

# 2006

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.11                      Proposed Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104 & 625 ILCS 5/6-107
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking implements HB4768 signed into law by the Governor on June 22, 2006, amending Section 6-107 within the Illinois Vehicle Code. This amendment provides that the Illinois Secretary of State's Office may exempt 25 hours of behind-the-wheel practice, which may include 10 hours of night practice time, in cases where the instruction permit was issued to a 16 or 17 year old prior to the effective date of the minimum 50 hours behind-the-wheel practice requirement. This amendment also requires parent/legal guardian written consent certifying the driver can safely operate a motor vehicle prior to full licensure.
- 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? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed rulemaking is created to implement new Graduated to Safety program enhancements for increasing practice driving time behind-the-wheel and written parental consent at time of licensure.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Office of the Secretary of State  
Driver Services Department  
Jo Ann Wilson, Legislative Liaison

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

c/o Director's Office  
2701 South Dirksen Parkway  
Springfield, IL 62723

(217) 785-1441

- 13) Initial Regulatory Flexibility Analysis:
- i) 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: This rulemaking is being amended due to new statutory requirements from the 94th Spring Session of the Illinois General Assembly.
- 15) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

The full text of the Proposed Amendment is identical to that of the Emergency Amendment and can be found in this issue of the *Illinois Register* on page 11409:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
310.100	Amendment
310.280	Amendment
310.470	Amendment
310.490	Amendment
310.495	Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a]
- 5) Effective Date of Amendments: July 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of all Pay Plan amendments and collective bargaining contracts are available upon request from the Division of Technical Services. Any material incorporated by reference is also on file.
- 9) Notices of Proposal Published in the Illinois Register: April 7, 2006; 30 Ill. Reg. 6024
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Changes in the main source notes are based on other adopted rulemakings on this Part.

Section 310.100 (b)(1) is changed to indicate that entrance base salary is the in-hiring rate or the minimum base salary of the pay grade.

Also, Section 310.100 (d)(1), (h) and (l) are based on the proposed amendments adopted at 30 Ill. Reg. 7857.

Section 310.280 is changed based on the proposed amendments adopted at 30 Ill. Reg. 7857 and at 30 Ill. Reg. 9438.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Section 310.470 is changed based on the proposed amendments adopted at 30 Ill. Reg. 7857.

Section 310.490 (b)(1) is changed to indicate that entrance base salary is the in-hiring rate or the minimum base salary of the salary range.

Also, Section 310.490 subsections (c)(2)(A) and (B), (d)(1), (2) and (3), (h), (i) and (m) are changed based on the proposed amendments adopted at 30 Ill. Reg. 7857 and at 30 Ill. Reg. 9438.

Section 310.495 (b)(1) is changed to indicate that entrance base salary is the in-hiring rate or the minimum base salary of the salary range.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.30	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.45	New Section	30 Ill. Reg. 6444; April 21, 2006
310.50	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.80	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.100	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.110	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.130	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.220	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.280	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.290	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.530	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.540	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table D	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table E	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table F	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table G	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table H	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table I	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table J	Amendment	30 Ill. Reg. 6444; April 21, 2006

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

310.Appendix A Table K	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table L	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table M	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table N	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table O	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table P	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table Q	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table R	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table T	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table U	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table V	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table W	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table X	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table Y	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table Z	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix A Table AA	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix B	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix C	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix D	Amendment	30 Ill. Reg. 6444; April 21, 2006
310.Appendix G	Amendment	30 Ill. Reg. 6444; April 21, 2006

- 15) Summary and Purpose of Amendments: Section 310.280, Designated Rate, is amended to reflect the request by the Department of Public Health to increase the designated rate for the Senior Public Service Administrator position, Position Number 40070-20-80-000-00-81, to \$139,364 effective December 2, 2005.

Section 310.490, Other Pay Provisions, subsection (h) is amended to include where the leaves are defined in the Personnel Rules.

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

217/782-7964

Fax: 217/524-4570

- 17) Does this rulemaking 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 Amendments begins on the next page:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

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

## SUBPART B: SCHEDULE OF RATES

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

## SUBPART C: MERIT COMPENSATION SYSTEM

## Section

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

## 310.APPENDIX A Negotiated Rates of Pay

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

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

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

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

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2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective

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August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006.

## SUBPART A: NARRATIVE

**Section 310.100 Other Pay Provisions**

- a) Transfer – Upon the assignment of an employee to a vacant position in a class with the same pay grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position in a given class and subsequent appointment to a position in the same pay grade, no increase in salary will be given.
- b) Entrance Base Salary –
  - 1) Qualifications Only Meet Minimum Requirements – When a candidate only meets the minimum requirements of the class specificationNormally, upon ~~original~~ entry to State service, an employee's entrance base salary is the in-hiring rate or the minimum base salary will be at Step 1e of the pay grade.
  - 2) Qualifications Above Minimum Requirements – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 10% above the candidate's current base salary. An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of

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Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position.

~~A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the entrance salary may be up to Step 3 as determined by the employing agency. The salary offered should not provide more than a 10% increase over the candidate's current salary.~~

~~B) Qualifications above the minimum requirements shall be documented to support an entrance salary higher than Step 1c. An entrance salary higher than Step 3 must have prior approval from the Director of Central Management Services.~~

32) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.

~~3) Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.~~

c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.

de) Differential and Overtime Pay – An eligible employee may have an amount added to his/her base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay – An employee may be paid an amount in addition

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to his/her base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- 2) Overtime Pay –
  - A) Eligibility – The Director of Central Management Services will maintain a list of titles and their overtime eligibility as determined by labor contracts, Federal Fair Labor Standards Act, or State law or regulations. Overtime shall be paid in accordance with the labor contracts, Federal Fair Labor Standards Act, and State law or regulations.
  - B) Compensatory Time – Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.
- 3) Incentive Pay – An employee may be paid an amount in addition to his/her base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will

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approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- 4) Extra Duty Pay – An employee may be paid an amount in addition to his/her base salary for service in addition to the regular work schedule on a special work assignment. Additional compensation will be at a rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

| ed) Equivalent Earned Time –

- 1) Eligibility – Employees who are non-union, exempt under the Federal Fair Labor Standards Act, and in positions not eligible for overtime compensation may receive equivalent earned time for hours worked in excess of 40 actual work hours in a work week.
- 2) Accrual –
  - A) Employees who are eligible for equivalent earned time shall request that time before working in excess of 40 actual work hours in a work week. Requests for equivalent earned time may be granted by the agency at its discretion, considering its operating needs. Equivalent earned time shall be accrued at straight time only to a maximum of 120 hours in any fiscal year.
  - B) Equivalent earned time will accrue in no less than one-half hour increments. Time spent in travel outside the normal work schedule shall not be counted toward accrual of equivalent earned time.
- 3) Compensation – Any approved equivalent earned time shall be taken at a time convenient to the employee and consistent with the operating needs of the agency. This time may not be carried over from one fiscal year to another fiscal year. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.

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- fe)** Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis computed by dividing the annual rate of salary by the total number of work days in the year.
- gf)** Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- hg)** Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a).

AGENCY NOTE – The method to be used in computing the lump sum payment for accrued vacation, sick leave and unused compensatory overtime payment for an incumbent entitled to shift differential during his/her regular work hours will be to use his/her current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

- ih)** Salary Treatment Upon Return From Leave – An employee returning from Administrative Leave (80 Ill. Adm. Code 302.795), Military Leave (80 Ill. Adm. Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Educational Leave (80 Ill. Adm. Code 302.215), Disaster Service Leave with Pay (80 Ill. Adm. Code 303.175), Family Responsibility Leave (80 Ill. Adm. Code 303.148), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, or Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) will be placed on the step that reflects satisfactory performance increases to which he/she would have been entitled during his/her period of leave. Creditable service date will be maintained. An employee returning to his/her former pay grade from any other leave of over 14 days will be

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placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.

| ji) Salary Treatment Upon Reemployment –

- 1) Upon the reemployment of an employee in a class with the same pay grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
- 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower pay grade that provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

| kj) Reinstatement – The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary or exceed the current value of the salary step held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

| lk) Extended Service Payment –

- 1) The Step 8 rate shall be increased by \$25 per month for those employees who have attained 10 years of service and have three years of creditable service on Step 8 in the same pay grade. (Effective July 1, 2003, this increase is suspended for non-union positions and employees.)
- 2) The Step 8 rate shall be increased by \$50 per month for those employees who have attained 15 years of service and have three years of creditable service on Step 8 in the same pay grade. (Effective July 1, 2003, this increase is suspended for non-union positions and employees.)

| ml) Bi-lingual Pay – Individual positions whose job descriptions require the use of

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sign language, Braille, or another second language (e.g., Spanish) shall receive 5% or \$100 per month, whichever is greater, in addition to the employee's base rate.

(Source: Amended at 30 Ill. Reg. 11336, effective July 1, 2006)

## SUBPART B: SCHEDULE OF RATES

**Section 310.280 Designated Rate**

- a) Requirements – The rate of pay for a specific position or class of positions excluded from the other requirements of this Pay Plan shall be only as designated by the Governor. A designated rate is the fixed rate of pay assigned usually to one position within a position classification. The fixed rate is above the maximum of the pay grade or salary range assigned to the position classification. The fixed rate is the value the employing agency determines for the uniquely combined position and employee or the candidate recruited to be the employee. A designated rate may be assigned to a position classification and, therefore, all positions within the position classification. The establishment of or change to a designated rate requires a request from the head of the employing agency to the Director of Central Management Services.
- b) Request from the Head of the Employing Agency – The request from the employing agency head shall explain the unique nature of the employee's education and experience combined with the position's scope, responsibility, and reporting that warrant the requested designated rate, how the requested designated rate was determined, and the requested effective date. The employing agency shall attach to the request the current position description (CMS-104) and the candidate's or employee's current State employment or promotional employment application (CMS-100 or CMS-100B).
- c) Review and Approval – The Director of Central Management Services shall review the requested designated rate by comparing the value given to other positions and employees in the employing agency, the State, and other states when available. Following the review, the Director of Central Management Services shall seek the Governor's approval for the designated rate and its effective date.
- d) Employee Payment – When the rate is approved, this Section shall be amended to include the approved designated rate. Once amended, the employing agency shall

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pay the employee the designated rate retroactively to the effective date approved by the Governor.

e) Annual Designated Rates by Employing Agency –

Department of Commerce & Economic Opportunity

Private Secretary II (Pos. No. 34202-42-00-000-01-02)	<u>Annual Salary</u> 62,400
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Department of Healthcare and Family Services

Senior Public Service Administrator (Pos. No. 40070-33-20-000-00-61)	<u>Annual Salary</u> 123,060
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Department of Human Services

Administrative Assistant I (Pos. No. 00501-10-68-010-80-21)	<u>Annual Salary</u> 55,200
----------------------------------------------------------------	--------------------------------

Department of Public Health

Senior Public Service Administrator (Pos. No. 40070-20-80-000-00-81)	<u>Annual Salary</u> 139,364
-------------------------------------------------------------------------	---------------------------------

(Source: Amended at 30 Ill. Reg. 11336, effective July 1, 2006)

## SUBPART C: MERIT COMPENSATION SYSTEM

**Section 310.470 Adjustment**

An employee may receive an upward adjustment in base salary for the purpose of correcting a previous error or oversight or, when the best interests of the agency and the State of Illinois will be served. Such adjustments must have the prior approval of the Director of Central Management Services. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. A salary adjustment of over 3% (unless the adjustment is effective December 2, 2005, or other adjustments result in \$175 per month or less) will create a new

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creditable service date ~~and require approval of the Governor's Office.~~

(Source: Amended at 30 Ill. Reg. 11336, effective July 1, 2006)

**Section 310.490 Other Pay Provisions**

- a) Transfer – Upon assignment of an employee to a vacant position in a class with the same salary range as the class for the position being vacated, the employee's base salary will not be changed. Upon separation and subsequent appointment to a position in the same salary range, no increase in salary will be given.
- b) Entrance Base Salary –
  - 1) When a candidate only meets the minimum requirements of the class specification ~~Normally~~ upon entry to State service, an employee's entrance base salary ~~is will be at~~ the in-hiring rate or the minimum base salary of the salary range.
  - 2) Qualifications Above Minimum Requirements – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 10% above the candidate's current base salary. An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position.
    - A) ~~If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the employing agency may grant an entrance salary up to the midpoint of the first half of the salary range; however, this shall not provide more than a 10% increase over the candidate's current salary. Qualifications above the minimum requirements shall be documented to support an entrance salary higher than the~~

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~~minimum.~~

~~B) An entrance salary above the middle of the first half of the salary range must have prior approval of the Director of Central Management Services. This approval will be based on consideration of the candidate's training and experience exceeding the requirements of the class, prior salary history, particular staffing requirements of an agency, and labor market influence on recruitment needs.~~

32) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance salary may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate of pay shall be advanced to the new rate.

~~3)~~ ~~Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment, effective the first day of the month following the date of assignment.~~

c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment, effective the first day of the month following the date of assignment.

de) Differential and Overtime Pay – An eligible employee may have an amount added to the base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay – An employee may be paid an amount in addition to the base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

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- 2) Overtime Pay –
- A) Eligibility – The Director of Central Management Services shall maintain a listing of classes of positions subject to the provisions of the Merit Compensation System that are eligible for overtime compensation. Classes in salary ranges MC 6 and below are eligible for straight-time overtime unless exceptions are determined by the Director of Central Management Services or federal guidelines. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. Classes in MC 7 and above are not eligible for overtime unless required by federal regulation or approved by the Director of Central Management Services. Exceptions must be requested by the employing agency and will be determined on the basis of the special nature of the situation, a substantial need to provide overtime compensation and a significant number of hours worked beyond the normal work schedule, and will be granted only for a specified time period for which the special situation is expected to exist.
- B) Compensatory Time – Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no

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time are overtime hours or compensatory time to be transferred from one agency to another agency.

ed) Equivalent Earned Time –

- 1) Eligibility – Employees who are non-union, exempt under the Federal Fair Labor Standards Act, and in positions not eligible for overtime compensation may receive equivalent earned time for hours worked in excess of 40 actual work hours in a work week.
- 2) Accrual –
  - A) Employees who are eligible for equivalent earned time shall request that time before working in excess of 40 actual work hours in a work week. Requests for equivalent earned time may be granted by the agency at its discretion, considering its operating needs. Equivalent earned time shall be accrued at straight time only to a maximum of 120 hours in any fiscal year.
  - B) Equivalent earned time will accrue in no less than one-half hour increments. Time spent in travel outside the normal work schedule shall not be counted toward accrual of equivalent earned time.
- 3) Compensation – Any approved equivalent earned time shall be taken at a time convenient to the employee and consistent with the operating needs of the agency. This time may not be carried over from one fiscal year to another fiscal year. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.

fe) Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily rate basis computed by dividing the annual rate of salary by the total number of work days in the year.

gf) Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

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hg) Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum payments cannot be given in these transactions. Methods of computation are explained in Section 310.520(a).

AGENCY NOTE: The method to be used in computing lump sum payment for accrued vacation, sick leave and unused compensatory overtime for an incumbent entitled to shift differential during the regular work hours will be to use the current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

ih) Salary Treatment upon Return from Leave – An employee returning from Administrative Leave (80 Ill. Adm. Code 302.795), Military Leave (80 Ill. Adm. Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Educational Leave (80 Ill. Adm. Code 302.215), Disaster Service Leave with Pay (80 Ill. Adm. Code 303.175), Family Responsibility Leave (80 Ill. Adm. Code 303.148), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, or Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) will have his/her salary established as determined appropriate by the employing agency and approved by the Director of Central Management Services. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Creditable service date will be maintained. An employee returning to his/her former salary range from any other leave of over 14 days will be placed at the salary which the employee received prior to the leave and the creditable service date will be extended by the duration of the leave.

ji) Employees in classes that are made subject to the Merit Compensation System after July 1, 1979 will retain their current salary, except that in no event is the resultant salary to be lower than the minimum rate or higher than the maximum rate of the new salary range.

kj) Extra Duty Pay – An employee may be paid an amount in addition to the base

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salary for services in addition to the regular work schedule on a special assignment. Additional compensation will be at a rate and manner as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

**lk)** Salary Treatment Upon Reemployment –

- 1) Upon the reemployment of an employee in a class with the same salary range as the class for the position held before layoff, the employee will be placed at the same salary as held at the time of the layoff, and his creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
- 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the same salary as held at the time of layoff, except that if this exceeds the maximum of the new range, the employee will be placed at that maximum salary. The creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

**ml)** Reinstatement – The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary, or exceed the salary rate held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

**nm)** Bilingual Pay – Individual positions whose job descriptions require the use of sign language, Braille, or another second language (e.g., Spanish) shall receive 5% or \$100 per month, whichever is greater, in addition to the employee's base rate.

**on)** Clothing or Equipment Allowance – An employee may be paid an amount in addition to his/her base salary to compensate for clothing or equipment that is required in the performance of assigned duties. The amount will be determined by the Director of the employing agency, and will require approval of the Director of Central Management Services. The Director of Central Management Services

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will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

(Source: Amended at 30 Ill. Reg. 11336, effective July 1, 2006)

**Section 310.495 Broad-Band Pay Range Classes**

Broad-band pay range classes shall be covered by all provisions of the Merit Compensation System except for the provisions identified in the following subsections:

- a) Salary Range – The salary range for broad-band classes shall be as set out in Appendix G.
- b) Entrance Base Salary-Salaries – ~~The Director or chairman of the Department, Board or Commission shall review the education, training and experience of an employee to be placed in the broad-band class and determine the employee's initial rate of pay.~~
  - 1) When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hiring rate or the minimum base salary of the salary range.
  - 2) The salary assigned an employee shall take into account the duties, education, training and experience of the employee to assure reasonable pay equity among employees in the same class.
  - 2) ~~A report of the resultant rate of pay shall be provided to the Director of the Department of Central Management Services on the form provided for that purpose.~~
  - 3) If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 10% above the candidate's current base salary. An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education

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and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position.~~An entrance salary should not provide more than a 10% increase over the candidate's prior salary without the prior approval of the Director of the Department of Central Management Services.~~

- c) Salary Adjustment for Additional Duties and Responsibilities – An upward salary adjustment that is not more than 10% above the employee's current base salary in a broad-band position classification.~~Salary adjustments for positions in broad-band classes~~ may be made by the employing agency where the employee has been given substantial additional duties and responsibilities but will remain in the same classification. An upward salary adjustment for substantial additional duties and responsibilities that is more than 10% above the employee's~~increase of between 5% and 10% of~~ current base salary may be given where the substantial additional duties and responsibilities are documented on an updated position~~job~~ description (CMS-104) and are reflected on the organization chart, and where the employing agency received the required prior approval from the Director of Central Management Services.
- d) Movement between Salary Systems – Salary treatment on movement of an employee between one position in the broad-band class series and another position outside of the broad-band class series will be as recommended by the employing agency and approved by the Director of ~~the Department of~~ Central Management Services.
- e) Salary Treatment upon Initial Placement of Positions in Other Occupational Broad-Band Classes – For the purpose of establishing salary treatment upon initial placement of positions, it is necessary to determine the "lowest corresponding Merit Compensation grade." The Merit Compensation range with a minimum salary closest to, but not lower than, that of the broad-band range minimum is known as the "lowest corresponding Merit Compensation grade."
- 1) The incumbent of a position with a current salary range maximum equal to or greater than the maximum of the "lowest corresponding Merit Compensation grade" will be placed in the broad-band range with no change in salary.
  - 2) The incumbent of a position with a current salary range maximum less

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than the maximum of the "lowest corresponding Merit Compensation grade" will be placed in the broad-band range with a 5% increase in current base salary. However, in no event shall the resulting salary be lower than the minimum or higher than the maximum rate of the new salary range. The creditable service date of an employee will not be changed unless an increase of 10% or greater is provided to move the employee to the minimum of the new range.

(Source: Amended at 30 Ill. Reg. 11336, effective July 1, 2006)

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.75                      Adopted Action:  
Amendment
- 4) Statutory Authority: Section 5/6-113 of the Illinois Vehicle Code [625 ILCS 5/6-113]
- 5) Effective Date of Amendment: June 15, 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) Notice of Proposal Published in the Illinois Register: 29 Ill. Reg. 18083; November 4, 2005
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Grammatical, punctuation or other nonsubstantive changes were made as agreed upon with JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: To provide final clarification to the rulemaking as agreed upon with JCAR for requirements concerning obtaining or renewing nighttime driving privileges.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Office of the Secretary of State

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Driver Services Department  
JoAnn Wilson, Legislative Liaison  
c/o Director's Office  
2701 South Dirksen Parkway  
Springfield IL 62723

217/785-1441

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

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

## Section

1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Driver's License Medical Advisory Board
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact <del>Lenses</del> <u>Lens(es)</u>
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Consular Licenses (Repealed)
1030.96	Restricted Commercial Driver's License

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- 1030.97      Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98      School Bus Commercial Driver's License
- 1030.100     Anatomical Gift Donor
- 1030.110     Emergency Medical Information Card
- 1030.115     Change-of-Address
- 1030.120     Issuance of a Probationary License
- 1030.130     Grounds for Cancellation of a Probationary License
- 1030.140     Use of Captured Images
- 1030.APPENDIX A   Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B   Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill.

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Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 11365, effective June 15, 2006.

**Section 1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements  
Other Than Standard Eye Glasses or Contact Lenses~~Lens(es)~~**

- a) For purposes of this Section the following definitions shall apply:

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Section 1-110 of the Illinois Vehicle Code and Section 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-

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110 and 6-201].

"Current telescopic lens vision specialist report" – any vision specialist report completed for a telescopic lens user which has been completed within 6 months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Denial" – an entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license until the conditions set forth by the Department are met pursuant to this Section or Section 6-103 of the Illinois Vehicle Code [625 ILCS 5/6-103].

"Department" – the Department of Driver Services of the Office of the Secretary of State.

"Driver" – any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.

"Driver Service facility representative" – an employee of the Department of Driver Services of the Office of the Secretary of State.

"Favorable telescopic lens vision specialist report" – a current telescopic lens vision specialist report which has been completed in its entirety which does not require additional information and/or clarification. A favorable telescopic lens vision specialist report contains a professional opinion that the applicant is safe to operate a motor vehicle, the monocular or binocular acuity reading through the telescopic lenses is 20/40 or better in both eyes, monocular or binocular acuity readings through the carrier lenses is 20/100 or better in both eyes, the peripheral readings meet Illinois vision standards, in accordance with Section 1030.70 of this Part, and with the lens arrangement in place and without the use of field enhancements, the applicant has had and been using the telescopic lenses at least 60 days prior to the date the examination is completed by the licensed vision specialist and the power of the telescopic lenses does not exceed 3.0 X wide angle or 2.2 X standard.

"Incomplete telescopic lens vision specialist report" – a telescopic lens vision specialist report which has not been completed in its entirety. Examples of an incomplete telescopic lens vision specialist report include, but are not necessarily limited to: a telescopic lens vision specialist report which does not include the name, address, signature or professional license number of the vision specialist or the report is not dated or contains illegible information or fails to answer any of

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the questions contained within the report.

"Licensed vision specialist" – a doctor licensed to practice medicine.

"Nighttime drive" – a road test administered during the hours of dusk to dawn.

"Nighttime driving" – The operation of a motor vehicle using a telescopic lens arrangement during the hours of dusk to dawn.

"Nighttime driving privileges" – a privilege granted to licensed drivers to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

"Peripheral vision" – the area of vision from the outside line of direct sight toward the temporal area.

"Rescind order" – the removal by formal action of an order canceling or medically denying issuance of a driver's license to a person.

"Restrictions" – requirements or conditions added on a driver's license that must first be met by the license holder before he/she may legally operate a motor vehicle.

"Telescopic lens arrangement" – a non-standard adaptive device that aids in improving vision deficits.

"Telescopic lens vision specialist report" – a confidential vision questionnaire designed by the Department and approved by the Illinois Medical Advisory Board. The report shall be directed to the Department and contain the date the licensed vision specialist completed the report and the name, address, signature and professional license number of the licensed vision specialist. The report must also contain the name, address, date of birth and driver's license number of the driver, if known.

"Traffic environmental screening" – a screening designed by the Department which shall consist of the driver demonstrating the ability to recognize actual traffic conditions while using the telescopic lens arrangement while riding with and being evaluated by a Driver Services facility representative. This traffic environmental screening shall consist of 4 parts and shall be as follows: stationary driver identifying a stationary object, stationary driver identifying a moving object, moving driver identifying a stationary object and a moving driver

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identifying a moving object.

"Unfavorable telescopic lens vision specialist report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates his/her professional opinion that the driver is not capable of safely operating a motor vehicle or the monocular or binocular acuity readings do not meet Illinois standards in accordance with this Section or the peripheral vision readings do not meet Illinois standards in accordance with Section 1030.70 or the power of the telescopic lenses does not meet Illinois standards in accordance with this Section.

- b) A vision specialist report form, when submitted by an applicant who wishes to use a prescription spectacle mounted telescopic lens arrangement, shall contain the following:
- 1) A statement that the applicant has been fitted for a prescription spectacle mounted telescopic lens arrangement which the applicant has had in his possession at least 60 days prior to current application date for a drivers license.
  - 2) A statement that the applicant has clinically demonstrated he can locate stationary objects within the telescopic field by aligning the object directly below the telescopic lens and then moving his head down and his eyes up simultaneously.
  - 3) A statement that the applicant has clinically demonstrated locating a moving object in a large field of vision by anticipating future movement, so that by moving the head and eyes in a coordinate fashion he is able to locate the moving object within the telescopic field.
  - 4) A statement that the applicant has clinically demonstrated recalling what he has observed after a brief exposure, with the duration of the exposure progressively diminished to simulate reduced observation time while driving.
  - 5) A statement that the applicant has clinically experienced levels of illumination which may be encountered during inclement weather or when driving from daylight into areas of shadow or artificial light and the applicant is visually able to successfully adjust to such changes.
  - 6) A statement that the applicant has experienced both being a driver and a passenger in a motor vehicle, so that he has practical experience of motion

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while objects are changing position.

- c) A driver, for an initial or renewal driver's license, who desires to use a telescopic lens arrangement or other vision aid other than standard eye glasses or contact lenses, must submit a current and favorable telescopic lens vision specialist report to the Department.
- 1) If a current and favorable report is submitted, and the driver has satisfactorily completed the written requirements and has at least 3 years of licensed driving experience prior to the date of application, with or without the use of a telescopic lens arrangement, the driver must complete a road test accompanied by a Driver Services facility representative designated by the Department with the telescopic lens arrangement in place. Upon successful completion of the road test, a driver's license with the proper restrictions will be issued in accordance with Section 1030.92 of this Part.
  - 2) If a current and favorable report is submitted and the driver has satisfactorily completed the written requirements and does not have at least 3 years licensed driving experience prior to the date of application, with or without the use of a telescopic lens arrangement, the driver must complete a traffic environmental screening with the telescopic lens arrangement in place. Upon successful completion of the traffic environmental screening, an instruction permit shall be issued with the proper restrictions in accordance with Section 1030.92 of this Part. At the end of the six month period following the date the instruction permit was issued, the driver's driving record will be reviewed. If the record is void of any suspensions, revocations or cancellations, either in effect or pending, a road test by a Drivers Services facility representative will be administered. Upon successful completion of the road test, a driver's license will be issued. If the record reflects any suspensions, revocations, or cancellations, either in effect or pending, the driver will not be eligible for a road test until his/her driving privileges have been reinstated.
  - 3) If the report is incomplete or not current, a request shall be made to the driver for the necessary information required to process the report.
    - A) If the Department requests additional information from the driver and the Department does not receive this information within 45 days after the request, the Department shall cancel or deny the issuance or renewal of the person's driver's license pursuant to

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Sections 6-201 and 6-103(8) of the Illinois Vehicle Code [625 ILCS 5/6-201 and 6-103(8)].

- B) If a cancellation order is entered based upon an incomplete report or one which is not current and a favorable report is subsequently received, a rescind order shall be entered, provided an unfavorable report is not received in the interim.
- 4) If the Department receives an unfavorable report, the Department shall cancel or deny the driver pursuant to Sections 6-103(3) and 6-201(a)(5) of the Illinois Vehicle Code.
- A) If the Department receives a subsequent favorable report, the Department shall rescind the unfavorable report cancellation order and allow the driver to make application for a new driver's license pursuant to Sections 1-110, 6-106 and 6-109 of the Illinois Vehicle Code [625 ILCS 5/6-110, 6-106 and 6-109].
  - B) Drivers who qualify to drive with the use of a telescopic lens arrangement shall be restricted to the following:
    - i) Driving during daylight hours only;
    - ii) Eligibility for a Class "D" driver's license only;
    - iii) Having his/her driving record periodically reviewed by the Department in accordance with Section 6-109 of the Illinois Vehicle Code [625 ILCS 5/6-109].
  - C) Drivers who wish to qualify to drive with the use of a telescopic lens arrangement during nighttime hours shall be restricted to the following:
    - i) Possess a valid Class D driver's license and have operated a motor vehicle during daylight hours for a period of 12 months with a telescopic lens arrangement;
    - ii) Have a driving record that does not include any traffic accidents that occurred during nighttime hours, in which the driver has been found at fault, during the 12 months immediately prior to application for the special restricted

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license;

- iii) As a driver who has been issued a restricted license, as defined by this Part, whose privileges to be driving during nighttime hours has not been suspended due to an accident at which the driver was found at fault, occurring during nighttime hours.
- 5) A current telescopic lens vision specialist report shall be submitted annually.
- A) If a current report is not received by the last day of the month the updated report is due, the driver shall be canceled or denied a driver's license.
  - B) If a driver is canceled pursuant to this subsection and a current report is subsequently received, the cancellation shall be rescinded, provided an unfavorable report is not received in the interim.
- 6) A driver requesting nighttime driving privileges who has been driving with telescopic lenses for a period of one year and who desires to use a telescopic lens arrangement to operate a motor vehicle during nighttime hours must submit a current and favorable telescopic lens specialist report or a statement provided in lieu of that form to the Department. The vision specialist form shall contain a statement from the licensed vision specialist that the driver is safe to operate a motor vehicle during nighttime hours while using a telescopic lens arrangement.
- 7) A telescopic lens driver requesting nighttime driving privileges for the first time must:
- A) Possess a valid driver's license and have operated a motor vehicle during daylight hours for a period of 12 months immediately prior to making application while using vision aid arrangements other than standard eyeglasses or contact lenses, with a restriction appearing on the license.
  - B) Have a driving record that does not include any traffic accidents that occurred during nighttime hours for which the driver has been found to be at fault during the 12 months before applying for the special restricted license.

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- C) Successfully complete a road test administered during nighttime hours.
- 8) A telescopic lens driver wishing to renew his/her nighttime driving privileges must:
  - A) Have a driving record that does not include any traffic accidents that occurred during nighttime hours for which the driver has been found to be at fault during the 12 months before applying for the special restricted license.
  - B) Successfully complete a road test administered during nighttime hours. If the renewal applicant refused to submit to a nighttime drive test, the applicant's nighttime driving privileges shall be cancelled.
- 9) If a driver with nighttime telescopic driving privileges is found to be at fault in an accident that occurred between dusk and dawn, the nighttime telescopic driving privileges will be cancelled.
- 10) If a driver's license with the appropriate restriction is cancelled pursuant to this subsection and the driver submits to the drive test, the cancellation shall be rescinded.

(Source: Amended at 30 Ill. Reg. 11365, effective June 15, 2006)

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- 1) Heading of the Part: Commercial Driver Training Schools
- 2) Code Citation: 92 Ill. Adm. Code 1060
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1060.20	Amendment
1060.120	Amendment
1060.150	Amendment
1060.200	Amendment
- 4) Statutory Authority: Section 401 of the Illinois Vehicle Code [625 ILCS 5/6-401]
- 5) Effective Date of Amendments: June 14, 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 amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 29 Ill. Reg. 16366; October 28, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 1060.120, SOS added administrative code references to subsections (a)(1) and (c). In Section 1060.200, SOS updated the publication dates for materials incorporated by reference in subsections (b)(1)(B) and (b)(1)(E) and made grammatical, punctuation, and other nonsubstantive changes as agreed upon with JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: To maintain integrity of the training program and to help eliminate fraudulent activity within the documentation of training.

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

Office of the Secretary of State  
Driver Services Department  
JoAnn Wilson, Legislative Liaison  
c/o Director's Office  
2701 South Dirksen Parkway  
Springfield, IL 62723

217/785-1441

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

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1060  
COMMERCIAL DRIVER TRAINING SCHOOLS

## Section

1060.5	Definitions
1060.10	Unlicensed Person May Not Operate Driver Training School
1060.20	Requirements for School Licenses
1060.30	Driver Training School Names
1060.40	Refund of Application Fees
1060.50	School Locations and Facilities
1060.60	Driver Training School Student Instruction Record
1060.70	Driver Training School Course of Instruction
1060.80	Driver Training School Contracts
1060.90	Inspection of School Facilities
1060.100	Licenses
1060.110	Safety Inspection of Driver Training School Motor Vehicles
1060.120	Requirements to Obtain and Retain a Driver Training Instructor's License
1060.130	Examination for Driver Training Instructor
1060.140	Temporary Permit
1060.150	Driver Training School Responsibility for Employees
1060.160	Solicitation of Students and Pupils for Commercial Driver Training Instruction
1060.170	Hearings
1060.180	Teen Accreditation
1060.190	Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License, Teen Accreditation, CDL Accreditation, and Instructor's License
1060.200	Commercial Driver's License and/or Endorsement and/or Accreditation
1060.210	Driver Training School Responsibility for Employees (Recodified)
1060.220	Solicitation of Students and Pupils for Commercial Driver Training Instruction (Recodified)
1060.230	Hearings (Recodified)
1060.240	Teen Accreditation (Recodified)
1060.250	Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License and Instructor's License (Recodified)
1060.260	Commercial Driver's License and/or Endorsement and/or Restriction Accreditation (Recodified)

AUTHORITY: Implementing Article IV of the Illinois Driver Licensing Law of the Illinois

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Motor Vehicle Code [625 ILCS 5/Ch. 6, Art. IV] and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 2, 1972; codified at 6 Ill. Reg. 12697; transferred from 23 Ill. Adm. Code 252.50 (State Board of Education) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411] at 11 Ill. Reg. 1631, effective December 31, 1986; amended at 11 Ill. Reg. 17244, effective October 13, 1987; amended at 12 Ill. Reg. 13203, effective August 1, 1988; amended at 12 Ill. Reg. 19756, effective November 15, 1988; amended at 14 Ill. Reg. 8658, effective May 18, 1990; recodified at 17 Ill. Reg. 20006, effective November 3, 1993; amended at 18 Ill. Reg. 7788, effective May 9, 1994; amended at 20 Ill. Reg. 3861, effective February 14, 1996; amended at 22 Ill. Reg. 22069, effective December 2, 1998; emergency amendment at 24 Ill. Reg. 8403, effective June 2, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15443, effective October 5, 2000; amended at 25 Ill. Reg. 6409, effective April 26, 2001; amended at 26 Ill. Reg. 15020, effective October 1, 2002; emergency amendment at 28 Ill. Reg. 398, effective December 22, 2003, for a maximum of 150 days; emergency expired May 19, 2004; amended at 28 Ill. Reg. 11925, effective July 26, 2004; amended at 30 Ill. Reg. 11377, effective June 14, 2006.

**Section 1060.20 Requirements for School Licenses**

- a) The Department shall not issue a driver training school license to any person unless:
  - 1) The applicant has at least one motor vehicle owned or leased in the name of the driver training school or school owner indicated on the license, and registered by the Secretary of State Vehicle Services Department, ~~that which~~ has been safety inspected and insurance certified as required ~~in subsection (e) herein~~ for use by the school for driver training purposes and driving instruction.;
  - 2) The applicant has at least one person who is employed by or associated with the school, and who is licensed or qualified to be licensed by the Department as a driver training instructor for that school.
  - 3) The physical facilities meet the requirements of this Part.
  - 4) The applicant is of good moral character as required pursuant to Section 6-402(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(a)]. In making a determination of good moral character, the Department is not limited to, but shall consider the

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following:

- A) If the owner has been convicted of a felony:
- i) The relationship of any crime of which the person has been convicted to the ability to operate a driver training school; or
  - ii) The opinions of the community members concerning the owner; or
  - iii) The length of time that has elapsed since the owner's last criminal conviction.
- B) If the owner has been indicted, formally charged or otherwise charged with a felony:
- i) If the owner whose commercial driver training school license has been cancelled under this Part is adjudicated "guilty" by the court systems, the cancellation previously entered on his/her record in accordance with Section 1060.190(b) of this Part shall stand. This action does not preclude further suspension and/or revocation of the commercial driver training school license under another Section of this Part or the Illinois Vehicle Code.
  - ii) If the owner whose commercial driver training school license has been cancelled under this Part is adjudicated "not guilty" by the court systems, the cancellation previously entered on the license in accordance with Section 1060.190(b) of this Part shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school license under another Section of this Part or the Illinois Vehicle Code.
  - iii) If the owner whose commercial driver training school license has been cancelled under this Part is granted a disposition of "court supervision" by the court systems, the cancellation previously entered on the license in accordance with Section 1060.190(b) of this Part shall be

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rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school license under another Section of this Part or the Illinois Vehicle Code.

- C) An individual whose commercial driver training school license has been cancelled pursuant to this Part may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001.
- b) Only one driver training school license shall be issued to any individual, group, association, partnership or corporation, and the Department shall deny the application of any driver training school if any of the applicants are unqualified or are already licensed or have made application for another driver training school license.
- c) The applicant shall not be a current salaried or contractual employee of the Secretary of State as mandated by the guidelines of the Secretary of State's Office policy manual [thatwhich](#) states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State.
- d) No accreditation program shall remain in operation if properly qualified personnel are not available or if other changes occur [thatwhich](#) would reduce its qualifications. Exception: in the event of fire, flood or other catastrophe, the school may temporarily continue to operate with facilities [thatwhich](#) are not up to standards only for the duration of the courses [thatwhich](#) have been started, if the Director of the Department consents for them to do so. A Secretary of State employee shall determine that no health or safety hazard exists in violation of any local, State or federal ordinance, before the Director of the Department shall give his/her consent. No new course can be started until facilities meet the minimum requirements for licensing.
- e) No driver training school shall operate in the State of Illinois unless it provides and files with the Department a continuous surety bond in the principal sum of \$20,000, underwritten by a company authorized to do business in the State of Illinois, for the protection of the contractual rights of students as provided in Section 6-402(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. All bonds filed pursuant to this provision shall be in substantially the following form:

Know All Persons by These Presents, That We, \_\_\_\_\_

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\_\_\_\_\_, of

hereinafter referred to as Principal and \_\_\_\_\_, a corporation organized and existing to do business in the State of Illinois, for the use and benefit of all persons who may be damaged by breach of this bond, as Obligees, in the penal sum of Twenty Thousand Dollars (\$20,000), lawful money of the United States of America, for the payment of which sum, well and truly to be made, we bind ourselves, our executors, administrators, successors and assigns, firmly by these presents. The Condition Of This Obligation Is such, That whereas, the principal has made application for a license or permit to the State of Illinois for the purpose of exercising the vocation of a Driver Training School. Now Therefore, if the said Principal shall faithfully comply with the Illinois Vehicle Code, as amended, and all rules and regulations which have been or may hereafter be in force concerning the said License or Permit, and shall save and keep harmless the Obligees from all loss or damage which may be sustained as a result of the issuance of said license or permit to the said Principal, this obligation shall be void; otherwise, to remain in full force and effect. The Bond Will Expire but may be continued by renewal certificate signed by Principal and Surety. The Surety may at any time terminate its liability by giving 30 days written notice to the Commercial Driver Training Section of the Department, 650 Roppolo Drive, Elk Grove Village, Illinois 60007, and the Surety shall not be liable for any default after such 30 day notice period, except for defaults occurring prior thereto.

Signed, Sealed and Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Principal \_\_\_\_\_

Surety \_\_\_\_\_

By \_\_\_\_\_  
Attorney-in-fact

- f) Upon receipt of a properly executed application for a driver training school license, or driver training instructor's license, the Department shall investigate the qualifications of the applicant, and authorized representatives shall inspect the school property and equipment to determine whether the application should be granted or denied.
- g) An owner or manager shall not engage in fraudulent activity as defined in Section 1060.5 of this Part.

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- h) An owner or employee of a commercial driver training school shall not have been declared to have engaged in fraudulent activity within the 5 years prior to making application.
- i) Licenses shall be issued by the Department.
- j) An owner shall not have unauthorized possession of application forms or questionnaires used by the Driver Services Department in conjunction with administering driver's license examinations.
- k) [An owner shall not knowingly use unlicensed instructors for the purpose of classroom or behind the wheel instruction.](#)

(Source: Amended at 30 Ill. Reg. 11377, effective June 14, 2006)

**Section 1060.120 Requirements to Obtain and Retain a Driver Training Instructor's License**

- a) The Secretary of State shall not issue, or shall deny, cancel, suspend or revoke, a driver training instructor's license:
  - 1) To any person who has not held a valid driver's license for any 2 year period preceding the date of application for an instructor's license, [or to any person intending to instruct in L and/or M classification, as defined in 92 Ill. Adm. Code 1030.30\(b\), who has not held the representative classification for 3 consecutive years immediately prior to the date of application;](#)
  - 2) To any person who has been convicted of 3 or more offenses against traffic regulations governing the movement of traffic within the 2 year period immediately preceding the date of application for an instructor's license;
  - 3) To any person who has had 2 or more convictions of a violation [that which](#) caused an auto accident within the 2 year period immediately preceding the date of application for an instructor's license;
  - 4) To any person who has been convicted of driving under the influence of alcohol and/or other drugs, pursuant to Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501], leaving the

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scene of a fatal accident, pursuant to Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-401], reckless homicide, pursuant to Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3], reckless driving, pursuant to Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-503], or any sex or drug related offense within 10 years prior to date of application;

- 5) To any person who has failed to pass the written, vision, or road test required by the Department for applicants for a driver training instructor's license;
- 6) To any person who is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle as determined by a licensed physician pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411(d)]. An application/medical examination form provided by the Secretary of State shall be completed by the applicant and physician. The physician's medical examination form shall contain the applicant's ability to safely operate a motor vehicle. The form shall also contain an indication of the person's eyesight, hearing, mental alertness, reflexes, and whether the person has normal use of his/[her](#) limbs and feet. The physician must also provide his/[her](#) address and the date and place of the examination. Those persons who are solely classroom instructors shall comply with subsection (d) of this Section;
- 7) To any person who fails to properly and fully complete an application for [asueh](#) license or otherwise indicates that he/[she](#) is unqualified to receive a driver training instructor's license;
- 8) To any person who is not employed or associated with a driver training school licensed by the Department as required pursuant to Section 6-417 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-417];
- 9) To any person who is currently a salaried or contractual employee of the Secretary of State as mandated by the guidelines of the Secretary of State's Office Policy Manual [thatwhieh](#) states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State;
- 10) To any person who fails to supply a complete set of fingerprints to the

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Department as required pursuant to Section 6-411(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411(b)];

- 11) To any person who is not at least 21 years of age and a resident of the State of Illinois;
- 12) To any person who has failed to comply with the provisions of this Part pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411(d)];
- 13) To any person who is not of good moral character as required pursuant to Section 6-411(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411(a)]. In making a determination of good moral character, the Department is not limited to, but shall consider the following:
  - A) If the instructor has been convicted of a felony:
    - i) The relationship of any crime of which the person has been convicted to the ability to operate a driver training school; or
    - ii) ~~The~~ opinions of the community members concerning the owner; or
    - iii) The length of time that has elapsed since the owner's last criminal conviction.
  - B) If the instructor has been indicted, formally charged or otherwise charged with a felony:
    - i) If the instructor whose commercial driver training school instructor license has been cancelled under this Part is adjudicated "guilty" by the court systems, the cancellation previously entered on his/her record in accordance with Section 1060.190(b) of this Part shall stand. This action does not preclude further suspension and/or revocation of the commercial driver training school instructor license under another Section of this Part, or the Illinois Vehicle Code.

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- ii) If the instructor whose commercial driver training school instructor license has been cancelled under this Part is adjudicated "not guilty" by the court systems, the cancellation previously entered on the license in accordance with Section 1060.190(b) of this Part shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school instructor license under another Section of this Part, or the Illinois Vehicle Code.
  - iii) If the instructor whose commercial driver training school instructor license has been cancelled under this Part is granted a disposition of "court supervision" by the court systems, the cancellation previously entered on the license in accordance with Section 1060.190(b) of this Part shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school instructor license under another Section of this Part, or the Illinois Vehicle Code.
- C) An individual whose commercial driver training school instructor license has been cancelled pursuant to this Part may request an administrative hearing pursuant to 92 [Ill. Adm. Code, Illinois Administrative Code](#) 1001.;
- 14) To any person whose suspension under Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501.1] has terminated within 10 years prior to date of application;
- 15) To any person who has not completed a 30 hour course or an equivalent college or university course approved by the Director of the Department.
- A) Any person possessing a current and valid commercial driver training instructor's license, or who is renewing a commercial driver training license issued by the Secretary of State's Office, shall be exempt from this requirement.
  - B) A driver training school whose instructor provides training to individuals under the age of 18 years is exempt from this requirement and must complete the mandatory 48 hour course as required in Section 1060.180 of this Part.;

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16) To any person currently licensed by the Secretary of State as a Third Party Certification Program Safety Officer.

- b) If an applicant indicates that he/she has been convicted of a felony, the applicant shall submit a signed release allowing the Department to obtain any information regarding the applicant's arrest and conviction, thereby enabling the Department to determine the fitness of an applicant to be licensed as an instructor.
- c) No driver training instructor shall provide behind-the-wheel instruction in a vehicle ~~that~~which is classified higher than the classification of ~~the~~such instructor's driver's license. An instructor may hold two classifications; one classification from Classes A, B, C and D, and one classification from Classes L and M, as defined in 92 Ill. Adm. Code 1030.30(b). An instructor holding a Class A commercial driver's license may teach students to drive all Class A, B, C, and D vehicles. An instructor holding a Class B commercial driver's license may teach students to drive all Class B, C, and D vehicles. An instructor holding a Class C commercial driver's license may teach students to drive all Class C and D vehicles. However, an instructor holding a non-commercial driver's license may only teach students who do not require a commercial driver's license. An instructor holding a Class M license may teach students to drive all Class L and M vehicles.
- d) Any person who is physically unable to safely operate a motor vehicle but meets all other requirements to be a driver training instructor shall be able to teach only the classroom portion of the driver training course upon receipt of a doctor's statement indicating the person is physically able to teach in the classroom. The person shall also pass the vision test, as provided in 92 Ill. Adm. Code 1030.70, the written test, as provided in 92 Ill. Adm. Code 1030.80, the highway safety sign test, and submit all applicable fees as set out in Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411] before being issued an instructor's license for classroom instruction only.
- e) All instructors who have ceased to be employed or associated with the designated school on their license must submit a new complete instructor's license application and application fee before being licensed to instruct at another school or in the same school after such cessation.
- f) If a driver training instructor license is not renewed within one year after the previous year's expiration date, the applicant shall be required to take examinations pursuant to Section 1060.130 of this Part.

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- g) An instructor shall not engage in fraudulent activity as defined in Section 1060.5 of this Part.
- h) During the course of instruction in either classroom or behind-the-wheel, an instructor shall not engage in activity unrelated to normal driving instruction that puts the student in danger.
- i) An instructor shall not have unauthorized possession of application forms or questionnaires used by the Driver Services Department in conjunction with administering driver's license examinations.

(Source: Amended at 30 Ill. Reg. 11377, effective June 14, 2006)

**Section 1060.150 Driver Training School Responsibility for Employees**

- a) No driver training school shall employ or otherwise retain any individual to give classroom instruction or behind-the-wheel instruction unless the individual has a valid, current driver training instructor's license for that school issued by the Secretary of State [and meets the qualifications provided in Section 1060.120 of this Part](#).
- b) Qualified and recognized experts in the fields of driver training, traffic regulation, or motor vehicle operation or maintenance may give occasional classroom lectures without having a valid current driver training instructor's license, provided the driver training school ~~that~~ secures the services of any such expert notifies the Office of the Secretary of State, Driver Training School Section, in advance, indicating the name, address and qualifications of the expert and the proposed lecture dates.
- c) Any individual employed by, or associated with, any driver training school, and all acts performed by an instructor, shall be presumed acts within the scope of employment unless the school can provide competent evidence to the contrary.
- d) If a licensed instructor is temporarily suspended, laid off or discharged by a driver training school, the school shall immediately notify the Secretary of State, on forms furnished by the Secretary of State, listing the name, address and license number of the instructor, termination date, and the reason for ~~the~~ termination. In all cases where an employee ceased working for the commercial driving school, whether it be a temporary lay-off or any other termination of his/[her](#) association with the school, the instructor must surrender his/[her](#) license to the

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Secretary of State.

(Source: Amended at 30 Ill. Reg. 11377, effective June 14, 2006)

**Section 1060.200 Commercial Driver's License and/or Endorsement and/or Accreditation**

- a) Accreditation of the Program – Each commercial driver training school that desires to offer instruction to those individuals who wish to obtain a CDL and/or endorsement and/or restriction must be accredited by the Secretary of State through the Department of Driver Services before such instruction can be offered or advertised.
- 1) Upon receipt of proper application for accreditation, the Secretary of State shall investigate the program and verify the information contained in the application. A Secretary of State employee shall contact the applicant and make an appointment to inspect the school's facilities. At the time of inspection, the Secretary of State employee shall verify that the school meets the standards for CDL accreditation set forth in [Sections subsections 1060.190\(b\) through \(f\) of this Section](#) in addition to all other applicable [Sections subsections](#) within this Part. These standards shall be furnished to the school by the Secretary of State before the visit if the school requests them. If all qualifications and standards are met, the school shall be accredited to offer instruction on how to operate a vehicle with CDL and/or endorsement and/or restriction classification.
  - 2) The accreditation of each school is renewable upon the expiration date of the school license, provided all qualifications and standards are met ~~and~~, provided the school has been in compliance with all rules.
  - 3) Only qualified teaching personnel who already possess a CDL and/or endorsement and/or restriction classification may teach the drive portion of instruction.
- b) Required facilities – All CDL and or endorsement and/or restriction accredited schools must provide all classroom and vehicle facilities and equipment as prescribed in Article IV of the Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. IV] and Section 1060.50 of this Part. Those who desire to provide instruction to [personsperson\(s\)](#) who wish to obtain a CDL and/or endorsement and/or restriction classified license must additionally provide a vehicle training area, owned or leased by the school, with sufficient space to properly accommodate the number of vehicles the school has in operation and

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appropriate off-street maneuvers.

- 1) Required course of instruction:
  - A) CDL accredited driving schools must administer driving instruction that corresponds to a curriculum that will be provided to the school by the Secretary of State. Each CDL accredited driving school must provide the minimum of 160 hours of instruction in not less than a 4 week period to each student as indicated in the curriculum.
  - B) The following curriculum must be offered to each first time CDL student in a minimum of 4 weeks. Each student must receive 160 hours of CDL instruction allocated as follows:
    - i) Classroom. 40 hours of classroom instruction; this includes, but is not limited to, preparation for the Secretary of State's written examinations and all chapters of this curriculum.
    - ii) Range. 16 hours of training yard behind-the-wheel instruction. This requires one on one instruction with a properly licensed CDL instructor and vehicle on an approved training lot.
    - iii) Over the Road. 16 hours of behind-the-wheel instruction on public streets and highways. This requires one on one instruction with a properly licensed CDL instructor and vehicle.
    - iv) Observation. 10 hours of observation experience composed of observation of the practice range and over-the-road training.
    - v) Remedial Training. 78 hours of additional classroom training, observation, and practice range/over-the-road training based on each CDL student's specific needs.

The training schedule outlined above must follow the Illinois Occupational Skill Standards, Entry-Level Truck Driver Manual ([March 1999](#)) endorsed for Illinois by the Illinois Occupational

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Skill Standards and Credentialing Counsel. This Manual is available from the Secretary of State Driver Facility, 650 Roppolo Drive, Elk Grove Village, IL 60007.

- C) Instructional materials shall be available and shall include at least one of the following: a 16 mm sound projector and screen, video equipment with films processed on video tape, a film or films.
- D) A professional library containing an assortment of reference and textbooks, pamphlets, and other publications, including but not limited to the CDL Study Guide, ~~that~~<sup>which</sup> are available for the use of students and teachers.
- E) A brush-up course of instruction may be offered to individuals who currently hold or have held a CDL ~~issued under the requirements of 49 CFR 383 (2005), or its equivalent.~~ The school must maintain records that verify students qualify for a brush-up course. This course may be offered on an hourly basis. No brush-up course may be offered to any individual who has never held a CDL or its equivalent.
- F) Classroom instruction – CDL and/or endorsement and/or restriction classification instruction.
  - i) Each classroom course must have a definite starting date and completion date. A listing of students enrolled in each course shall be sent to the Secretary of State, within 3 days after the third day of classroom instruction, on forms provided by the Secretary of State.
  - ii) Classroom instruction shall include subject matter relating to the rules of the road as contained in the CDL Study Guide, safe driving practices, pedestrian safety, defensive driving techniques, behavioral characteristics of drivers, federal regulations relating to the Department of Transportation and CDL standards (49 CFR 383), vehicle insurance, the use of safety devices, and the effects of alcohol and drugs on driving.
  - iii) Practice driving instruction must comply with the curriculum provided by the Office of the Secretary of State.

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- iv) Audio-visual materials shall be used as a supplement to the teacher's presentation, but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and shall include outside reading as well as preparation for testing.
  - v) A regular schedule of classroom testing shall be followed. Student progress is to be periodically evaluated. Criteria for passing or failing the course shall be evident to the student, and successful completion clearly defined.
  - vi) Each student shall be informed, prior to the time instruction begins, of the amount of any and all fees or charges made for enrollment or registration, tuition, use of equipment, or materials provided by the CDL and/or endorsement and/or restriction accredited driver training program.
  - vii) Instruction of each student in the class shall begin on the date and location designated by advertisement and continue throughout the designed period, unless the course is cancelled and the student is refunded any fees already paid.
- G) Laboratory Instruction – For persons taking instruction for CDL and/or endorsement and/or restriction classification.
- i) Behind-the-wheel instruction shall not begin until such time as the student is enrolled in a classroom program of CDL and/or endorsement and/or restriction classification driver training and obtains the required knowledge for the safe operation of a vehicle in traffic as provided in 49 CFR 383.110-121.
  - ii) Each student must have in his/her possession when engaged in vehicle operation a valid and properly classified instruction permit issued by the Secretary of State, unless previously licensed in a classification representative of the vehicle he/she intends to drive.
  - iii) Practice driving instruction shall include but not be limited

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to pre-trip inspection, actual experience in starting, stopping, shifting, turning, backing, docking, parking, steering, and emergency situation procedures.

- iv) CDL skills testing for "A" classification must be given in a representative power unit with a multi-range transmission with no fewer than 9 forward gears and a representative trailer at least 48 feet long with a tandem axle.
- 2) Student ratio per course
    - A) The total number of students enrolled in each CDL accredited course in any 30 day period shall not exceed 5 students per each currently licensed instructor.
    - B) The total number of students enrolled in each CDL accredited course in any 30 day period shall not exceed 6 students for each currently registered CDL vehicle.
  - c) Classroom teacher qualifications
    - 1) Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one classroom instructor employed by the school, who meets the standards of Section 6-411 of the Illinois Vehicle Code [625 ILCS 5/6-411].
    - 2) Required classroom teacher qualifications:
      - A) A driver training instructor teaching the classroom portion of a CDL and/or endorsement and/or restriction accredited course must comply with Sections 1060.120 and 1060.130 of this Part.
      - B) The instructor must possess good physical and mental health as determined by a physician. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and a physician.
      - C) A classroom instructor must pass an objective type instructor written examination based upon the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 USC 2704). The written

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examination shall consist of 125 questions (90 multiple choice and 35 true/false) and the instructor must correctly answer 106 questions to pass.

- d) CDL and/or endorsement and/or restriction behind-the-wheel teacher qualifications
  - 1) Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one behind-the-wheel instructor employed by the school, who meets the standards of Section 6-411 of the Illinois Vehicle Code [625 ILCS 5/6-411].
  - 2) Required behind-the-wheel teacher qualifications:
    - A) A driver training instructor teaching the behind-the-wheel portion of a CDL and/or endorsement and/or restriction accredited course must comply with the provisions of Sections 1060.120 and 1060.130 of this Part and be licensed in a classification representative of the vehicle in which they intend to teach for at least 3 consecutive years immediately prior to application (a 1 month lapse in renewal will not negate the 3 consecutive years requirement).
    - B) The instructor must possess good physical and mental health as determined by a physician. An application/physical examination form, ~~shall be~~ provided by the Secretary of State, ~~which~~ shall be completed by the instructor and a physician.
    - C) The instructor shall give instruction only in the classification and/or endorsement and/or restriction in which he/she is licensed.
    - D) A behind-the-wheel instructor must pass an objective type instructor written examination based upon the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 USC 2704) as provided for in subsection (c)(1)(C) of this Section. In addition, a behind-the-wheel instructor must pass a practical test regarding his/her ability to drive a vehicle of CDL and/or endorsement and/or restriction classification (92 Ill. Adm. Code 1030.85).
- e) Student Instruction Records

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- 1) Records shall be maintained by schools that document daily attendance, lesson time, and periodic evaluation of each student. Also recorded shall be the dates of classroom instruction, behind-the-wheel instruction and observation time. Students are to be identified by their social security numbers as well as by name, address, and other personal information. A driver license number also must be entered on the student record. Such records are to be on file in the office of the management for a period of 3 years.
- 2) The driver school with a CDL and/or endorsement and/or restriction accreditation must meet all requirements of Section 1060.60 of this Part.
- 3) The school and each student must maintain separate but identical logs of the student's behind-the-wheel instruction and observation time. The logs must include the dates of instruction, type of instruction, student/instructor signatures and odometer readings of the vehicles used for instruction.
- 4) A Secretary of State form shall be used for submitting names of those students who have satisfactorily fulfilled the CDL accreditation course. The form shall be signed by an authorized official of the school.
- f) The Secretary of State shall suspend or revoke, cancel or deny the license and/or accreditation of any driver training school or driver training instructor if the school or instructor fails to comply with the provisions of this Part or 49 CFR 383.

(Source: Amended at 30 Ill. Reg. 11377, effective June 14, 2006)

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- 1) Heading of the Part: Bonding Guidelines
- 2) Code Citation: 71 Ill. Adm. Code 50
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
50.110	Amendment
50.120	Amendment
50.140	New Section
- 4) Statutory Authority: Implementing and authorized by Section 90.6 of the Capital Development Board Act [20 ILCS 3105/9.06]
- 5) Effective Date of Amendments: June 13, 2006
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking will not expire sooner than 150 days.
- 7) Date filed with the Index Department: June 13, 2006
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This clarification is critically necessary to secure grants for the procurement of Illinois State Police vehicles in the next 60 days.
- 10) A complete Description of the Subjects and Issues Involved: This clarification eliminates an existing ambiguity in the current rules by providing a clear statement that "durable movable equipment" includes both initial durable movable equipment and durable equipment as vehicles. Further, this clarification clearly defines the characteristics of each type of durable movable equipment and provides guidance in an area inadequately addressed in current rules – the use of general obligations proceeds for specific types of durable movable equipment.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objective: This clarification facilitates the delivery of fundamental State services and functions, including the preservation and enhancement of public safety and law enforcement.
- 13) Information and questions regarding these emergency amendments shall be directed to:

CAPITAL DEVELOPMENT BOARD

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Fredrick W. Hahn  
Capital Development Board  
401 S. Spring Street, 3<sup>rd</sup> Floor Stratton  
Springfield, IL 62706

217/782-0700  
[Fredrick.hahn@illinois.gov](mailto:Fredrick.hahn@illinois.gov)

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

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TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY  
CHAPTER I: CAPITAL DEVELOPMENT BOARD  
SUBCHAPTER a: RULESPART 50  
BONDING GUIDELINES

## Section

50.110	General Standards and Guidelines for the Appropriate Utilization of Bond Proceeds
<a href="#">EMERGENCY</a>	
50.120	Standardized Definitions and Guidelines
<a href="#">EMERGENCY</a>	
50.130	Limitations on Expenditures of Bond Proceeds
<a href="#">50.140</a>	<a href="#">General Standards and Guidelines for Durable Equipment Funded from Bond Proceeds</a>
<a href="#">EMERGENCY</a>	

AUTHORITY: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20247, effective October 1, 1984; amended at 12 Ill. Reg. 9845, effective May 27, 1988; old Part repealed and new Part adopted at 25 Ill. Reg. 67, effective December 22, 2000; emergency amendment at 30 Ill. Reg. 11397, effective June 13, 2006, for a maximum of 150 days.

**Section 50.110 General Standards and Guidelines for the Appropriate Utilization of Bond Proceeds**[EMERGENCY](#)

- a) General. The general uses of Capital Development Bond, School Construction Bond, General Obligation Bond and Build Illinois Bond proceeds appropriated to the Board shall always be and remain consistent with the provisions expressed in Article VIII, Section 1 and Article IX, Section 9 of the 1970 Constitution of the State of Illinois, and with the provisions of the Capital Development Bond Act of 1972 [30 ILCS 420], the School Construction Bond Act [30 ILCS 390], General Obligation Bond Act [30 ILCS 330] and the Build Illinois Bond Act [30 ILCS 425].
- b) Bondable Capital Improvements. Bondable capital improvements and related expenditure purposes generally include, but are not limited to, the following:

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- 1) Planning expenses for architectural and engineering design;
  - 2) Real property;
  - 3) Buildings, additions, and/or structures (including required site development or preparation and associated fixed equipment that is required for functional effectiveness);
  - 4) Utilities;
  - 5) ~~Initial durable~~ [Durable](#) movable equipment as defined in Section 50.120(e), Durable Movable Equipment, [or durable equipment as defined in Section 50.140 of this Part](#);
  - 6) Site improvements;
  - 7) Remodeling and/or Rehabilitation;
  - 8) Direct costs associated with the issuance of State General Obligation Bonds.
- c) General Obligation Bond Proceeds.
- 1) In general, any expenditure purpose shall be considered appropriate for financing from proceeds provided that such expenditure purposes:
    - A) are not recurring. In this context, recurring expenses are defined as those costs that are incurred at frequent or regular intervals within the initial term of financing, and that would cause pyramiding accumulation of costs for the same expenditure purpose before the expenses initially incurred for such purpose are completely amortized;
    - B) can be characterized as durable or not readily consumed in use;
    - C) reflect an extended useful life or longevity that confers long-term (non-transitory) benefits on the citizens of the State of Illinois;
    - D) are not subject to inherent risk of failure or rapid technological obsolescence, or primarily intended to fulfill temporary

## CAPITAL DEVELOPMENT BOARD

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requirements;

- E) reflect a direct interest of the State of Illinois, including its legally constituted subdivisions, in any real property to be improved, as evidenced by valid title to the real property on which the proposed improvement is to be made, or an easement interest of record that at least encompasses the proposed term of bond financing;
  - F) appreciably increase, improve, or enhance the equitable interests of the State of Illinois in capital facilities, land, permanent improvements, and related assets;
  - G) are considered as internal components of a project, which if considered separately may not reflect an extended useful life, but will be bondable provided that such components are initially required for and appreciably contribute to effective functioning, or are otherwise incapable of separation from a more complex unit that in itself is bondable.
- 2) All seven factors must be present in order for an expenditure purpose to be bondable.
  - 3) Notwithstanding the above prescribed purposes, a nonconforming expenditure may yet be considered bondable if it is deemed to be in the public interest as evidenced by a substantive enactment of the General Assembly. Only Public Acts specifying a project shall be deemed a substantive enactment.

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 11397, effective June 13, 2006, for a maximum of 150 days)

**Section 50.120 Standardized Definitions and Guidelines****EMERGENCY**

The following standardized definitions and guidelines enumerate the appropriate utilization of Capital Development, School Construction, General Obligation and Build Illinois Bond proceeds appropriated to the Board to finance bondable capital improvements as listed in Section 50.110(b) above.

- a) **Planning.** Bondable planning costs include those expenditures that are related to architectural and engineering design required for planning the construction or

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installation of bondable capital improvement projects. Included are costs for schematic design development, which refers to preliminary studies developed from program statements that reflect the general functional characteristics and architectural requirements of a bondable capital improvement project; costs for definitive design development, which means the refinement of schematic design into final detailed design requirements; and costs incurred for the completion of construction documents and detailed working drawings required for bidding and construction, including any allowable reimbursables provided within an executed contract for professional and technical services.

- b) Land. Land includes expenditures for the acquisition of real property (including easements of record with an extended term, but excluding any leasehold interests obtained through rental of real property), whether obtained by purchase or by condemnation under the applicable eminent domain laws of the State of Illinois, and for all expenses directly and necessarily related to such purchase or condemnation. All necessary and reasonable expenses incurred in the acquisition of real property qualify for bond financing. Such expenditures may include but are not limited to the following:
- 1) land costs
  - 2) appraisal fees
  - 3) title opinions
  - 4) surveying fees
  - 5) real estate fees
  - 6) title transfer taxes
  - 7) condemnation costs and related legal expenses.
- c) Buildings, Additions, and/or Structures. Buildings, additions and/or structures shall mean and include those facilities with a roof and/or walls that have a foundation. This category also includes site developments necessarily required or related to the preparation of a site for construction purposes; and required built-in, special-purpose, or other fixed equipment, which is permanently affixed or connected to real property in such a manner that removal would cause consequent damage to the real property to which it is affixed. All expenditures that may be classified within the category defined shall be bondable.

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- d) Utilities. In general, the category utilities shall mean and include expenditures for the acquisition, construction, replacement, modernization, and/or extension of systems for distributing or disbursing utility services. Bondable utility costs may include but are not limited to the following items:
- 1) provisions for potable water, high-temperature water for sanitary or other related purposes, domestic hot or chilled water;
  - 2) systems and associated components for disbursing or distributing electricity or providing telecommunications service, including underground or overhead distribution cables for television, computers, or other modes of communication;
  - 3) steam and condensate returns;
  - 4) storm and/or sanitary sewers;
  - 5) fire hydrants and stand pipes;
  - 6) central fire and security alert systems;
  - 7) exterior lighting;
  - 8) tap-ons or extensions related to existing utility systems;
  - 9) automated temperature/environmental control systems, and air and water pollution control systems;
  - 10) provisions for the disposal of scientific contaminated waste and surgical waste;
  - 11) solar heating or other approved energy systems;
  - 12) sewage and water treatment facilities, equipment and related distribution systems;
  - 13) earth moving to create artificial lakes or reservoirs for utility or related conservation purposes;
  - 14) restoration of natural and/or man-made features of the site of any utilities

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installation to its original condition;

- 15) trenches or ditches dug for the purpose of laying tile or providing ducts to remove excessive rainfall and prevent erosion.

e) Durable movable equipment

- 1) Durable movable equipment shall mean:

A) [durable equipment as vehicles for the Illinois State Police, when purchased new and having a specialized purpose as defined in Section 50.140 of this Part; and](#)

B) initial [durable](#) movable equipment, including all items of initial equipment, other than built-in equipment, that are necessary and appropriate for the functioning of a particular facility for its specific purpose, and that will be used solely or primarily in the rooms or areas covered in the subject project. Further, [initial durable movablesueh](#) equipment is defined as manufactured items that have an extended useful life, are not affixed to a building and are capable of being moved or relocated from room to room or building to building, are not consumed in use, and have an identity and function that will not be lost through incorporation into a more complex unit.

- 2) In applying the above definition, reference should be made to the State Finance Act [30 ILCS 105], and the distinction between commodities (Section 15b of that Act) and equipment (Section 20) as defined by that Act. Within the context of that Act, the following guidelines should be applied in defining durable movable equipment:

A) Bondable

- i) Office/household equipment and furniture will be bondable.
- ii) Machinery, implements and major tools will be bondable.
- iii) Scientific instruments and apparatus will be bondable when they have a useful life similar to office equipment.

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- iv) Transportation and installation costs incurred with an outside source will be considered part of the equipment cost for items funded by the Board.
- v) Equipment not otherwise classified will be considered bondable provided it meets all other guidelines.
- vi) Significant useful life [for initial durable movable equipment described in subsection \(e\)\(1\)\(B\) of this Section](#) should be considered a minimum of 10 years.
- vii) [Significant useful life of durable equipment as described in Section 50.140 of this Part, purchased new as required by Section 50.140\(c\)\(4\) and \(c\)\(5\) of this Part, shall be a minimum of five years. Debt incurred for such purpose of this paragraph shall be repaid within a five year term as required by Section 50.140\(d\) of this Part.](#)

## B) Non-bondable

- i) Scientific apparatus items that are subject to short useful life, such as glassware, tubing, crockery and light bulbs are not bondable. These items are more correctly defined as commodities.
- ii) Library books, maps, and paintings other than those purchased in the Art in Architecture program [20 ILCS 3105/14] are not fundable from bond funds.
- iii) Livestock, for any use, is not fundable from bond funds.
- iv) [Standard rolling](#)~~Rolling~~ stock, including boats, [passenger cars, trucks and related items intended to provide common carriage or commercial transport](#), are not fundable from bond funds.
- v) Spare and replacement parts should be considered commodities.
- vi) No commodities shall be purchased from bond funds.

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- f) Site Improvements. Site Improvements means and includes expenditures for all improvements to real property that are not otherwise included within the category of buildings, additions and/or structures (subsection (c) of this Section). Bondable site improvement expenditures shall include all above costs incidental to demolition, rough and final grading of a site, and the construction or replacement of sidewalks, road and driveway pavement surfaces, bridges, ramps, curbs, overpasses, underpasses, pedestrian bridges and tunnels, surface parking areas, campground development, building terraces, retaining walls, exterior lighting, and seeding or sodding for erosion control only if related to a bondable capital improvement project.
- g) Remodeling and Rehabilitation
- 1) Bondable remodeling and rehabilitation means and includes expenditures for all capital improvements that have the primary objective of altering the functional capabilities of a structure or facility.
  - 2) Remodeling shall include all capital improvement projects that have the primary objective of changing the functional character of areas, modifying capacity for the number of persons who can be accommodated, and/or altering spatial relationships.
  - 3) Rehabilitation shall include all non-recurring capital improvement expenditures having the primary purpose of restoring or upgrading an existing area to original operating condition. Recurring expenditures for repairs and/or maintenance that are predictable or reflect regular attention in preserving or keeping a facility in ordinarily efficient operating condition or arresting deterioration without appreciably upgrading, improving, or increasing the value of a facility, shall be considered non-bondable repair and maintenance expenditures.
- h) Direct Costs Associated with the Issuance of State General Obligation Bonds. Costs of this nature shall include expenses associated with advertising, printing, bond rating, security, delivery, legal and financial services, and all other expenses necessary and incident to the issuance of State General Obligation Bonds.
- i) [The acquisition of specialized purpose vehicles for the Illinois State Police from the proceeds of General Obligation Bonds shall be governed by the provisions of Section 50.140 of this Part.](#)

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(Source: Amended by emergency rulemaking at 30 Ill. Reg. 11397, effective June 13, 2006, for a maximum of 150 days)

**Section 50.140 General Standards and Guidelines for Durable Equipment Funded from Bond Proceeds**  
**EMERGENCY**

- a) The use of General Obligation Bond proceeds appropriated to the Capital Development Board to fund the acquisition of new, specialized purpose vehicles for the Illinois State Police is consistent with the provisions of the General Obligation Bond Act at 30 ILCS 330.
- b) Notwithstanding any provision to the contrary set forth in this Part, expenditure for the purpose of purchasing new, specialized purpose vehicles for the Illinois State Police constitutes the acquisition of capital purpose assets as durable equipment and shall be considered appropriate for financing from proceeds of General Obligation Bonds. Such durable equipment shall be deemed to reflect an extended useful life or longevity, conferring long-term benefits as described in Section 50.110(c)(1)(C) of this Part, of not less than the five year period described in subsection (d)(1).
- c) For purposes of this Section, durable equipment shall be defined as that equipment which is described in Section 50.120, and which demonstrates the following attributes:
  - 1) May be funded with the proceeds of bonds exempt from federal income taxation as permitted under federal law;
  - 2) Is not consumed by use;
  - 3) Is suitable for collateral assignment pursuant to alternative lease financing arrangements;
  - 4) Is acquired as new equipment without prior ownership or use by an another person or entity;
  - 5) Is reasonably expected to have a useful life of not less than 5 years and have a salvage value as of the end of its use for a particular purpose;
  - 6) Shall be substantially specialized and specifically suited to the purposes for which such durable equipment is acquired, and not of a common

## CAPITAL DEVELOPMENT BOARD

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personal or commercial nature such as a passenger or motor vehicle intended to provide passenger, common carriage or commercial transport use;

7) Relates to the delivery of fundamental State services and functions including the preservation and enhancement of public safety and law enforcement.

d) Requirements for General Obligation Bonds issued from which durable equipment will be funded:

1) All General Obligation Bonds issued to finance the acquisition of specialized purpose vehicles for the Illinois State Police shall mature within five years of their date of issuance. General Obligation Bonds issued for durable equipment pursuant to this Section shall be of a separately identified five year equal principal repayment period.

2) Proceeds of General Obligation Bonds issued for the purposes described in this Section may be used to fund other eligible capital purposes for which General Obligation Bonds with longer periods would otherwise be issued.

(Source: Added by emergency rulemaking at 30 Ill. Reg. 11397, effective June 13, 2006, for a maximum of 150 days)

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## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.11                      Emergency Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104 & 625 ILCS 5/6-107
- 5) Effective Date of Amendment: June 19, 2006
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire upon adoption of the proposed rule.
- 7) Date filed with the Index Department: June 19, 2006
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Since this new law is effective upon signature, it is imperative for the Secretary of State's Office to submit an emergency rule on the same day to effectively implement the new law.
- 10) A Complete Description of the Subjects and Issues Involved: HB4768, effective upon signature, implements enhancements to the Graduated Driver Licensing program by requiring an additional 25 hours, including at least 10 hours nighttime driving, and written consent by the parent/legal guardian prior to licensure of full driving privileges. This causes a hardship to the drivers, who in full faith, may have completed current statutory requirements just prior to the new amendments going into effect.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: To allow the public sufficient notice of the Graduated Driver's License Program enhancements contained in the amendment of 625 ILCS 5/6-107.
- 13) Information and questions regarding this emergency amendment shall be directed to:

Office of the Secretary of State

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NOTICE OF EMERGENCY AMENDMENT

Driver Services Department  
Jo Ann Wilson, Legislative Liaison  
c/o Director's Office  
2701 South Dirksen Parkway  
Springfield, IL 62723

(217) 785-1441

- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

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## NOTICE OF EMERGENCY AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

## Section

1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
	<u>EMERGENCY</u>
1030.12	Driver's License Medical Advisory Board
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses

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- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License
- 1030.100 Anatomical Gift Donor
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment

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at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days.

**Section 1030.11 Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License****EMERGENCY**

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- a) For purposes of this Section, the following definitions shall apply:
- 1) "Foreign National" – A non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.
  - 2) "Night" – Those hours during the period from sunset to sunrise.
  - 3)2) "Temporary Visitor's Driver's License" or "TVDL" – A license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.
- b) A person who wishes to obtain a driver's license shall go to one of the Secretary of State Driver Services Facilities located throughout the state. An application form provided by the Secretary of State pursuant to Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106] shall be completed by the applicant. The questions contained on the application form are provided in Appendix A of this Part. The applicant shall also provide a Driver Services facility employee with acceptable forms of identification provided in Appendix B of this Part establishing the applicant's name, date of birth, signature for comparison, Illinois residency, and social security number.
- c) Any foreign national who wishes to obtain a temporary visitor's driver's license shall go to one of the designated Secretary of State Driver Services facilities located throughout the State. An application form, provided by the Secretary of State pursuant to Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106], shall be completed by the applicant. The questions contained on the application form are provided in Appendix A of this Part. The applicant shall also provide a Driver Services facility employee with acceptable forms of identification provided in Appendix B of this Part to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency, and authorization of legal presence in this country. The applicant shall also provide a government-issued photo identification document and documentation from the Social Security Administration verifying ineligibility for a social security number.
- d) A temporary visitor's driver's license shall only be issued to an individual who is

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authorized to reside in this country for 1 or more years and has at least 6 months of his or her authorized presence remaining. Except, individuals currently holding a temporary visitor's driver's license who have been granted a temporary extension to remain in this country pending a decision of his or her request for a status change, upon presentation of documents issued by the USCIS, may be issued a temporary visitor's driver's license for the period of the temporary extension.

- e) The applicant shall take the following tests as required in Section 6-109 of the Illinois Vehicle Code [625 ILCS 5/6-109]:
- 1) A vision test as provided in Sections 1030.70 and 1030.75 of this Part;
  - 2) A road test, if required, as provided in Section 1030.85 of this Part (exemptions to the road test requirement are provided in Section 1030.88 of this Part); and
  - 3) A written test, if required, as provided in Section 1030.80.
- f) Applicants who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a driver's license without the written consent of the applicant's parent, legal guardian or other responsible adult, regardless of whether or not the required written consent also accompanied the person's previous application for an instruction permit and until the applicant has, in accordance with Section 6-107(b) of the Illinois Code [625 ILCS 5/6-107(b)]:
- 1) Held a valid instruction permit for a minimum of 3 months;
  - 2) Passed an approved driver education course and submits proof of having passed the course as may be required;
  - 3) Submits, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, otherwise by the legal guardian having custody of the applicant, or in the event there is no parent or legal guardian, then by another responsible adult, that the applicant has had a minimum of 5025 hours, at least 10 hours of which have been at night, of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 5025 hours shall be in addition to the 6-required hours spent with a driver education instructor. The Secretary of State may exempt 25 hours of behind-the-wheel practice, which may

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include the 10 hours of night practice time, in cases where the instruction permit was issued prior to the effective date of the minimum 50 hours requirement. The person completing the certification shall upon signing the certification swear under penalty of perjury that everything contained within the certification is true and correct.

- g) A driver's license or temporary visitor driver's license applicant shall have his/her photograph taken unless exempted as provided in Section 1030.90 of this Part. A driver's license shall be issued upon completion of all the requirements of this Section and Chapter 6 of the Illinois Vehicle Code [625 ILCS 5/Ch. 6].
- h) A temporary visitor's driver's license shall only be issued in non-CDL class D, L or M as established in Section 1030.30 of this Part.
- i) Each original temporary visitor's driver's license shall expire 3 years from the date of issuance or at the time the individual's authorization to remain in this country expires, whichever is less. Except, the temporary visitor's driver's licenses of individuals 81 years of age or older shall expire in accordance with Section 6-115(g) of the Illinois Vehicle Code [625 ILCS 5/6-115(g)] or at the time the individual's authorization to remain in this country expires, whichever is less.
- j) Each renewal temporary visitor's driver's license shall expire no more than 3 years from the expiration date of the current license or at the time the individual's authorization to remain in this Country expires, whichever is less. Except, the licenses of individuals 81 years of age or older shall expire in accordance with Section 6-115(g) of the Illinois Vehicle Code [625 ILCS 5/6-115(g)] or at the time the individual's authorization to remain in this country expires, whichever is less.
- k) The fees collected for the issuance of an original, renewal, duplicate or corrected temporary visitor's driver's license shall be in accordance with Section 6-118 of the Illinois Vehicle Code [625 ILCS 5/6-118].
- l) Any person who wishes to renew a temporary visitor's driver's license shall go to one of the designated Secretary of State Driver Services facilities located throughout the State. Renewal shall be allowed no more than 90 days prior to the expiration date of the current driver's license. An application form, provided by the Secretary of State pursuant to Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106], shall be completed by the applicant. The questions contained on the application form are provided in Appendix A of this Part. The applicant shall also provide a Driver Services facility employee with acceptable forms of

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identification provided in Appendix B of this Part to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency and authorization of legal presence and extension of his/her stay in this country. The applicant shall also provide a government-issued photo identification document and documentation from the Social Security Administration verifying ineligibility for a social security number. The applicant shall also be retested in accordance with 625 ILCS 5/6-109 of the Illinois Vehicle Code.

- m) The Secretary of State shall not send a renewal notice to the holder of a temporary visitor's driver's license.
- n) The design and contents of a temporary visitor's driver's license shall be in accordance with Section 6-110 of the Illinois Vehicle Code [625 ILCS 5/6-110] and Section 1030.90 of the Illinois Administrative Code, except it shall not contain a social security number. The license shall be distinctive in nature as to identify it as a temporary visitor's driver's license and will contain the phrase "not valid for identification".
- o) Each temporary visitor's driver's license issued to applicants under 21 years of age shall be in accordance with Sections 6-107.3 and 6-110(e) and (e-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.3 and 6-110(e) and (e-1)]. A temporary visitor's driver's license issued to an individual under the age of 21 years shall expire three years from the issue date or at the time the individual's authorization to remain in this country expires, whichever is less.
- p) A foreign national who is issued a temporary visitor's driver's license shall not be required to surrender his/her foreign country driver's license.
- q) A Central Unit will be established within the Secretary of State Driver Services Department. The responsibilities of this Central Unit shall be to provide assistance to Driver Services facility employees responsible for the issuance of a TVDL and to individuals applying for a TVDL; resolve cases where the USCIS was unable to provide first level verification of USCIS documents, via the Systematic Alien Verification for Entitlements (SAVE) Program, presented by TVDL applicants at the Driver Services facility level; perform liaison services to the USCIS; and provide written notification of an applicant's eligibility or ineligibility for a TVDL.
  - 1) When an applicant appears at one of the designated Driver Services facilities and provides the necessary documents to prove identity and legal

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presence, a facility employee will begin the process by initiating an automated inquiry via the SAVE Program to verify the information on the USCIS documents. Upon receipt of a verification response from the SAVE Program, the facility employee will begin the TVDL application process. If the facility employee receives the response of "initiate additional verification", additional information is submitted to USCIS via the SAVE Program and copies of the applicant's documents are forwarded to the Central Unit for monitoring. The applicant will be advised that he or she will receive written notification from the Central Unit regarding his or her eligibility for a TVDL.

- 2) A response to a 2<sup>nd</sup> request for verification of USCIS documents via the SAVE Program generally takes 3-5 days. Upon receipt of a response from the 2<sup>nd</sup> verification request via the SAVE Program, the Central Unit will send a letter to the applicant informing him or her of his or her eligibility or ineligibility for a TVDL.
- 3) If the Central Unit receives a response of "Need Copies of Docs" from USCIS via the SAVE Program, a third, manual verification process must be completed. This requires photo copies of the documents submitted for identification, accompanied by a USCIS G-845 Form (request for verification of documentation of alien status), to be forwarded to the Department of Homeland Security, Citizenship and Immigration Services Office in Chicago, Illinois. Upon receipt of a written response from USCIS, the Central Unit will send a letter to the applicant informing him or her of his or her eligibility or ineligibility for a TVDL.

(Source: Amended by emergency rulemaking at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF CORRECTION TO PROPOSED AMENDMENT

- 1) Heading of the Part for which proposed rulemaking is being corrected: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Illinois Register Citation to Notice of Proposed Rules: 30 Ill. Reg. 9399; May 26, 2006
- 4) Section being Corrected: 148.126
- 5) Correction being made: Section 148.126(b) is being corrected to reflect new labels made necessary by text changes. These changes were inadvertently omitted when the original proposed amendments were published. Please note that the First Notice Period begins anew on June 30, 2006 with the publication of this correction. The correctly amended text is as follows and is correctly incorporated into the rule text immediately following this Notice:

"b) The following five classes of hospitals are ineligible for safety net adjustment payments associated with the qualifying criteria listed in subsections (a)(1) through (a)(4), ~~and~~ subsections (a)(6) through (a)(8), (9) and subsections (a)(10) through (a)(14) of this Section:"

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 148

## HOSPITAL SERVICES

## SUBPART A: GENERAL PROVISIONS

## Section

148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services

## SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

## Section

148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100	Outpatient Rural Hospital Adjustment Payments
148.103	Outpatient Service Adjustment Payments
148.105	Psychiatric Adjustment Payments
148.110	Psychiatric Base Rate Adjustment Payments
148.112	High Volume Adjustment Payments
148.115	Rural Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.122	Medicaid Percentage Adjustments
148.126	Safety Net Adjustment Payments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements

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- 148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
- 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)

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148.390	Hearings
148.400	Special Hospital Reporting Requirements
148.402	Medicaid Eligibility Payments
148.404	Medicaid High Volume Adjustment Payments
148.406	Intensive Care Adjustment Payments
148.408	Trauma Center Adjustment Payments
148.410	Psychiatric Rate Adjustment Payments
148.412	Rehabilitation Adjustment Payments
148.414	Supplemental Tertiary Care Adjustment Payments
148.416	Crossover Percentage Adjustment Payments
148.418	Long Term Acute Care Hospital Adjustment Payments
148.420	Obstetrical Care Adjustment Payments
148.422	Outpatient Access Payments
148.424	Outpatient Utilization Payments
148.426	Outpatient Complexity of Care Adjustment Payments
148.428	Rehabilitation Hospital Adjustment Payments
148.430	Perinatal Outpatient Adjustment Payments
148.432	Supplemental Psychiatric Adjustment Payments
148.434	Outpatient Community Access Adjustment Payments

## SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section	
148.500	Definitions
148.510	Reimbursement

## SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section	
148.600	Definitions
148.610	Scope of the Program
148.620	Assistance Level and Reimbursement
148.630	Criteria and Information Required to Establish Eligibility
148.640	Covered Services

148.TABLE A	Renal Participation Fee Worksheet
148.TABLE B	Bureau of Labor Statistics Equivalence
148.TABLE C	List of Metropolitan Counties by SMSA Definition

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

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective

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September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill.

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Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

**Section 148.126 Safety Net Adjustment Payments**

- a) Qualifying criteria: Safety net adjustment payments shall be made to a qualifying hospital, as defined in this subsection (a) unless the hospital does not provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code

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250.710(a) on or after July 1, 2006, but did provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on January 1, 2006.

A hospital not otherwise excluded under subsection (b) of this Section shall qualify for payment if it meets one of the following criteria:

- 1) The hospital has, as provided in subsection (e)(6) of this Section, an MIUR equal to or greater than 40 percent.
- 2) The hospital has the highest number of obstetrical care days in the safety net hospital base year.
- 3) The hospital is, as of October 1, 2001, a sole community hospital, as defined by the United States Department of Health and Human Services (42 CFR 412.92).
- 4) The hospital is, as of October 1, 2001, a rural hospital, as described in Section 148.25(g)(3), that meets all of the following criteria:
  - A) Has an MIUR greater than 33 percent.
  - B) Is designated a perinatal level two center by the Illinois Department of Public Health.
  - C) Has fewer than 125 licensed beds.
- 5) The hospital is a rural hospital, as described in Section 148.25(g)(3).
- 6) The hospital meets all of the following criteria:
  - A) Has an MIUR greater than 30 percent.
  - B) Had an occupancy rate greater than 80 percent in the safety net hospital base year.
  - C) Provided greater than 15,000 total days in the safety net hospital base year.
- 7) The hospital meets all of the following criteria:

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- A) Does not already qualify under subsections (a)(1) through (a)(6) of this Section.
- B) Has an MIUR greater than 25 percent.
- C) Had an occupancy rate greater than 68 percent in the safety net hospital base year.
- D) Provided greater than 12,000 total days in the safety net hospital base year.

~~8)~~ ~~The hospital meets all of the following criteria:~~

- ~~A) Does not already qualify under subsections (a)(1) through (a)(7) of this Section.~~
- ~~B) Is located outside of HSA 6.~~
- ~~C) Has an MIUR greater than 16 percent.~~
- ~~D) Has more than 475 licensed beds.~~
- ~~E) Has an average length of stay less than five days.~~

~~8)9)~~ The hospital meets all of the following criteria in the safety net base year:

- A) Is a rural hospital, as described in Section 148.25 (g)(3).
- B) Has an MIUR greater than 18 percent.
- C) Has a combined MIUR greater than 45 percent.
- D) Has licensed beds less than or equal to 60.
- E) Provided greater than 400 total days.
- F) Provided fewer than 125 obstetrical care days.

~~9)10)~~ The hospital meets all of the following criteria in the safety net base year:

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- A) Is a psychiatric hospital, as described in 89 Ill. Adm. Code 149.50(c)(1).
- B) Has licensed beds greater than 120.
- C) Has an average length of stay less than ten days.

10) The hospital meets all of the following criteria in the safety net base year:

- A) Does not already qualify under subsections (a)(1) through (a)(9) of this Section.
- B) Has an MIUR greater than 17 percent.
- C) Has licensed beds greater than 450.
- D) Has an average length stay less than four days.

11) The hospital meets all of the following criteria in the safety net base year:

- A) Does not already qualify under subsections (a)(1) through (a)(10) of this Section.
- B) Has an MIUR greater than 21 percent.
- C) Has licensed beds greater than 350.
- D) Has an average length of stay less than 3.15 days.

12) The hospital meets all of the following criteria in the safety net base year:

- A) Does not qualify under subsections (a)(1) through (a)(11) of this Section.
- B) Has an MIUR greater than 34 percent.
- C) Has licensed beds greater than 350.
- D) Is designated a perinatal level two center by the Illinois Department of Public Health.

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13) The hospital meets all of the following criteria in the safety net base year:

A) Does not already qualify under subsections (a)(1) through (a)(12) of this Section.

B) Has an MIUR greater than 35 percent.

C) Has an average length of stay less than four days.

14) The hospital meets all of the following criteria in the safety net base year:

A) Does not already qualify under subsections (a)(1) through (a)(13) of this Section.

B) Has a CMIUR greater than 25 percent.

C) Has an MIUR greater than 12 percent.

D) Is designated a perinatal level two center by the Illinois Department of Public Health.

E) Has licensed beds greater than 400.

F) Has an average length of stay less than 3.5 days.

b) The following five classes of hospitals are ineligible for safety net adjustment payments associated with the qualifying criteria listed in subsections (a)(1) through (a)(4), ~~and~~ subsections (a)(6) through (a)(~~8~~)(~~9~~) and subsections (a)(10) through (a)(14) of this Section:

- 1) Hospitals located outside of Illinois.
- 2) County-owned hospitals, as described in Section 148.25(b)(1)(A).
- 3) Hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B).
- 4) Psychiatric hospitals, as described in 89 Ill. Adm. Code 149.50(c)(1).
- 5) Long term stay hospitals, as described in 89 Ill. Adm. Code 149.50(c)(4).

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## c) Safety Net Adjustment Rates

- 1) For a hospital qualifying under subsection (a)(1) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
  - A) A qualifying hospital-\$15.00.
  - B) A rehabilitation hospital, as described in 89 Ill. Adm. Code 149.50(c)(2)-\$20.00.
  - C) A children's hospital, as described in 89 Ill. Adm. Code 149.50(c)(3)-\$20.00.
  - D) A children's hospital that has an MIUR greater than or equal to 80 per centum that is:
    - i) Located within HSA 6 or HSA 7-~~\$296.00~~\$200.50.
    - ii) Located outside HSA 6 or HSA 7-\$35.00.
  - E) A children's hospital that has an MIUR less than 80 per centum, but greater than or equal to 60 per centum, that is:
    - i) Located within HSA 6 or HSA 7-\$35.00.
    - ii) Located outside HSA 6 or HSA 7-\$15.00.
  - F) A children's hospital that has an MIUR less than 60 per centum, but greater than or equal to 45 per centum, that is:
    - i) Located within HSA 6 or HSA 7-\$12.00.
    - ii) Located outside HSA 6 or HSA 7-\$5.00.
  - G) A children's hospital with more than 25 graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory"-\$125.00.

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- H) A children's hospital that is a rural hospital-\$145.00.
- I) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital; that is located in HSA 6 and that:
- i) Provides obstetrical care-\$10.00.
  - ii) Has at least one graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory"-\$5.00.
  - iii) Has at least one obstetrical graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory"-\$5.00.
  - iv) Provided more than 5,000 obstetrical days during the safety net hospital base year-\$35.00.
  - v) Provided fewer than 4,000 obstetrical days during the safety net hospital base year and its average length of stay is: less than or equal to 4.50 days-\$5.00; less than 4.00 days-\$5.00; less than 3.75 days-\$5.00.
  - vi) Provides obstetrical care and has an MIUR greater than 65 percent-\$11.00.
  - vii) Has greater than 700 licensed beds-\$37.75.
- J) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital, that is located outside HSA 6, that has an MIUR greater than 50 per centum, and that:
- i) Provides obstetrical care-\$70.00.
  - ii) Does not provide obstetrical care-\$30.00.
  - iii) Is a trauma center, recognized by the Illinois Department of Public Health (IDPH), as of July 1, 2005-\$173.50~~\$84.00~~.

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- K) A qualifying hospital that provided greater than 35,000 total days in the safety net hospital base year-\$6.00.
  - L) A qualifying hospital with two or more graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory", with an average length of stay fewer than 4.00 days-\$48.00.
- 2) For a hospital qualifying under subsection (a)(2) of this Section, the rate shall be \$123.00.
  - 3) For a hospital qualifying under subsection (a)(3) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
    - A) A qualifying hospital-\$40.00.
    - B) A hospital that has an average length of stay of fewer than 4.00 days, and:
      - i) More than 150 licensed beds-\$20.00.
      - ii) Fewer than 150 licensed beds-\$40.00.
    - C) A qualifying hospital with the lowest average length of stay-\$15.00.
    - D) A hospital that has a CMIUR greater than 65 per centum-\$35.00.
    - E) A hospital that has fewer than 25 total admissions in the safety net hospital base year-\$160.00.
  - 4) For a hospital qualifying under subsection (a)(4) of this Section, the rate shall be \$55.00.
  - 5) For a hospital qualifying under subsection (a)(5) of this Section, the rate is the sum of the amounts for each of the following for which it qualifies, divided by the hospital's total days:

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- A) The hospital that has the highest number of obstetrical care admissions-\$30,840.00.
- B) The greater of:
- i) The product of \$115.00 multiplied by the number of obstetrical care admissions.
  - ii) The product of \$11.50 multiplied by the number of general care admissions.
- 6) For a hospital qualifying under subsection (a)(6) of this Section, the rate is \$53.00.
- 7) For a hospital qualifying under subsection (a)(7) of this Section, the rate is \$175.50~~\$117.00~~.
- ~~8) For a hospital qualifying under subsection (a)(8) of this Section, the rate is \$34.50.~~
- ~~8)9)~~ For a hospital qualifying under subsection (a)(~~8~~)(9) of this Section, the rate is \$124.50.
- ~~9)10)~~ For a hospital qualifying under subsection (a)(~~9~~)(10) of this Section, the rate is \$85.50.
- 10) For a hospital qualifying under subsection (a)(10) of this Section, the rate is \$13.75.
- 11) For a hospital qualifying under subsection (a)(11) of this Section, the rate is \$39.50.
- 12) For a hospital qualifying under subsection (a)(12) of this Section, the rate is \$120.25.
- 13) For a hospital qualifying under subsection (a)(13) of this Section, the rate is \$231.50.
- 14) For a hospital qualifying under subsection (a)(14) of this Section, the rate is \$172.00.

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- d) Payment to a Qualifying Hospital
- 1) The total annual payments to a qualifying hospital shall be the product of the hospital's rate multiplied by two multiplied by total days.
  - 2) For the safety net adjustment period occurring in State fiscal year 2006, total payments will equal the methodologies described in subsection (c) of this Section. For the period October 1, 2005 through June 30, 2006, payment will equal the State fiscal year 2006 amount less the amount the hospital received under the safety net adjustment period for the quarter ending September 30, 2005.
  - 3) For safety net adjustment periods occurring after State fiscal year 2006, total payments will equal the methodologies described in subsection (c) of this Section and shall be paid to the hospital during the safety net adjustment period in installments on, at least, a quarterly basis.
- e) Definitions
- 1) "Average length of stay" means, for a given hospital, a fraction in which the numerator is the number of total days and the denominator is the number of total admissions.
  - 2) "CMIUR" means, for a given hospital, the sum of the MIUR plus the Medicaid obstetrical inpatient utilization rate, determined as of October 1, 2001, as defined in Section 148.120(k)(6).
  - 3) "General care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department by June 30, 2001, excluding admissions for: obstetrical care, as defined in subsection (e)(7) of this Section; normal newborns; psychiatric care; physical rehabilitation; and those covered in whole or in part by Medicare (Medicaid/Medicare crossover admissions).
  - 4) "HSA" means Health Service Area, as defined by the Illinois Department of Public Health.

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- 5) "Licensed beds" means, for a given hospital, the number of licensed beds, excluding long term care and substance abuse beds, as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois."
- 6) "MIUR", for a given hospital, has the meaning as defined in Section 148.120(k)(5) and shall be determined in accordance with Section 148.120(c) and (f). For purposes of this Section, the MIUR determination that was used to determine a hospital's eligibility for Disproportionate Share Hospital Adjustment payments in rate year 2002 shall be the same determination used to determine a hospital's eligibility for safety net adjustment payments in the Safety Net Adjustment Period.
- 7) "Obstetrical care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data, for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001, and were assigned by the Department a diagnosis related grouping (DRG) code of 370 through 375.
- 8) "Obstetrical care days" means, for a given hospital, days of hospital inpatient service associated with the obstetrical care admissions described in subsection (e)(7) of this Section.
- 9) "Occupancy rate" means a fraction, the numerator of which is the hospital's total days, excluding long term care and substance abuse days, and the denominator of which is the hospital's total beds, excluding long term care and substance abuse beds, multiplied by 365 days. The data used for calculation of the hospital occupancy rate is as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois."
- 10) "Safety net hospital base year" means the 12-month period beginning on July 1, 1999, and ending on June 30, 2000.

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- 11) "Safety net adjustment period" means, beginning July 1, 2002, the 12 month period beginning on July 1 of a year and ending on June 30 of the following year.
- 12) "Total admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover admissions), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.
- 13) "Total days" means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.

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

**Section 148.295 Critical Hospital Adjustment Payments (CHAP)**

Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25 (b)(1)(A), unless otherwise noted in this Section, and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25 (b)(1)(B), for inpatient admissions occurring on or after July 1, 1998, in accordance with this Section.

- a) Trauma Center Adjustments (TCA)  
The Department shall make a TCA to Illinois hospitals recognized, as of the first day of July in the CHAP rate period, as a Level I or Level II trauma center by the Illinois Department of Public Health (IDPH) in accordance with the provisions of subsections (a)(1) through (a)(3) of this Section.
  - 1) Level I Trauma Center Adjustment.
    - A) Criteria. Illinois hospitals that, on the first day of July in the CHAP rate period, are recognized as a Level I trauma center by the

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Illinois Department of Public Health shall receive the Level I trauma center adjustment.

- B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) of this Section shall receive an adjustment as follows:
- i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of \$21,365.00 per Medicaid trauma admission in the CHAP base period.
  - ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of \$14,165.00 per Medicaid trauma admission in the CHAP base period.
- 2) Level II Rural Trauma Center Adjustment. Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the first day of July in the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of \$11,565.00 per Medicaid trauma admission in the CHAP base period.
- 3) Level II Urban Trauma Center Adjustment. Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the first day of July in the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of \$11,565.00 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:
- A) The hospital is located in a county with no Level I trauma center; and
  - B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the first day of July in the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3) of this Section; or the hospital is not located in an

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HPSA and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3) of this Section.

- b) **Rehabilitation Hospital Adjustment (RHA)**  
Illinois hospitals that, on the first day of July in the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2), and that are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:
- 1) **Treatment Component.** All hospitals defined in subsection (b) of this Section shall receive \$4,215.00 per Medicaid Level I rehabilitation admission in the CHAP base period.
  - 2) **Facility Component.** All hospitals defined in subsection (b) of this Section shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:
    - A) Hospitals with fewer than 60 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$229,360.00 in the CHAP rate period.
    - B) Hospitals with 60 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$527,528.00 in the CHAP rate period.
  - 3) **Health Professional Shortage Area Adjustment Component.** Hospitals defined in subsection (b) of this Section that are located in an HPSA on July 1, 1999, shall receive \$276.00 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.
- c) **Direct Hospital Adjustment (DHA) Criteria**
- 1) **Qualifying Criteria**  
Hospitals may qualify for the DHA under this subsection (c) under the following categories unless the hospital does not provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on or after July 1, 2006, but did provide comprehensive emergency

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treatment services as defined in 77 Ill. Adm. Code 250.710(a) on January 1, 2006:

- A) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals and long term stay hospitals, all other hospitals located in Health Service Area (HSA) 6 that either:
- i) were eligible for Direct Hospital Adjustments under the CHAP program as of July 1, 1999 and had a Medicaid inpatient utilization rate (MIUR) equal to or greater than the statewide mean in Illinois on July 1, 1999;
  - ii) were eligible under the Supplemental Critical Hospital Adjustment Payment (SCHAP) program as of July 1, 1999 and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999; or
  - iii) were county owned hospitals as defined in 89 Ill. Adm. Code 148.25(b)(1)(A), and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999.
- B) Illinois hospitals located outside of HSA 6 that had an MIUR greater than 60 percent on July 1, 1999 and an average length of stay less than ten days. The following hospitals are excluded from qualifying under this subsection (c)(1)(B): children's hospitals; psychiatric hospitals; rehabilitation hospitals; and long term stay hospitals.
- C) Children's hospitals, as defined under 89 Ill. Adm. Code 149.50(c)(3), on July 1, 1999.
- D) Illinois teaching hospitals, with more than 40 graduate medical education programs on July 1, 1999, not qualifying in subsection (c)(1)(A), (B), or (C) of this Section.
- E) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals qualifying in subsection (c)(1)(A), (B), (C) or (D) of this Section, all other hospitals located

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in Illinois that had an MIUR equal to or greater than the mean plus one-half standard deviation on July 1, 1999 and provided more than 15,000 Total days.

- F) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A), (B), (C), (D), or (E) of this Section, all other hospitals that had an MIUR greater than 40 percent on July 1, 1999 and provided more than 7,500 Total days and provided obstetrical care as of July 1, 2001.
  - G) Illinois teaching hospitals with 25 or more graduate medical education programs on July 1, 1999 that are affiliated with a Regional Alzheimer's Disease Assistance Center as designated by the Alzheimer's Disease Assistance Act [410 ILCS 405/4], that had an MIUR less than 25 percent on July 1, 1999 and provided 75 or more Alzheimer days for patients diagnosed as having the disease.
  - H) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A) through (c)(1)(G) of this Section, all other hospitals that had an MIUR greater than 50 percent on July 1, 1999.
  - I) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A) through (c)(1)(H) of this Section, all other hospitals that had an MIUR greater than 23 percent on July 1, 1999, had an average length of stay less than four days, provided more than 4,200 Total days and provided 100 or more Alzheimer days for patients diagnosed as having the disease.
- 2) DHA Rates
- A) For hospitals qualifying under subsection (c)(1)(A) of this Section, the DHA rates are as follows:

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- i) Hospitals that have a Combined MIUR that is equal to or greater than the Statewide mean Combined MIUR, but less than one standard deviation above the Statewide mean Combined MIUR, will receive \$69.00 per day for hospitals that do not provide obstetrical care and \$105.00 per day for hospitals that do provide obstetrical care.
  - ii) Hospitals that have a Combined MIUR that is equal to or greater than one standard deviation above the Statewide mean Combined MIUR, but less than one and one-half standard deviation above the Statewide mean Combined MIUR, will receive \$105.00 per day for hospitals that do not provide obstetrical care and \$142.00 per day for hospitals that do provide obstetrical care.
  - iii) Hospitals that have a Combined MIUR that is equal to or greater than one and one-half standard deviation above the Statewide mean Combined MIUR, but less than two standard deviations above the Statewide mean Combined MIUR, will receive \$124.00 per day for hospitals that do not provide obstetrical care and \$160.00 per day for hospitals that do provide obstetrical care.
  - iv) Hospitals that have a Combined MIUR that is equal to or greater than two standard deviations above the Statewide mean Combined MIUR will receive \$142.00 per day for hospitals that do not provide obstetrical care and \$179.00 per day for hospitals that do provide obstetrical care.
- B) Hospitals qualifying under subsection (c)(1)(A) of this Section will also receive the following rates:
- i) County owned hospitals as defined in Section 148.25 with more than 30,000 Total days will have their rate increased by \$455.00 per day.
  - ii) Hospitals that are not county owned with more than 30,000 Total days will have their rate increased by \$330.00 per day.

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- iii) Hospitals with more than 80,000 Total days will have their rate increased by an additional \$423.00 per day.
- iv) Hospitals with more than 4,500 Obstetrical days will have their rate increased by \$101.00 per day.
- v) Hospitals with more than 5,500 Obstetrical days will have their rate increased by an additional \$194.00 per day.
- vi) Hospitals with an MIUR greater than 74 percent will have their rate increased by \$147.00 per day.
- vii) Hospitals with an average length of stay less than 3.9 days will have their rate increased by \$41.00 per day.
- viii) Hospitals with an MIUR greater than the statewide mean plus one standard deviation that are designated a Perinatal Level 2 Center and have one or more obstetrical graduate medical education programs as of July 1, 1999 will have their rate increased by \$227.00 per day.
- ix) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an average length of stay less than four days will have their rate increased by ~~\$528.00~~\$182.25 per day.
- x) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an MIUR greater than 60 percent will have their rate increased by ~~\$320.50~~\$281.00 per day.
- xi) Hospitals receiving payments under subsection (c)(2)(A)(iv) of this Section that have an MIUR greater than 70 percent and have more than 20,000 days will have their rate increased by \$98.00 per day.
- xii) Hospitals with a Combined MIUR greater than 75 percent, that have more than 20,000 total days, have an average length of stay less than five days and have at least one graduate medical program will have their rate increased by \$148.00 per day.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF CORRECTION TO PROPOSED AMENDMENT

- C) Hospitals qualifying under subsection (c)(1)(B) of this Section will receive the following rates:
- i) Qualifying hospitals will receive a rate of \$421.00 per day.
  - ii) Qualifying hospitals with more than 1,500 Obstetrical days will have their rate increased by \$369.00 per day.
- D) Hospitals qualifying under subsection (c)(1)(C) of this Section will receive the following rates:
- i) Hospitals will receive a rate of \$28.00 per day.
  - ii) Hospitals located in Illinois and outside of HSA 6 that have an MIUR greater than 60 percent will have their rate increased by \$55.00 per day.
  - iii) Hospitals located in Illinois and inside HSA 6 that have an MIUR greater than 80 percent will have their rate increased by \$573.00 per day.
  - iv) Hospitals that are not located in Illinois that have an MIUR greater than 45 percent will have their rate increased by \$32.00 per day for hospitals that have fewer than 4,000 Total days; or \$246.00 per day for hospitals that have more than 4,000 Total days but fewer than 8,000 Total days; or \$178.00 per day for hospitals that have more than 8,000 Total days.
  - v) Hospitals with more than 3,200 Total admissions will have their rate increased by \$328.00 per day.
- E) Hospitals qualifying under subsection (c)(1)(D) of this Section will receive the following rates:
- i) Hospitals will receive a rate of \$41.00 per day.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF CORRECTION TO PROPOSED AMENDMENT

- ii) Hospitals with an MIUR between 18 percent and 19.75 percent will have their rate increased by an additional \$14.00 per day.
  - iii) Hospitals with an MIUR equal to or greater than 19.75 percent will have their rate increased by an additional ~~\$87.00~~ \$110.25 per day.
  - iv) Hospitals with a combined MIUR that is equal to or greater than 35 percent will have their rate increased by an additional \$41.00 per day.
- F) Hospitals qualifying under subsection (c)(1)(E) of this Section will receive \$188.00 per day.
- G) Hospitals qualifying under subsection (c)(1)(F) of this Section will receive a rate of \$55.00 per day.
- H) Hospitals that qualify under subsection (c)(1)(G) of this Section will receive the following rates:
- i) Hospitals with an MIUR greater than 19.75 percent will receive a rate of \$69.00 per day.
  - ii) Hospitals with an MIUR equal to or less than 19.75 percent will receive a rate of \$11.00 per day.
- I) Hospitals qualifying under subsection (c)(1)(H) of this Section will receive a rate of \$268.00 per day.
- J) Hospitals qualifying under subsection (c)(1)(I) of this Section will receive a rate of \$238.00 per day.
- K) Hospitals that qualify under subsection (c)(1)(A)(iii) of this Section will have their rates multiplied by a factor of two. The payments calculated under this Section to hospitals that qualify under subsection (c)(1)(A)(iii) of this Section may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations. A portion of the payments calculated under this Section may be classified as disproportionate

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## NOTICE OF CORRECTION TO PROPOSED AMENDMENT

share adjustments for hospitals qualifying under subsection (c)(1)(A)(iii) of this Section.

- 3) DHA Payments
  - A) Payments under this subsection (c) will be made at least quarterly, beginning with the quarter ending December 31, 1999.
  - B) Payment rates will be multiplied by the Total days.
  - C) Total Payment Adjustments
    - i) For the CHAP rate period occurring in State fiscal year 2006, total payments will equal the methodologies described in subsection (c)(2) of this Section. For the period January 1, 2006, to June 30, 2006, payment will equal the State fiscal year 2006 amount less the amount the hospital received under DHA for the quarters ending September 30, 2006, and December 31, 2006.
    - ii) For CHAP rate periods occurring after State fiscal year 2006, total payments will equal the methodologies described in subsection (c)(2) of this Section.
- d) Rural Critical Hospital Adjustment Payments (RCHAP)

RCHAP shall be made to rural hospitals, as described in 89 Ill. Adm. Code 140.80(j)(1), for certain inpatient admissions. The hospital qualifying under this subsection that has the highest number of Medicaid obstetrical care admissions during the CHAP base period shall receive \$367,179.00 per year. The Department shall also make an RCHAP to hospitals qualifying under this subsection at a rate that is the greater of:

  - 1) the product of \$1,367.00 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or
  - 2) the product of \$138.00 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.
- e) Total CHAP Adjustments

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## NOTICE OF CORRECTION TO PROPOSED AMENDMENT

Each eligible hospital's critical hospital adjustment payment shall equal the sum of the amounts described in subsections (a), (b), (c) and (d) of this Section. The critical hospital adjustment payments shall be paid at least quarterly.

- f) **Critical Hospital Adjustment Limitations**  
Hospitals that qualify for trauma center adjustments under subsection (a) of this Section shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) of this Section, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) of this Section. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.
- g) **Critical Hospital Adjustment Payment Definitions**  
The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:
- 1) "Alzheimer days" means total paid days contained in the Department's paid claims database with a ICD-9-CM diagnosis code of 331.0 for dates of service occurring in State fiscal year 2001 and adjudicated through June 30, 2002.
  - 2) "CHAP base period" means State Fiscal Year 1994 for CHAP calculated for the July 1, 1995 CHAP rate period; State Fiscal Year 1995 for CHAP calculated for the July 1, 1996 CHAP rate period; etc.
  - 3) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.
  - 4) "Combined MIUR" means the sum of Medicaid Inpatient Utilization Rate (MIUR) as of July 1, 1999, and as defined in Section 148.120(k)(5), plus the Medicaid obstetrical inpatient utilization rate, as described in Section 148.120(k)(6), as of July 1, 1999.
  - 5) "Medicaid general care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF CORRECTION TO PROPOSED AMENDMENT

normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.

- 6) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.16, 952.2, and V57.0 through V57.89, excluding admissions for normal newborns.
- 7) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (g)(5) of this Section.
- 8) "Medicaid obstetrical care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with Diagnosis Related Grouping (DRG) of 370 through 375; and specifically excludes Medicare/Medicaid crossover claims.
- 9) "Medicaid trauma admission" means those claims billed as admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.31, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925 through 925.2, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99.

- 10) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.
- 11) "RCHAP general care admissions" means Medicaid General Care Admissions, as defined in subsection (g)(4) of this Section, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.
- 12) "RCHAP obstetrical care admissions" means Medicaid Obstetrical Care Admissions, as defined in subsection (g)(7) of this Section, with a Diagnosis Related Grouping (DRG) of 370 through 375, occurring in the CHAP base period.
- 13) "Total admissions" means total paid admissions contained in the Department's paid claims database, including obstetrical admissions multiplied by two and excluding Medicare crossover admissions, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.
- 14) "Total days" means total paid days contained in the Department's paid claims database, including obstetrical days multiplied by two and excluding Medicare crossover days, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.
- 15) "Total obstetrical days" means hospital inpatient days for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; V27 through V27.9; V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

CARNIVAL AMUSEMENT SAFETY BOARD

Heading of the Part: Carnival and Amusement Ride Safety Act

Code Citation: 56 Ill. Adm. Code 6000

Section Numbers: 6000.10      6000.50      6000.85  
6000.302      6000.305      6000.308

Date Originally Published in the Illinois Register: 12/16/05  
29 Ill. Reg. 20119

At its meeting on June 13, 2006, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that the Carnival-Amusement Safety Board review its rules titled Carnival and Amusement Safety Ride Act (56 Ill. Adm. Code 6000) and propose rulemaking within 6 months to correct any incomplete or inaccurate incorporations by reference.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of the Part: State of Illinois Medical Care Assistance Plan

Code Citation: 80 Ill. Adm. Code 2120

Section Numbers:

2120.30	2120.110	2120.210	2120.220
2120.230	2120.310	2120.320	2120.330
2120.410	2120.430	2120.440	2120.510
2120.520	2120.525	2120.530	2120.540
2120.610	2120.620	2120.710	2120.720
2120.790	2120.800		

Date Originally Published in the Illinois Register: 3/31/06  
30 Ill. Reg. 5741

At its meeting on June 13, 2006, the Joint Committee on Administrative Rules objected to the Department of Central Management Services rulemaking titled State of Illinois Medical Care Assistance Program (80 Ill. Adm. Code 2120; 30 Ill. Reg. 5741) because the Department did not adopt the rules implementing the EZ Reimburse element of the MCAP program prior to making EZ Reimburse available to recipients. The Department has been enforcing policy not in rules.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of the Part: Confidentiality of Personal Information of Persons Served by the  
Department of Children and Family Services

Code Citation: 89 Ill. Adm. Code 431

Section Number: 431.30

Date Originally Published in the Illinois Register: 8/26/05  
29 Ill. Reg. 13065

At its meeting on June 13, 2006, the Joint Committee on Administrative Rules objected to the above cited rulemaking because the Department of Children and Family Services proposed a change in its record retention policy in the rulemaking titled Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 Ill. Adm. Code 431; 29 Ill. Reg. 13065) without first having received approval from the State Records Commission as required by the State Records Act.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO EMERGENCY RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Special Eligibility Groups

Code Citation: 89 Ill. Adm. Code 118

Section Number: 118.500

Date Originally Published in the Illinois Register: 6/2/06  
30 Ill. Reg. 10129

At its meeting on June 13, 2006, the Joint Committee on Administrative Rules considered the above cited emergency rulemaking of the Department of Healthcare and Family Services titled Special Eligibility Groups (89 Ill. Adm. Code 118; 30 Ill. Reg. 10129), and recommended that HFS seek an amendment to 305 ILCS 5/1-11 to state that the 5 year waiting period for medical assistance does not apply to children under 19, as provided by 305 ILCS 5/12-4.35. While Section 12-4.35 supersedes Section 1-11, unless both statutes are read together, Section 1-11 could be misleading. Further, JCAR recommends that in future rulemakings HFS cite as its statutory authority the statute that specifically authorizes or underlies the program or change in rule and not its general rulemaking authority.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

TEACHERS' RETIREMENT SYSTEM

Heading of the Part: The Administration and Operation of the Teachers' Retirement System

Code Citation: 80 Ill. Adm. Code 1650

Section Numbers: 1650.1000    1650.1001    1650.1010  
1650.1020    1650.1030    1650.1080  
1650.1090

Date Originally Published in the Illinois Register: 3/31/06  
30 Ill. Reg. 6003

At its meeting on June 13, 2006, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that the Teachers' Retirement System seek specific statutory authority to not hold a special election if there is inadequate time remaining in the vacant term to allow the newly elected Board member to participate in at least one regularly scheduled Board meeting.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

NOTICE OF FAILURE TO REMEDY

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

- 1) Heading of Part: The Illinois Prescription Drug Discount Program
- 2) Code Citation: 89 Ill. Adm. Code 126
- 3) Section Number: 126.40 Action: New Section
- 4) Notice of Proposal published in Illinois Register: 1/13/06  
30 Ill. Reg. 325
- 5) Date JCAR issued Statement of Objection: 5/9/06
- 6) Summary of Action taken by the Agency: While HFS disagreed with JCAR's Objection, it quoted the statute stating that the Department may reduce the annual fee **by rule** if the revenue from the enrollment fee is in excess of the costs to carry the program [320 ILCS 55/35(b)]. HFS continues to refuse to effectuate reductions in the fee by rule, as required by statute.
- 7) JCAR Action: Based on the agency's refusal to follow statutorily directed procedures, JCAR voted to issue this Notice of Failure to Remedy at its June 13, 2006 meeting.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) The Notice of Proposed Amendment that is being corrected appeared at: 30 Ill. Reg. 9399; May 26, 2006
- 4) Explanation: In the answer to Question #5, "Complete Description of the Subjects and Issues Involved", HFS inadvertently omitted the fact that because the amendments eliminate a SNAP criteria, a hospital is no longer eligible for SNAP funding.

Question #5 answer should read as follows:

"These proposed amendments concerning hospital services provide additional funding under Safety Net Adjustment Payments (SNAP) and Critical Hospital Adjustment Payments (CHAP) to ensure access to quality health care for medical assistance criteria. One of the SNAP criteria is eliminated, making one hospital no longer eligible for SNAP funding. Annual spending is expected to increase by approximately \$12.1 million and \$8.6 million for SNAP and CHAP respectively."

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 June 13, 2006 through June 19, 2006 and have been scheduled for review by the Committee at its July 11, 2006 meeting in Chicago. 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>
7/27/06	<u>Department of Financial and Professional Regulation-Division of Insurance, Ceded Reinsurance of Property and Liability Insurers (Repealer) (50 Ill. Adm. Code 923)</u>	10/14/05 29 Ill. Reg. 15381	7/11/06
7/27/06	<u>Health Facilities Planning Board, Public Hearing and Comment Procedures (Repealer) (77 Ill. Adm. Code 1140)</u>	10/28/05 29 Ill. Reg. 16294	7/11/06
7/27/06	<u>Health Facilities Planning Board, Practice and Procedure in Administrative Hearings (Repealer) (77 Ill. Adm. Code 1180)</u>	10/28/05 29 Ill. Reg. 16304	7/11/06
7/27/06	<u>Health Facilities Planning Board, Permit Application Fees (Repealer) (77 Ill. Adm. Code 1190)</u>	10/28/05 29 Ill. Reg. 16322	7/11/06
7/29/06	<u>Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310)</u>	4/21/06 30 Ill. Reg. 6444	7/11/06

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY SUSPENSION IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(c) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(c)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois issued an order on March 30, 2006, and has suspended for a period not exceeding 180 days the license of Liberty Mortgage Corporation, License No. MB.0000508 of Oak Brook, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$25,000.00 against 1<sup>st</sup> Liberty Banc, Inc., MB.0005343 of Norridge, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective April 3, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$25,000.00 against 1<sup>st</sup> Liberty Banc, Inc., MB.0005343 of Norridge, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective March 31, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$25,000 against Quote Me A Rate.Com., License No. MB.6759104 of Houston, Texas, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective March 23, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PENALTY FEE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a penalty fee of \$5,600 against Homepoint Mortgage Corp., License No. MB.0006117, of St. Charles, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective March 10, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROBATION IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has placed on probation for a period of sixty (60) days the license of Homepoint Mortgage Corp, License No. MB.0006117 of St. Charles, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective March 10, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF REVOCATION IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has revoked the license of Elite Mortgage Services, Inc., License No. MB.0004970 of Naperville, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective April 4, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF REVOCATION IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has revoked the license of Express Mortgage, Inc., License No. MB.0005450 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective March 10, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF REVOCATION IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has revoked the license of First United Funding, LLC, License No. MB.0005595 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective March 10, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF REVOCATION IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has revoked the license of Covenant Financial Mortgage, Company, License No. MB.0005646 of South Holland, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 26, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF REVOCATION IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has revoked the license of Steer Brokerage, Inc., License No. MB.6759038 of Skokie, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective March 10, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF REVOCATION IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has revoked the license of Infiniti Financial Corp., License No. MB.0006759 of Oak Brook, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 26, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF REVOCATION IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has revoked the license of Quote Me A Rate.Com.Inc., License No. MB.6759104 of Houston, Texas, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective April 21, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF REVOCATION IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has revoked the license of First Residential Lending, Inc., License No. MB.0007010 of Columbia, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective January 26, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF SUSPENSION IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has suspended the license of Quote Me A Rate.Com. Inc., License No. MB.6759104 of Houston, Texas, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective March 23, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## PROCLAMATIONS

**2006-219****CAROLE ROBERTSON CENTER FOR LEARNING DAY**

- WHEREAS, the Carole Robertson Center for Learning currently serves over 1000 children through child, youth, and family development programs; and
- WHEREAS, founded in 1976, the Carole Robertson Center is named in memory of Carole Robertson, Addie Mae Collins, Cynthia Wesley, and Denise McNair, the four children who were tragically killed in the 1963 Birmingham church bombing; and
- WHEREAS, from the Center's beginning, the multicultural nonprofit partnership has assured that parents are the dominant voices in agency management and program development; and
- WHEREAS, with children ranging in age from infancy through teenagers, the Carole Robertson Center for Learning offers a variety of program activities designed to promote and support success in school, as well as increase literacy development, music and arts education, and many other areas of development; and
- WHEREAS, parents and other community members are able to benefit from basic literacy, GED, and ESL classes through their Adult Learning Institute; and
- WHEREAS, on June 23, 2006, the Carole Robertson Center for Learning will celebrate its 30<sup>th</sup> anniversary:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 23, 2006 as **CAROLE ROBERTSON CENTER FOR LEARNING DAY** in Illinois in recognition of the Center's longstanding impact on low-income families in this State.

Issued by the Governor on June 15, 2006.

Filed by the Secretary of State June 15, 2006.

**2006-220****LET FREEDOM RING DAY**

- WHEREAS, for centuries, great occasions have been marked by the ringing of bells; and
- WHEREAS, when America's Independence was proclaimed in Philadelphia in 1776, the Liberty Bell rang to summon the citizenry for the first public reading of the Declaration of Independence; and

## PROCLAMATIONS

WHEREAS the adoption of this historic document marked the birth of the United States of America as a free and independent nation; and

WHEREAS, in 1963, the Congress of the United States resolved that the anniversary of the signing of the Declaration of Independence should be observed each year by the ringing of bells throughout the United States at 2 o'clock in the afternoon, eastern standard time, on the 4<sup>th</sup> day of July; and

WHEREAS, Illinois is proud to participate in this nationwide bell ringing ceremony to celebrate the freedoms granted to all citizens by our founding fathers:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 4, 2006 as **LET FREEDOM RING DAY** in Illinois, and encourage citizens throughout our state to participate in the observance of the national bell ringing ceremony.

Issued by the Governor on June 15, 2006.

Filed by the Secretary of State June 15, 2006.

# ILLINOIS ADMINISTRATIVE CODE

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