section
225.202	New Section
225.205	New Section
225.210	New Section
225.220	New Section
225.230	New Section
225.232	New Section
225.235	New Section
225.237	New Section
225.240	New Section
225.250	New Section
225.260	New Section
225.261	New Section
225.263	New Section
225.265	New Section
225.270	New Section
225.290	New Section
225.295	New Section
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: March 31, 2006; 30 Ill. Reg. 5957
- 5) Reason for the Withdrawal:

The Board is withdrawing this proposal in response to a preliminary injunction entered by the Sangamon County Circuit Court on May 1, 2006 in Dynegy Midwest Generation, Inc., Kincaid Generation, L.L.C., and Midwest Generation, L.L.C. v. Pollution Control Board and Illinois Environmental Protection Agency, No 2006-CH-213. The Sangamon County Circuit Court enjoined the Board from proceeding pursuant to the hearing and rulemaking schedule required by Section 28.5 (fast track Clean Air Act rulemaking procedures) of the Act (415 ILCS 5/28.5 (2004)). Because the Circuit Court's action

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED RULE

concerns the statutory authority that the Board used to propose this rulemaking, the Board is, on its own motion, proposing a new rule in this same issue of the *Illinois Register* that is in substance identical to the proposal that is being withdrawn with this notice. The only change being made in the new proposal is that the Board is citing only its general rulemaking authority under Section 27 of the Environmental Protection Act (Act) (415 ILCS 5/27 (2004)).

Questions regarding this matter may be referred to Marie Tipsord at 312/814-4925.

PROCLAMATIONS

2006-165**COVER THE UNINSURED WEEK**

- WHEREAS, rising health care costs in the United States continually make it difficult for individuals, businesses and state governments to purchase quality, affordable health care coverage; and
- WHEREAS, uninsured children and adults usually experience poorer health and have shorter life-expectancies than insured individuals; and
- WHEREAS, here in Illinois, we are making great progress in the mission of providing health insurance to those that are currently lacking coverage; and
- WHEREAS, since the beginning of my administration in 2003, over 400,000 more children and working parents now have health coverage through the KidCare and FamilyCare programs. Because of this accomplishment, Illinois was recognized in 2004 by the Kaiser Foundation as the nation's leader in providing health care to low-income families; and
- WHEREAS, even with the KidCare and FamilyCare programs, there are an estimated 250,000 children without any kind of health insurance. That's why I created the All Kids program: to make health care a reality for hundreds of thousands of families across the state. Illinois will be the first state in the nation to provide affordable, comprehensive health insurance for every child; and
- WHEREAS, through an innovative new program called I-SAVE Rx, Illinoisans can now save up to 79% on the cost of their prescription drugs by purchasing them from safe and inspected pharmacies in Canada and the United Kingdom and drugs from Ireland. Additionally, Illinois senior citizens who may not benefit from I-SAVE Rx can join the Illinois Rx Buying Club, and save an average of 24% on all of their medications at over 2,300 pharmacies in this state; and
- WHEREAS, Illinois' commitment to providing health coverage to the greatest number of people possible does not stop with All Kids, KidCare, FamilyCare, and prescription drugs. We have also launched plans to: offer low-income women who are leaving Medicaid the informational tools necessary to avoid unwanted pregnancies and have successful transitions from welfare to work; expand funding for breast and cervical cancer screenings and AIDS prevention; and various other programs and initiatives aimed at ensuring the health and well-being of all citizens; and

PROCLAMATIONS

WHEREAS, this year, the week of May 1 – 7 has been nationally designated as Cover The Uninsured Week to bring attention to the many people throughout the United States who are currently living without health insurance, and the need to assist those people in obtaining coverage. Illinois is proud to join in this important observance:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1 – 7, 2006 as **COVER THE UNINSURED WEEK** in Illinois, and encourage all citizens to support efforts, both statewide and nationally, that help individuals and families gain access to quality, affordable health care.

Issued by the Governor on May 3, 2006.

Filed by the Secretary of State May 3, 2006.

2006-166**CHRISTOPHER HOUSE DAY**

WHEREAS, in 1906, the First Presbyterian Church of Evanston founded Christopher House as a settlement house on Chicago's north side. For a century, Christopher House has grown in response to the needs of people in the community; and

WHEREAS, Christopher House is a catalyst for strengthening and empowering low-income children and their families, providing a web of support that helps families become self-sufficient and resilient, therefore building stronger communities; and

WHEREAS, Christopher House served 1,200 individuals in the first year of operation, with an annual budget of \$4,612, and now serves over 3,500 children and families, with an annual budget of \$6,600,000; and

WHEREAS, today, Christopher House is a seven-site family resource center that helps families overcome the consequences of poverty, enabling them to thrive. Through early childhood and youth development, parent enrichment, literacy, counseling, pregnant and parenting teen support, and the meeting of basic human needs, Christopher House is a catalyst in their journey toward stability and resiliency; and

WHEREAS, 2006 is Christopher House's Centennial Year that will be marked by a number of celebrations including a Centennial Kick-Off Open House, the Centennial Gala, the Annual Fall Fest, the Annual Holiday Adopt-a-Family program and Food Walk:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 13, 2006 as **CHRISTOPHER HOUSE DAY** in Illinois, and encourage all citizens to join in this worthy observance.

Issued by the Governor on May 3, 2006.

Filed by the Secretary of State May 3, 2006.

2006-167**FOOD ALLERGY AWARENESS WEEK**

WHEREAS, there are eight types of foods that account for ninety percent of allergic reactions, such as: peanuts, tree nuts (walnuts, pecans, brazil nuts, etc.) fish, shellfish, eggs, milk, soy, and wheat. The leading cause of severe allergic reactions, however, is peanuts; and

WHEREAS, approximately 11 million Americans suffer from food allergies, and it is estimated that as many as 150 people die from food allergy reactions each year; and

WHEREAS, the Food Allergy and Anaphylaxis Network (FAAN) has a membership of more than 26,000 people worldwide. Established in 1991, the mission of FAAN is to raise public awareness, educate, and advance research on the issue of food allergies and anaphylaxis; and

WHEREAS, a food allergy occurs when the immune system mistakenly believes that a food is harmful, therefore, may cause a person to have a severe allergic reaction or an anaphylaxis; and

WHEREAS, food intolerance is different than a food allergy in that a food intolerance is a metabolic disorder, not involving the immune system. Lactose intolerance is a common example; and

WHEREAS, swelling of the tongue and throat, vomiting, difficulty breathing, or the presence of a rash, are some symptoms of food allergy and anaphylaxis, and typically appear within minutes to two hours after a person has eaten the food he or she is allergic to; and

WHEREAS, currently, there is no cure for food allergies and the only way to avoid a reaction is for an individual to avoid the food that is causing the reaction:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 14 – 20, 2006 as **FOOD ALLERGY AWARENESS WEEK** in Illinois, and encourage citizens

PROCLAMATIONS

with known food allergies to make others aware of their history to reduce the chance of a severe reaction.

Issued by the Governor on May 3, 2006.

Filed by the Secretary of State May 3, 2006.

2006-168
SQUARE DANCE WEEK

WHEREAS, on May 7, 1983, the State Council of Illinois Square Dance Associations was formed to promote square dancing in all its forms, including square dancing, round dancing, contra dancing, and line dancing; and

WHEREAS, the square dance is a popular type of folk dance in the United States. This dance for four couples, or groups of four couples, is performed in a compact framework of a square, each couple forming a side. Traditionally accompanied by a fiddle, accordion, banjo, and guitar, the couples perform a variety of movements prompted by the patter or singing calls (instruction) of a "caller." Cooperative movement is the hallmark of well-executed square dancing; and

WHEREAS, the origin of the square dance can be traced to English derivation and to the stately French cotillion performed in square formation that was popular at the court of Louis XIV, later replaced by the quadrille (another square dance); and

WHEREAS, in 1990, the square dance was adopted as the American Folk Dance of the State of Illinois by an act of the General Assembly; and

WHEREAS, the 2006 Illinois State Square and Round Dance Convention will be held July 28-30, 2006:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 23 - 29, 2006 as **SQUARE DANCE WEEK** in Illinois, and encourage all citizens to celebrate this truly American recreational folk dance.

Issued by the Governor on May 3, 2006.

Filed by the Secretary of State May 3, 2006.

2006-169
NAVY WEEK

PROCLAMATIONS

- WHEREAS, the United States Navy (USN) is the branch of the United States Armed Forces responsible for conducting naval operations with sailors protecting our nation domestically and overseas; and
- WHEREAS, the United States Navy can trace its origins to the Continental Navy, which was established during the American Revolutionary War, but was disbanded in the year 1790. The 1789 ratification of the United States Constitution supported the existence of a standing navy by giving Congress the right "to provide and maintain a navy." Following conflict with Barbary Coast corsairs, Congress enacted this right in 1794 by ordering the construction and manning of six frigates, thus establishing a permanent U.S. Navy; and
- WHEREAS, the 21st century U.S. Navy maintains its presence in the world as an instrument of American policy. Despite decreases in the number of ships and personnel following the Cold War, the U.S. Navy remains the world's largest navy with a tonnage greater than 17 of the next largest world navies combined; and
- WHEREAS, the U.S. Navy currently numbers nearly half a million men and women on active or ready reserve duty and consists of 281 ships and over 4,000 operational aircraft; and
- WHEREAS, from its earliest settlement and conflicts, Illinois has had a rich Naval tradition and the proud name of "USS Illinois" has been present on four U.S. Navy ships; and
- WHEREAS, currently, Illinois is home to the Naval Station Great Lakes, which is the United States Navy's Headquarters Command for training issues, located in North Chicago, Illinois. Featured at this command center: the Recruit Training Center (Boot Camp), the Naval Hospital, and the Naval District Headquarters; and
- WHEREAS, Navy Week in Illinois has been developed in order to celebrate the past, present, and future of Illinois' long standing support of Navy service members:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 15 - 19, 2006 as **NAVY WEEK** in Illinois, and encourage all citizens to join in recognizing the noble men and women who have served and currently serve in the Navy.

Issued by the Governor on May 4, 2006.

Filed by the Secretary of State May 4, 2006.

2006-170
SALVATION ARMY WEEK

PROCLAMATIONS

WHEREAS, over 125 years ago, the Salvation Army marched into the United States battling poverty, hunger, disease, abuse, loneliness, and other evils of society; and

WHEREAS, to this day, the Salvation Army continues its crusade to restore hope to countless men, women, and children who have nowhere else to turn; and

WHEREAS, the Salvation Army serves as a symbol of compassion, but more so as an active participant in the provision of services to thousands of Illinois men, women, and children across the country; and

WHEREAS, the Salvation Army provides its services to people in need without regard to race, color, creed, sex, or age; and

WHEREAS, the Salvation Army in Illinois provides much more than spiritual counseling and basic human necessities to the needy and hurting on a daily basis. Moreover, the countless hours given to the community have touched the lives of many in immeasurable ways; and

WHEREAS, the State of Illinois proudly recognizes the Salvation Army and everyone who is involved in their invaluable work that so greatly benefits our communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 15-21, 2006 as **SALVATION ARMY WEEK** in Illinois, and encourage all citizens to celebrate and honor the dedicated men and women who work or volunteer for this noble organization.

Issued by the Governor on May 4, 2006.

Filed by the Secretary of State May 4, 2006.

2006-171**NORTHSHORE CONCERT BAND DAY**

WHEREAS, the Northshore Concert Band (NCB) is a 110-member symphonic band that performs through the Chicago metropolitan area. The ensemble has a rich 50-year history and has become internationally known and respected for its musical excellence, leadership in community music, and service to music education; and

WHEREAS, founded in 1956, the NCB was led for 40 years by the late John P. Paynter, who was director of bands at Northwestern University, an accomplished arranger and president of many band organizations, including the American Bandmasters Association. Mr. Paynter built what started as an 11-member, rather informal

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group into one of the most influential and respected symphonic bands in the world today; and

WHEREAS, Dr. Mallory Thompson, director of bands and professor of conducting at Northwestern University, is NCB's artistic director. Dr. Thompson is in great demand as a guest conductor and clinician throughout the United States and is widely regarded as one of the leading wind conductors in the nation; and

WHEREAS, one of the objectives of the NCB is to make a substantial contribution to musical life locally, nationally, and internationally; and

WHEREAS, the Northshore Concert Band is celebrating their 50th season:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 4, 2006 as **NORTHSHORE CONCERT BAND DAY** in Illinois, and encourage all citizens to join in this worthy observance of a lasting musical tradition.

Issued by the Governor on May 4, 2006.

Filed by the Secretary of State May 4, 2006.

2006-172**ILLINOIS MEDICAL CODERS DAY**

WHEREAS, medical coders succeed by identifying and addressing patterns of disease, illness, and injury in populations, as well as by identifying the trends and patterns in the procedures and services they provide by reviewing all tests, diagnoses, results, and medications and translating them to a numerical value; and

WHEREAS, the use of medical codes for disease and injury prevention has contributed to understanding correlations in illness and injury to treatment, including heart disease, stroke, viral infections, infectious diseases, and motor vehicle and workplace injuries; and

WHEREAS, medical coders help preserve the history of communities through the abstracting of information from birth and death records; and

WHEREAS, over the past decade, medical coders have achieved significant milestones in the sophistication of their profession through extensive education and training; and

WHEREAS, the need for qualified medical coders continues to increase nationally in physician offices, and outpatient and hospital settings; and

PROCLAMATIONS

WHEREAS, the integrity and high standards of medical coders have contributed to the U.S. Department of Health and Human Services' campaign against fraud and abuse in medical reimbursement; and

WHEREAS, my administration is proud to recognize medical coders for all their hard work in this state, and throughout the country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 17, 2006 as **ILLINOIS MEDICAL CODERS DAY** in Illinois, and encourage all citizens to recognize and honor the medical coders for their hard work in our communities.

Issued by the Governor on May 5, 2006.

Filed by the Secretary of State May 5, 2006.

2006-173**NATIONAL WOMEN'S HEALTH WEEK**

WHEREAS, National Women's Health Week celebrates the extraordinary progress in women's health and recognizes that still more needs to be done to safeguard the health of women for generations to come; and

WHEREAS, it may be believed that all women's health can be viewed one dimensionally, but this is far from true. For instance, heart disease is the number one killer among women in general, but cancer ranks first among Asian/Pacific Islander women; and

WHEREAS, when it comes to lung cancer, Caucasian women have the highest mortality rate, while African American women have the highest mortality rate from heart disease; and

WHEREAS, there are five health habits that can contribute to the betterment of women's health, including maintaining regular check ups, exercising, maintaining a healthy diet, not smoking, and following general safety rules; and

WHEREAS, keeping women healthy and safe and promoting awareness of women's health issues depends on partnerships with social, health, and other services; and

WHEREAS, under my administration, the Illinois Healthy Women program has been created to provide health care to women who otherwise would go without. In addition, Illinois has dramatically increased the number of mammograms and cervical cancer screenings since I took office; and

PROCLAMATIONS

WHEREAS, in 2005, Illinois became the first state to require pharmacists to dispense female contraceptives when I issued an emergency rule requiring pharmacists whose pharmacies sell contraceptives to dispense birth control to women with valid prescriptions; and

WHEREAS, women's health remains a priority for families, communities, and government, and our commitment to keeping women healthy is stronger than ever:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 14 – 20, 2006 as **NATIONAL WOMEN'S HEALTH WEEK** in Illinois, and encourage all women, during this week, to renew their commitment to their health and well-being.

Issued by the Governor on May 5, 2006.

Filed by the Secretary of State May 5, 2006.

2006-174**NATIONAL NURSING HOME WEEK**

WHEREAS, Legends In Our Own Time is this year's theme for National Nursing Home Week; and

WHEREAS, during this week, we recognize all of the people that play unique parts leading to the success story for the quality care performed at nursing facilities; and

WHEREAS, the elderly and developmentally challenged residents of long-term care facilities have led exceptional and extraordinary lives which have helped enhance the quality of life in this great State; and

WHEREAS, the long-term care facilities in Illinois are dedicated to providing the finest in health care and rehabilitation for our convalescent, aged, and developmentally challenged citizens; and

WHEREAS, this dedication has been forcefully demonstrated through continual striving to upgrade standards of care and improve service; and

WHEREAS, National Nursing Home Week is an opportunity to bring into the limelight the celebration of this focus on quality with residents, staff, families, volunteers, and members of our communities; and

WHEREAS, the Illinois Health Care Association is contributing to activities in observance of National Nursing Home Week beginning May 14, 2006:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 14-20, 2006 as **NATIONAL NURSING HOME WEEK** in Illinois, and encourage all citizens to recognize all the individuals who have continually committed themselves to quality care and service in our state's long-term care facilities.

Issued by the Governor on May 5, 2006.

Filed by the Secretary of State May 5, 2006.

2006-175
ASSOCIATION WEEK

WHEREAS, the Association Forum of Chicagoland represents CEOs and executives from associations located in Chicago, and its surrounding communities; and

WHEREAS, the associations that the Association Forum serves generate more than three billion dollars annually for Chicago's economy and employ 33,000 professionals in various capacities; and

WHEREAS, the Association Forum represents institutions such as the American Bar Association, the American Medical Association, the American Hospital Association, and many others; and

WHEREAS, Chicago is home to the second most association headquarters in America, and ranks first for healthcare-related organizations; and

WHEREAS, the Association Forum will celebrate Association Week from June 19 – 23, 2006; and

WHEREAS the contributions of associations and their employees will be recognized this week through such events as the Association All-Star Day, and the Forum Honors Gala:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 19 – 23, 2006 as **ASSOCIATION WEEK** in Illinois, and encourage all citizens to recognize and celebrate the innumerable contributions that Illinois headquartered associations make to the health, education, and overall well-being of the people of this great State.

Issued by the Governor on May 5, 2006.

Filed by the Secretary of State May 5, 2006.

ILLINOIS ADMINISTRATIVE CODE

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