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ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2006

Issue	Rules Due Date	Date of Issue
1	December 27, 2005	January 6, 2006
2	January 3, 2006	January 13, 2006
3	January 9, 2006	January 20, 2006
4	January 17, 2006	January 27, 2006
5	January 23, 2006	February 3, 2006
6	January 30, 2006	February 10, 2006
7	February 6, 2006	February 17, 2006
8	February 14, 2006	February 24, 2006
9	February 21, 2006	March 3, 2006
10	February 27, 2006	March 10, 2006
11	March 6, 2006	March 17, 2006
12	March 13, 2006	March 24, 2006
13	March 20, 2006	March 31, 2006
14	March 27, 2006	April 7, 2006
15	April 3, 2006	April 14, 2006
16	April 10, 2006	April 21, 2006
17	April 17, 2006	April 28, 2006
18	April 24, 2006	May 5, 2006
19	May 1, 2006	May 12, 2006
20	May 8, 2006	May 19, 2006
21	May 15, 2006	May 26, 2006
22	May 22, 2006	June 2, 2006
23	May 30, 2006	June 9, 2006
24	June 5, 2006	June 16, 2006
25	June 12, 2006	June 23, 2006
26	June 19, 2006	June 30, 2006
27	June 26, 2006	July 7, 2006
28	July 3, 2006	July 14, 2006
29	July 10, 2006	July 21, 2006
30	July 17, 2006	July 28, 2006
31	July 24, 2006	August 4, 2006
32	July 31, 2006	August 11, 2006
33	August 7, 2006	August 18, 2006
34	August 14, 2006	August 25, 2006
35	August 21, 2006	September 1, 2006
36	August 28, 2006	September 8, 2006
37	September 5, 2006	September 15, 2006
38	September 11, 2006	September 22, 2006
39	September 18, 2006	September 29, 2006
40	September 25, 2006	October 6, 2006
41	October 2, 2006	October 13, 2006
42	October 10, 2006	October 20, 2006
43	October 16, 2006	October 27, 2006
44	October 23, 2006	November 3, 2006
45	October 30, 2006	November 13, 2006
46	November 6, 2006	November 17, 2006
47	November 13, 2006	November 27, 2006
48	November 20, 2006	December 1, 2006
49	November 27, 2006	December 8, 2006
50	December 4, 2006	December 15, 2006
51	December 11, 2006	December 26, 2006
52	December 18, 2006	December 29, 2006

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Prequalification of Construction Managers
- 2) Code Citation: 44 Ill. Adm. Code 990
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
990.110	New Section
990.120	New Section
990.130	New Section
990.140	New Section
990.150	New Section
990.160	New Section
990.180	New Section
990.200	New Section
990.300	New Section
990.310	New Section
990.320	New Section
990.330	New Section
990.340	New Section
990.350	New Section
990.400	New Section
990.410	New Section
990.420	New Section
990.430	New Section
990.440	New Section
990.450	New Section
990.460	New Section
990.470	New Section
990.480	New Section
990.500	New Section
990.510	New Section
990.520	New Section
990.530	New Section
990.540	New Section
- 4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 16 of that Act, Sections 5-25 and 30-20 and 33-5 of the Illinois Procurement Code [30 ILCS 500].
- 5) A Complete Description of the Subjects and Issues Involved: Provides a process and standards for prequalifying construction management firms, as well as standards for modification, suspension or denial of prequalification and reasons for debarment.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Fredrick W. Hahn
Chief Counsel
Capital Development Board
401 S. Spring Street
3rd Floor Stratton Building
Springfield, IL 62706

217/782-0700
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Board.

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NOTICE OF PROPOSED RULES

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT
CHAPTER XII: CAPITAL DEVELOPMENT BOARDPART 990
PREQUALIFICATION OF CONSTRUCTION MANAGERS

SUBPART A: RESPONSIBILITY

Section	Purpose
990.110	Purpose
990.120	Definitions
990.130	Prequalification Required
990.140	Special Projects
990.150	Confidentiality
990.160	Sources for Determining Responsibility
990.180	Prequalification of Firms and Office Locations
990.200	Processing of Construction Manager Prequalification Application

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF
PREQUALIFICATION, AND CONDITIONAL PREQUALIFICATION

Section	Purpose
990.300	Actions Affecting Responsibility and Prequalification
990.310	Causes for Suspension, Debarment, Modification of Prequalification, and Conditional Prequalification
990.320	Nullification of Prequalification
990.330	Failure to Satisfactorily Perform Work on or Breach of the Terms of CDB Contracts, Private Contracts, or Other Governmental Contracts
990.340	Interim or Emergency Suspension or Modification Pursuant to Section 16 of the Capital Development Board Act
990.350	Denial of Prequalification

SUBPART C: APPLICATION OF CDB ACTION

Section	Purpose
990.400	General
990.410	Violation of CDB Order
990.420	Denial of Award of Contract

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990.430	Debarment
990.440	Reapplication for Prequalification
990.450	Extension of CDB Action
990.460	Effect on Current Contracts
990.470	Basis of Decisions
990.480	Settlement

SUBPART D: PROCEDURES

Section	
990.500	Review
990.510	Notice of CDB Action
990.520	Executive Director Decision and Request for Reconsideration
990.530	Hearings
990.540	Burden of Proof

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 16 of that Act and Sections 5-25, 30-20 and 33-5 of the Illinois Procurement Code [30 ILCS 500/5-25, 30-20 and 33-5].

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

SUBPART A: RESPONSIBILITY

Section 990.110 Purpose

The Capital Development Board construction management agreements shall be awarded only to prequalified construction managers. An applicant for prequalification must affirmatively demonstrate its responsibility. In the absence of information clearly indicating that the applicant is responsible, CDB shall make a determination of non-responsibility. Only responsible construction managers shall be prequalified and permitted to make submittals on CDB projects.

Section 990.120 Definitions

The following definitions shall apply to this Part:

"CDB" means the Capital Development Board, the agency.

"CM" means any individual, sole proprietorship, firm, partnership, corporation, or other legal entity providing construction management services.

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"Consultant" means a firm or individual who will perform a portion of the contract or assist the CM in its performance of the contract under a contract with the CM.

"Contract" or "Contract Requirements" consist of any and all provisions of the CDB Construction Management Contract (CMC).

"Key Person" means any individual who holds 5% or more ownership interest in the firm. In the event the firm is owned by another corporation, partnership, trust or business association, any individual within that organization or who is a trust beneficiary who holds a 5% or more ownership or beneficial interest is considered a key person. Regardless of ownership interest, any officer, partner, managing agent or director is considered a key person. This definition also includes any individual who assumes the responsibility of an officer, owner, partner, director, etc., regardless of ownership interest.

"Office Location" means all locations at which the CM provides construction management services.

"Parent Office" means the primary location of the CM's place of business.

"Performance Record" consists of, but is not limited to, the following:

Data indicating the CM has met all contract requirements on previous contracts, private and public.

Evidence of material compliance with all CDB contract requirements.

"Prequalification" is the status granted by CDB to responsible CMs that permits them to make submittals on CDB projects or to be awarded a CDB contract.

"Responsibility" is a determination made by CDB that the CM is a responsible CM. The determination may be made at any time. Because responsibility is affected by such things as financial resources, performance records, and organizational and operational factors, all of which are subject to change, the initial determination of responsibility, made through evaluation of an application to CDB, may be changed upon receipt of additional or different information. The CM is required to inform CDB of any significant change to the information submitted in its application. Each CM must provide CDB with adequate

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documentation of responsibility. CDB will ordinarily provide forms for this information. CDB may supplement this information from other sources and may require additional documentation at any time. A responsibility determination may also be verified on an ongoing basis through other information, including but not limited to performance evaluations and reference contacts.

Section 990.130 Prequalification Required

CDB shall prequalify CMs as required by Article 33 of the Illinois Procurement Code [30 ILCS 500/Art. 33]. Firms must be prequalified prior to any submittal of qualifications or interest for a specific project and prior to entering a contractual relationship with CDB. Prequalification shall be based upon a determination of responsibility from, but not limited to, the information supplied on a properly completed CDB prequalification application

Section 990.140 Special Projects

When CDB determines a construction project is so large or unique that a special CM responsibility determination is warranted, CDB may set appropriate standards of acceptability different from those set out in this Part, including the prequalification of CMs as part of submittals of statements of qualifications. Other provisions of this Part shall remain applicable.

Section 990.150 Confidentiality

Documents relating to responsibility determinations of a CM shall be maintained by CDB in a separate file and shall remain confidential as records pertaining to occupational registration, except that they shall be subject to complete disclosure to the CM to which they relate and to units of federal, State, or local government, including, but not limited to, law enforcement agencies. Nothing in this Part shall be construed to mean that CDB is required to disclose to the CM the name of any person or organization filing a complaint or providing information to CDB when the complaint or information is used by CDB as the basis for further inquiry into the facts alleged. CDB may release to anyone the CM prequalification status with CDB. Notwithstanding the foregoing, neither the CM Performance Evaluations (CM PE) nor the CM's written responses to them shall be made available to any other person or firm.

Section 990.160 Sources for Determining Responsibility

To determine a CM's responsibility, CDB may utilize information obtained from one or more of the following sources. In evaluating the information, greater consideration shall be given to the CM's most recent projects and projects with CDB.

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- a) CM Prequalification Application Form
 - 1) CM applications shall require, at a minimum:
 - A) Completed application form;
 - B) The name of each key person associated with the firm, and that person's respective percentage of ownership;
 - C) Relevant work experience;
 - D) Certification of compliance with statutory requirements;
 - E) Work history reference checks. References obtained may be verified and documented by the following methods:
 - i) Telephone reference checks; or
 - ii) Reference questionnaire; and
 - F) CDB work history, if CDB projects have been awarded.
 - 2) Application Updates

The CM shall have an affirmative duty to update significant information within 10 days after occurrence. Failure to disclose as required may lead to action on prequalification. (See Section 990.310(c).) Significant changes of which CDB shall be notified include, but are not limited to:

 - A) Change of entity corporate structure, including sole owners, partnerships, and federal employee identification number;
 - B) Change of name;
 - C) Change of address;
 - D) Change or loss of key personnel;
 - E) Minority/Female owned firm status;

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- F) Loss of Secretary of State "good standing" status;
 - G) Filing of bankruptcy;
 - H) Filing of formal criminal charges against the firm or its officers, owners or employees;
 - I) Suspension or debarment by another governmental agency; and
 - J) Contract terminations.
- b) Satisfactory CDB Work History
CDB may review documentation of the CM's current and past work and performance history, including adherence to CDB's rules, resolutions, and procedures. The documentation includes, but is not limited to, performance evaluations prepared by CDB, user agencies, or contractors.
- c) Other Governmental Entities
CDB may conduct history reference checks by contacting federal, State or local governmental entities.
- d) Other Sources
In order to determine responsibility, CDB may conduct reference checks or gather relevant information from any other source, which may include, but is not limited to:
- 1) Financial institutions;
 - 2) Periodicals;
 - 3) Newspapers;
 - 4) Court records;
 - 5) Dun and Bradstreet reports;
 - 6) Audited financial statements;
 - 7) Any type of public record.

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- e) Previous Employment History
For any newly organized firm or a firm with a limited work history, CDB may conduct individual performance reference checks on any or all personnel.
- f) Additional Information
CDB may request additional information from the CM at any time.

Section 990.180 Prequalification of Firms and Office Locations

- a) The CM shall list all office locations on the prequalification application for which it seeks prequalification. These office locations may be business subsidiaries, divisions, branches, etc., that provide construction management services under the responsibility of the CM. CDB reserves the right to evaluate each office based on the criteria set forth within this Part. Any offices not listed on applications shall not be deemed prequalified.
- b) Prequalification shall not apply to any other business location or entity of the CM solely because of an ownership relationship.

Section 990.200 Processing of Construction Manager Prequalification Application

- a) CMs must complete a prequalification application, including the Financial Interests and Potential Conflicts of Interest forms required under Section 50-35 of the Illinois Procurement Code [30 ILCS 500/50-35].
- b) Processing of applications by CDB may require up to 45 days after receipt of all requested information and a completed application.
- c) Applications for renewal will ordinarily be sent to the CMs approximately 60 days before the expiration of current prequalification and are available electronically on CDB's Internet site at www.cdb.state.il.us. CMs who do not receive an application are responsible for obtaining one at least 45 days prior to expiration. When all information received is complete and satisfactory, processing may take up to 45 days. When any information is incomplete or unsatisfactory, a longer processing time will be required. CMs will be notified when information is incomplete or unsatisfactory. Unless otherwise specified in writing by CDB, the term of prequalification shall be two years from the end of the month the prequalification begins. When prequalification is granted, the CM will be notified in writing of the expiration date, which will also be entered on CDB's electronic program. CDB may grant a shorter term of prequalification by

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agreement with the CM, when a determination is made that a shorter period is justified, or when a special prequalification is developed specifically for a certain project. Updated or new CM information including the term of prequalification will be entered on CDB's electronic program weekly. At the beginning of each month, a list of CMs whose prequalification expires in approximately 60 days will be generated.

- d) Applications may be sent to CDB by facsimile or e-mail.
- e) CDB shall review and evaluate each application received, which may include one or more of the following actions:
 - 1) Reviewing to determine whether the application is completed in accordance with the instructions provided;
 - 2) Contacting work references or any other possible sources of pertinent information;
 - 3) Requesting additional information from the applicant;
 - 4) Reviewing CDB CM performance evaluations; and
 - 5) Meeting with the applicant at the request of CDB or the applicant.
- f) The criteria to be evaluated include whether the CM has adequate resources.
 - 1) Whether the CM maintains and works from a separate conventional office that is not a residence to offices for other businesses.
 - 2) Whether the CM maintains a full-time office and staff.
 - 3) Whether key persons in the firm have an educational and work experience background that makes the key persons sufficiently expert and knowledgeable to carry out the work.
 - 4) Whether the CM has financial resources related to or generated by the construction businesses.
 - 5) Whether key persons in the firm are engaged in non-construction businesses.

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- g) CDB shall deny prequalification to any firm that has not affirmatively demonstrated its responsibility. CDB's determination of responsibility shall be final.

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF
PREQUALIFICATION, AND CONDITIONAL PREQUALIFICATION

Section 990.300 Actions Affecting Responsibility and Prequalification

At any time, CDB may consider whether an action is warranted concerning a CM's prequalification. Actions that may be taken include one or more of the following:

- a) **Interim or Emergency Suspension or Modification**
CDB may summarily suspend or modify a CM's prequalification in accordance with Section 16 of the Capital Development Board Act [20 ILCS 3105/16].
- b) **Debarment**
CDB may debar a CM to exclude it from making submittals for CDB contracts as authorized by statute. The period of debarment shall be not less than five years and may be permanent when warranted or as authorized by law [20 ILCS 3105/16].
- c) **Modification of Prequalification**
CDB may modify or restrict a CM's prequalification as appropriate, including, but not limited to, one or more of the following:
- 1) Limiting the size or type of contracts for which a CM may submit proposals for a specified period of time, or until a current contract is substantially or fully complete.
 - 2) Limiting the number of CDB contracts a CM may enter into for a specified period of time, or until a current contract is substantially or fully complete.
 - 3) Limiting the aggregate dollar amount of contracts the CM may enter into with CDB.

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- 4) Imposing limits as set forth in this subsection (c) pending performance on the CM's next CDB contract in instances where the CM has no current CDB contracts.
- d) **Conditional Prequalification**
CDB may condition prequalification (which may be otherwise limited) on the CM's successful utilization of a management plan, evaluations, conferences, or other methods designed to achieve satisfactory performance or compliance with contract requirements.
- e) **Suspension**
CDB may suspend a CM firm or disqualify a CM firm temporarily from submitting for a CDB contract, for a period of time up to five years. The CM's failure to timely pursue administrative action as provided by Subpart D of this Part shall constitute consent of the CM to CDB's action.

Section 990.310 Causes for Suspension, Debarment, Modification of Prequalification, and Conditional Prequalification

CDB may determine a CM is not responsible and suspend, debar or otherwise modify a prequalification or issue a conditional prequalification based upon one or more of the following:

- a) Failure to satisfactorily perform work on CDB contracts, private contracts, or other governmental contracts. (See also Section 990.330.)
- b) Breach of the terms of a CDB contracts, private contract, or other governmental contract. (See also Section 990.330.)
- c) Making false or misleading statements or failing to disclose or update significant information in connection with CDB procedures or documents, including, but not limited to, the prequalification application.
- d) Violation of civil or criminal federal or State statutes or administrative rules and regulations. In the case of criminal violations, indictment or filing of formal charges by information (complaint) shall constitute adequate evidence for a determination of non-responsibility.
- e) Financial instability that may be evidenced by bankruptcy, failure to timely pay consultants, difficulty in obtaining acceptable insurance, attempts to assign

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contract proceeds, or other indications of serious business management deficiencies.

- f) Failure to understand, accept or utilize CDB procedures and standards, or abuse of CDB procedures and standards, that results in the extraordinary expenditure of CDB resources.
- g) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, or conduct indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a CM.
- h) Suspension, debarment, or limits on contracts by any other governmental body.
- j) Any other cause of so serious or compelling a nature that it affects the responsibility of a CM.

Section 990.320 Nullification of Prequalification

When CDB determines that a CM has knowingly made a material misrepresentation in its application for prequalification, the CM may not reapply to CDB for a period of three years from the date of the determination of material misrepresentation.

- a) CDB will notify the CM of the nullification. The CM may, within 30 days after notification, submit a written explanation with supporting documentation for CDB's review.
- b) CDB may cancel awards or terminate any contracts awarded that were based upon the application with misrepresentations.
- c) A material misrepresentation is made by knowingly submitting any untrue, misleading or deceptive information or document containing such information, or by the concealment, suppression or omission of any information, in or from an application, that causes CDB to act differently than it would have if it had known the undisclosed or true information.

Section 990.330 Failure to Satisfactorily Perform Work on or Breach of the Terms of CDB Contracts, Private Contracts, or Other Governmental Contracts

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CDB may take action upon prequalification for the CM's failure to satisfactorily perform work on or breach of the terms of CDB contracts private contracts, or other governmental contracts, such as, but not limited to, one or more of the following:

- a) Failure to timely submit required documents and drawings according to the project schedule, causing a delay in the commencement, completion or close out of a project.
- b) Failure to adhere to contractual document requirements.
- c) Failure to adequately or timely notify CDB of project problems or failure to cooperate with other parties to the project to timely resolve problems.
- d) Failure to timely or adequately submit budget and estimating documents.
- e) Failure to meet quality standards applicable to the industry (e.g., obtaining or maintaining nationally or regionally recognized certification).
- f) Failure to provide acceptable quality and quantity of staff to provide comprehensive project administration services, including field staff authorized to make timely field decisions on behalf of the firm.
- g) Failure to provide proper personnel to facilitate proper and timely responses to requests for information in the field.
- h) Failure to facilitate maintenance and submission of timely and adequate record drawings.
- i) Failure to timely process change orders and contractor pay requests.
- j) Failure to follow directives from CDB within the scope of the contract documents.
- k) Failure to attend or to be properly prepared for project meetings.
- l) Failure to understand, accept or utilize CDB procedures and standards, or abuse of CDB procedures and standards that results in paper delays, project delays, or the extraordinary expenditure of CDB resources.

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- m) Failure to submit proper pay or modification requests, in accordance with the contractual provisions, with adequate documentation of costs and pricing within conventional industry parameters for public contracts.
- n) Failure to submit timely post-award documents, such as, but not limited to, bonds, certificates of insurance and MBE/FBE certifications.
- o) Failure to cooperate with other parties to the project to timely resolve project problems.
- p) Failure to meet the project schedule for any reason reasonably within the control of the CM.
- q) Any other cause of so serious or compelling a nature that it affects the responsibility of the CM.

Section 990.340 Interim or Emergency Suspension or Modification Pursuant to Section 16 of the Capital Development Board Act

- a) CDB may suspend or modify a CM's prequalification without a prior hearing or administrative procedure, as provided in Subpart D, for one or more of the following causes:
 - 1) The public interest, safety or welfare requires suspension or modification.
 - 2) An event or series of events, including, but not limited to:
 - A) The filing of an indictment or of formal charges by information (complaint) charging the firm or a key person with the firm with a crime.
 - B) Suspension or modification of a license or prequalification by another State agency, federal agency or other branch of government after hearing or by agreement.
 - C) Failure to comply with applicable laws.
 - D) Material breach of a contract, including, but not limited to, one or more of the causes set forth in Section 990.330.

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- E) Failure to satisfactorily perform work on or breach of a CDB contract, including, but not limited to, one or more of the causes set forth in Section 990.330 when:
- i) The issue has been brought to the attention of firm management in writing;
 - ii) All levels of CDB construction administration have met with firm representatives and discussed the issue;
 - iii) CDB conveys to the CM what action or nonaction is necessary and in accordance with the contract documents;
 - iv) The CM willfully and unreasonably refuses to comply or to obtain consultants, personnel, or other resources that would enable it to comply.
- b) When prequalification is suspended or modified pursuant to this Section, the CM will be notified in writing and, within 30 days after the notice, CDB will commence administrative procedures under Subpart D.
- c) When prequalification is suspended or modified pursuant to subsection (a)(2)(E), if the CM cures the situation within 30 days after the notice, the suspension or modification will be rescinded by written notice to the CM. If CDB determines the CM is making substantial progress toward a cure within 30 days after the notice, CDB may extend in writing the 30-day period by up to an additional 60 days. If the CM cures the situation within the extended time period, the suspension or modification will be rescinded by written notice. In any case, when suspension or modification is rescinded, it will be removed from the CM's prequalification record. If the CM fails to cure the situation within 30 days or within the time extension, whichever is applicable, CDB will immediately commence administrative procedures under Subpart D.

Section 990.350 Denial of Prequalification

- a) This Section is applicable to CMs who are one of the following:
- 1) First-time applicants for CDB prequalification.

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- 2) Firms that sent a renewal application that arrived at CDB after the prequalification expiration date or that could not reasonably be processed before the expiration date.
 - 3) Firms that sent a renewal application that was incomplete or insufficient, so that CDB could not reasonably process the application before the expiration date.
- b) CMs described in subsection (a) will be considered to be new applicants to CDB. In the event that CDB denies prequalification or grants a conditional or modified prequalification, the CM may request administrative procedures under Subpart D, but shall not be entitled to an administrative hearing.

SUBPART C: APPLICATION OF CDB ACTION

Section 990.400 General

Suspension, debarment, nullification of prequalification, modification of prequalification, issuance of conditional prequalification, or denial of prequalification by CDB is applicable to a CM's direct contracts with CDB, unless CDB determines otherwise in writing.

Section 990.410 Violation of CDB Order

If a CM is subject to a CDB order suspending or debarring the CM, nullifying or modifying prequalification, making prequalification conditional, or denying prequalification, and the CM violates the order in any manner, including, but not limited to, continuing to make submittals or bid on CDB projects, CDB may extend the term of suspension, debarment, nullification, modification or conditional prequalification, or otherwise limit or condition the ability to make submittals or bid on contracts with CDB.

Section 990.420 Denial of Award of Contract

Notwithstanding any other provisions in this Part, if CDB finds a CM non-responsible, CDB may deny the CM the award of a contract.

Section 990.430 Debarment

CDB may debar a CM to exclude it from submitting on CDB projects. CDB will consider debarment in cases so serious and egregious in nature that a permanent loss of submittal privileges may be warranted. In addition to the causes listed in Section 990.310, causes for

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debarment may include, but not be limited to, multiple or repetitive criminal convictions or multiple non-responsibility determinations. Following a period of debarment, when a CM submits a prequalification application to CDB, the application shall be deemed to be a first-time application rather than an application for renewal. A firm that has been debarred as a contractor or A/E (architectural/engineering) firm will automatically be debarred as a CM firm, and vice versa.

Section 990.440 Reapplication for Prequalification

When a CM submits a prequalification application to CDB following a denial, or during or following a period of debarment, suspension, nullification, modification of prequalification, or conditional prequalification, the CM must affirmatively demonstrate its responsibility, including demonstrating that the reason for the denial, or imposition of suspension, debarment, nullification, modification, or condition, has been remedied.

Section 990.450 Extension of CDB Action

The effect of an action imposed under this Subpart by CDB will extend to all affiliates, branches, subsidiaries, divisions, or parent firms of the CM and to any firm in which the CM or its key persons have a legal or beneficial interest, unless CDB determines otherwise in writing.

Section 990.460 Effect on Current Contracts

Current CDB contracts may be terminated when a CM is determined to be non-responsible and it is in the public interest to do so, whether or not the non-responsibility has a direct connection with the current contract. Contracts may be terminated with or without further action on the CM's prequalification.

Section 990.470 Basis of Decisions

- a) CDB shall make determinations as appropriate concerning the substance of a CM's business as opposed to its form and base its decisions on the substance. When a CM attempts to evade the effects of a possible or actual finding of non-responsibility by changes of address, multiple addresses, changes in personnel or their titles, formation of new companies, or other devices, CDB may take action pursuant to Section 990.300 and Subparts B and C of this Part.
- b) CMs that are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing non-responsible firm will be declared non-responsible unless the new organization can

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demonstrate it was not set up for the purpose of avoiding an earlier declaration of non-responsibility.

Section 990.480 Settlement

Notwithstanding any provision of this Part, the parties to any contested matter concerning a CM's prequalification may at any time enter into an agreement to resolve responsibility issues by settlement.

SUBPART D: PROCEDURES

Section 990.500 Review

When information that places a CM's responsibility in question comes to CDB's attention, CDB shall review the facts and documentation. If further inquiry is desirable, it may do such further inquiry, which may result in an informal CDB conference with the CM and its appropriate staff members.

Section 990.510 Notice of CDB Action

Unless proceedings under Section 16 of the Capital Development Board Act [20 ILCS 3105/16] are justified, prior to suspending, conditioning, modifying or nullifying a CM's prequalification or debarring a CM, CDB will notify the CM in writing of its intention to take such action and the basis of the action, and will request that the CM attend an informal conference with CDB personnel. The CM may bring to the conference any documents, personnel, or other pertinent information that it wishes CDB to consider. The CM may bring its attorney to the conference, if desired. Within a reasonable time in advance of the conference, CDB shall furnish the CM with all information in its possession that it deems pertinent and shall advise the CM in writing that it has the right to inspect its prequalification file. Further conferences may be scheduled by agreement of CDB and the CM. The CM's failure to appear at the conference shall be construed to indicate the CM does not wish to contest the matter, and rights to further administrative proceedings shall be forfeited.

Section 990.520 Executive Director Decision and Request for Reconsideration

Following CDB's conference with the CM, the conference committee shall forward a recommendation to the CDB Executive Director. The CM will be notified in writing of the Executive Director's decision. Within 15 days after receipt of the Executive Director's decision, the CM may request the Executive Director's reconsideration in writing, including as attachments

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any and all supporting evidence not previously submitted. CDB shall respond to the request for reconsideration within 15 days after CDB's receipt.

Section 990.530 Hearings

Within 30 days after the CM's receipt of the Executive Director's decision on reconsideration, the CM may request a hearing in writing. All administrative procedures in this Subpart D must be exhausted before CDB will consider the request for a hearing. Hearings shall be conducted in accordance with Hearing Procedures (71 Ill. Adm. Code 100).

Section 990.540 Burden of Proof

- a) Any determination pursuant to this Part may be made when CDB possesses documentation of one or more of the factors described in Section 990.310, 990.320 or 990.410.
- b) Such documentation is the basis for a presumptive determination of non-responsibility. The CM is entitled to rebut the presumption, through procedures described in this Subpart, but the presumption will not be overturned unless the CM shows, by a preponderance of the evidence, that each factor cited by CDB in support of its determination of non-responsibility is not present. CDB's determinations are final and conclusive unless they are clearly erroneous, arbitrary, capricious or contrary to law.

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Selection of Construction Managers
- 2) Code Citation: 44 Ill. Adm. Code 1025
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1025.100	New Section
1025.110	New Section
1025.120	New Section
1025.130	New Section
1025.140	New Section
1025.150	New Section
1025.160	New Section
1025.180	New Section
1025.190	New Section
1025.200	New Section
1025.210	New Section
1025.220	New Section
- 4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 16 of that Act, Sections 5-25 and 30-20 and 33-5 of the Illinois Procurement Code [30 ILCS 500].
- 5) A Complete Description of the Subjects and Issues Involved: Provides processes for selecting and contracting with construction management firms for construction manager duties on CDB projects.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

CAPITAL DEVELOPMENT BOARD

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Fredrick W. Hahn
Chief Counsel
Capital Development Board
401 S. Spring Street
3rd Floor Stratton Building
Springfield, IL 62706

217/782-0700

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

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XII: CAPITAL DEVELOPMENT BOARDPART 1025
SELECTION OF CONSTRUCTION MANAGERS

Section	
1025.100	Definitions
1025.110	Purpose
1025.120	Selection Procedures
1025.130	Selection Committee
1025.140	Evaluation Procedures
1025.150	Preliminary Evaluations
1025.160	Interviews
1025.180	Public Notice
1025.190	Submittal Requirements
1025.200	Small Projects
1025.210	Emergency Projects
1025.220	Procurement Limitations

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 9.06 and 16 of that Act, Article 30 and Section 1-15.25 of the Illinois Procurement Code [30 ILCS 500/Art. 30 and 1-15.25].

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

Section 1025.100 Definitions

"Board" means the seven member Board of the Capital Development Board.

"CDB" means Capital Development Board, the agency.

"Code" means the Illinois Procurement Code [30 ILCS 500].

"Construction management services" includes, but is not limited to:

services provided in the planning and pre-construction phases of a construction project, including, but not limited to, consulting with,

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advising, assisting, and making recommendations to the Capital Development Board and architect, engineer, or licensed land surveyor on all aspects of planning for project construction; reviewing all plans and specifications as they are being developed and making recommendations with respect to construction feasibility, availability of material and labor, time requirements for procurement and construction, and projected costs; making, reviewing, and refining budget estimates based on the Board's program and other available information; making recommendations to the Board and the architect or engineer regarding the division of work in the plans and specifications to facilitate the bidding and awarding of contracts; soliciting the interest of capable contractors and taking bids on the project; analyzing the bids received; and preparing and maintaining a progress schedule during the design phase of the project and preparation of a proposed construction schedule; and

services provided in the construction phase of the project, including, but not limited to, maintaining competent supervisory staff to coordinate and provide general direction of the work and progress of the contractors on the project; directing the work as it is being performed for general conformance with working drawings and specifications; establishing procedures for coordinating among the Board, architect or engineer, contractors, and construction manager with respect to all aspects of the project and implementing those procedures; maintaining job site records and making appropriate progress reports; implementing labor policy in conformance with the requirements of the public owner; reviewing the safety and equal opportunity programs of each contractor for conformance with the public owner's policy and making recommendations; reviewing and processing all applications for payment by involved contractors and material suppliers in accordance with the terms of the contract; making recommendations and processing requests for changes in the work and maintaining records of change orders; scheduling and conducting job meetings to ensure orderly progress of the work; developing and monitoring a project progress schedule, coordinating and expediting the work of all contractors and providing periodic status reports to the owner and the architect or engineer; and establishing and maintaining a cost control system and conducting meetings to review costs. [30 ILCS 500/33-5]

"Construction manager" or "CM" means any individual, sole proprietorship, firm, partnership, corporation, or other legal entity providing construction management

CAPITAL DEVELOPMENT BOARD

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services for the Board and prequalified by the State in accordance with 30 ILCS 500/33-10.

"Statement of Qualifications" means the information supplied by the CM that cites the specific experience and expertise that may qualify the CM to provide the services requested.

"User agency" means the agency or unit of government for which the architectural/engineering firm is being selected.

Section 1025.110 Purpose

CDB shall procure construction management services in compliance with Article 33 of the Code (Construction Management Services) [30 ILCS 500/Art. 33].

Section 1025.120 Selection Procedures

- a) CDB shall select three CMs qualified to provide the professional services for a specific project. These CMs shall be ranked in order of qualifications. Board approval of these CMs shall be final and binding.
- b) In the event that fewer than three CMs submit statements of qualifications for a specific project, if CDB determines that one or both are qualified to perform the services, CDB may proceed with the selection process.

Section 1025.130 Selection Committee

The CDB Executive Director shall appoint an agency employee to serve as chair of a selection committee. The selection committee chairman shall appoint a committee to recommend to the Executive Director and the Board a list of CMs qualified to perform the required services. This committee may be established for each selection and may be composed of standing members and rotating members from CDB staff. In addition to the CDB staff members, a representative from the user agency and one or more public members may be requested to be members of the committee.

Section 1025.140 Evaluation Procedures

- a) In making its recommendations, the selection committee may consider, among others items:

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- 1) The CM's qualifications.
 - 2) The training and experience of the personnel submitted by the CM.
 - 3) The CM's past record and experience.
 - 4) The prior performance of the CM on CDB projects.
 - 5) The willingness of the firm to meet time requirements.
 - 6) The location of the project relative to the firm's place of business.
 - 7) The results of preliminary evaluations performed by CDB staff.
 - 8) The current work load of the CMs and their prior selections by CDB.
 - 9) References.
 - 10) Interviews conducted with the CMs.
- b) In no case shall the committee, prior to selecting a CM for negotiation, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation.

Section 1025.150 Preliminary Evaluations

CDB may appoint staff members to perform a preliminary evaluation (prescreening) to provide a preliminary ranking of the CMs for the committee's consideration. This prescreening shall consider, among others, the relevant project experience of the prospective CMs and the expertise and experience of the firm and its staff to be assigned to the project if the firm is selected.

Section 1025.160 Interviews

CDB requires the selection committee to conduct interviews when the estimated value of the CM's basic services fee exceeds \$300,000. The Executive Director may choose to conduct interviews for smaller projects under special circumstances. In all cases, a minimum of three firms will be interviewed. The Executive Director, in consultation with the Board, may exempt any contract from requiring interviews.

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Section 1025.180 Public Notice

- a) When the services of a CM are required, CDB shall publish a request for proposals setting forth the nature of the projects.
- b) This public notice shall include a description of the services required and a description of each project. This public notice shall also include the statement of qualifications form to be completed for each project, as well as the date and time by which submittal of the statement of qualifications will be accepted.
- c) The public notice shall be published at least 14 days prior to the date for submittal of the statement of qualifications.
- d) Notice shall be posted on CDB's Internet Site (www.cdb.state.il.us) and may be published in the official State newspaper or otherwise made available in print. In addition, the request for proposal will be mailed to each firm prequalified under 30 ILCS 500/33-15.

Section 1025.190 Submittal Requirements

- a) All CMs submitting statements of qualifications for a specific project shall be prequalified with CDB as CMs prior to the date and time that the submittals are due. Failure to be prequalified will result in rejection of the submittals.
- b) The submittal shall include the names of persons who will perform the services, including their project assignment or duties, as well as a resume of the experience and expertise that qualifies them to perform the assignment.

Section 1025.200 Small Projects

For contracts whose value is less than \$25,000, CDB may select any prequalified CM in accordance with Section 33-35 of the Code.

Section 1025.210 Emergency Projects

CDB may immediately select a CM when it is in the best interest of the State or in emergencies to protect public health or safety in accordance with Section 33-40 of the Code.

Section 1025.220 Procurement Limitations

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- a) A CM cannot participate in a selection process if it or a substantially affiliated firm is under contract or in the process of contracting with CDB for other goods or services required for the project and the CM's duties will involve or relate to those goods or services.
- b) A CM selected to provide construction management services, or a substantially affiliated firm, may not bid on or otherwise be awarded a construction contract for the project.
- c) Notwithstanding the above, when it is determined in writing to be in the State's best interest, the CM may provide or perform, directly or through unrelated contractors, basic services for which reimbursement is provided in the general conditions of the CM contract, or any other goods or service that does not conflict with or give the appearance of conflicting with the CM's duties.
- d) A firm is substantially affiliated if it controls, is controlled by, or shares more than an insignificant common ownership with the CM.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
104.202	Amendment
104.206	Amendment
104.208	Amendment
104.210	Amendment
104.215	Amendment
104.217	Amendment
104.235	Amendment
104.246	Amendment
104.250	Amendment
104.272	Amendment
104.273	Amendment
104.274	Amendment
104.285	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking, in conjunction with proposed amendments for Part 140, implements Public Act 94-265, which formalized the Department's relationship with "alternate payees" (entities registered with the Department to serve as alternate payees for medical providers). Specifically these amendments extend provisions currently applied to vendors in Part 104, Subpart C, "Medical Vendor Hearings", to include alternate payees.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

Tamara Tanzillo Hoffman
Chief of Administration and Rules
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/557-7157

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

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

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Entities registering for alternative payee status with the Department.
 - 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: January 2006

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

| CHAPTER I: DEPARTMENT OF ~~HEALTHCARE AND FAMILY SERVICES~~~~PUBLIC AID~~
SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEALS

Section

104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

104.100	Support Order, Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Federal or State Income Tax Refunds or Other Joint Federal or State Payments
104.104	Conduct of Other Hearings
104.105	Conduct of Hearings on Petitions for Release from Administrative Paternity Orders

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

Section

- 104.200 Applicability
- 104.202 Definitions
- 104.204 Notice of Denial of An Application
- 104.206 Notice of Intent to Recover Money
- 104.207 Notice of Contested Paternity Hearing
- 104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement or to Revoke Alternate Payee
- 104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action
- 104.210 Right to Hearing
- 104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
- 104.212 Prior Factual Determinations
- 104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship
- 104.215 Notice of Formal Conference
- 104.216 Formal Conference on Recovery of Money
- 104.217 Purpose of Formal Conference
- 104.220 Notice of Hearing
- 104.221 Issues at Hearings
- 104.225 Legal Counsel
- 104.226 Appearance of Attorney or Other Representative
- 104.230 Notice, Service and Proof of Service
- 104.231 Form of Papers
- 104.235 Discovery
- 104.240 Conduct of Hearings
- 104.241 Amendments
- 104.242 Motions
- 104.243 Subpoenas
- 104.244 Burden of Proof
- 104.245 Witness at Hearings
- 104.246 Evidence at Hearings
- 104.247 Cross-Examination

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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104.248	Disqualification of Hearing Officers
104.249	Genetic Testing in Contested Paternity Hearings
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments During Pendency of Proceedings
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section	
104.300	Authority
104.302	Definitions
104.304	Department Actions Against Nursing Homes Facilities
104.310	Certification
104.320	Joint Administrative Hearing
104.330	Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section	
104.400	Suspected Intentional Violation of the Program
104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures
104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470	Administrative Disqualification Hearing Decision and Notice of Decision
104.480	Appeal Procedure

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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SUBPART F: INCORPORATION BY REFERENCE

Section

104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; preemptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p.80, effective May 8, 1980; preemptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2393, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2418, effective January 27, 2000; amended at 25 Ill. Reg. 5351, effective April 1, 2001; amended at 26 Ill. Reg. 9836, effective June 26, 2002; emergency

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amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12306, effective July 26, 2002; amended at 26 Ill. Reg. 17743, effective November 27, 2002; amended at 27 Ill. Reg. 5853, effective March 24, 2003; amended at 27 Ill. Reg. 13771, effective August 1, 2003; amended at 28 Ill. Reg. 2735, effective February 1, 2004; emergency amendment at 29 Ill. Reg. 2735, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10187, effective June 30, 2005; amended at 30 Ill. Reg. _____, effective _____.

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS**Section 104.202 Definitions**

For the purpose of this Part, the terms "Vendor", "Entity", "Alternate Payee", and "Department policy" shall be as defined at 89 Ill. Adm. Code 140.13.

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

Section 104.206 Notice of Intent to Recover Money

a) Institutional Vendors

- 1) For purposes of this Section, institutional vendors means providers enrolled in the Medical Assistance Program to provide inpatient or residential services, such as hospitals and long term care facilities.
- 2) The Department shall notify the institutional vendor in writing of an intent to recover money, setting forth:
 - A) the reason for the Department's action,
 - B) a statement of the right to request a hearing,
 - C) a statement of the time, place and nature of the hearing,
 - D) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
 - E) a reference to the Sections of the statutes and rules involved.
- 3) For institutional vendors, the Department will not recover money prior to

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the issuance of a final administrative decision, unless the Department determines that the recovery of money would be in jeopardy if the recovery does not occur prior to the completion of the hearing due to events such as, but not limited to, pending decertification of the provider or the filing of a False Claims Act (31 USC 3729) action against the provider. In such circumstances, the Department may recover the money prior to the completion of the hearing, and the notice shall set forth:

- A) the date after which the Department will start to recover money by deducting from Department obligations to the vendor,
 - B) a statement that the Department will recover the money in this manner prior to the completion of any hearing requested,
 - C) a statement that any money so recovered will be repaid to the vendor if it is determined at hearing that the recovery was not warranted, and
 - D) a statement that the vendor has the opportunity to respond prior to the date the Department will start to recover money during the pendency of the hearing and a statement of how and to whom such a response should be made.
- 4) Nothing in this subsection (a), except as provided in subsection (a)(3), shall preclude a vendor who is enrolled to provide inpatient or residential services from voluntarily having the Department recover money by deducting from Department obligations to the vendor all or part of the claimed overpayment prior to the completion of any hearing.
- b) Noninstitutional Vendors
- 1) For purposes of this Section, noninstitutional vendors means providers enrolled in the Medical Assistance Program that do not provide inpatient or residential services.
 - 2) The Department shall notify the noninstitutional vendor in writing of an intent to recover money setting forth:
 - A) the requirements described in subsections (a)(2)(A) through (E) of this Section,

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- B) the date after which the Department will start to recover money by deducting from Department obligations to the vendor,
- C) a statement that the Department will recover the money in this manner prior to the completion of any hearing requested,
- D) a statement that any money so recovered will be repaid to the vendor if it is determined at hearing that the recovery was not warranted, and
- E) a statement that the vendor has the opportunity to respond prior to the date the Department will start to recover money during the pendency of the hearing and a statement of how and to whom such a response should be made.

c) Alternate Payee

The Department shall notify the alternate payee in writing of an intent to recover money, setting forth:

- 1) the requirements described in subsections (a)(2)(A) through (E) of this Section,
- 2) the date after which the Department will start to recover money by deducting from Department obligations to the alternate payee,
- 3) a statement that the Department will recover the money in this manner prior to the completion of any hearing requested,
- 4) a statement that any money so recovered will be repaid to the alternate payee if it is determined at hearing that the recovery was not warranted, and
- 5) a statement that the alternate payee has the opportunity to respond prior to the date the Department will start to recover money during the pendency of the hearing and a statement of how and to whom such a response should be made.

de) Recovery of Interest

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- 1) The Department shall recover interest on the amount of an overpayment at the rate of five percent per annum if it is established through an administrative hearing that the overpayment resulted from the institutional or noninstitutional vendor or alternate payee willfully making, or causing to be made, a false statement or misrepresentation of a material fact in connection with billings and payments under the medical assistance program.
 - 2) The Department shall notify the institutional or noninstitutional vendor or alternate payee in writing of its intent to recover interest on the amount of overpayment by setting forth:
 - A) the requirements described in subsections (a)(2)(A) through (E) of this Section,
 - B) a statement of the amount of overpayment subject to recovery of interest,
 - C) a statement of the amount of interest as of the date of notice,
 - D) a statement that the amount of interest may continue to accrue until such time as the amount of overpayment subject to interest has been paid,
 - E) a statement that any amounts withheld pursuant to Section 104.272 shall first be applied to the amount not subject to the interest provisions of this subsection (c). If the amounts subject to recovery of interest are withheld, the interest will be adjusted to reflect the withholding, and
 - F) a statement that any money so recovered will be repaid to the vendor if it is determined at hearing that the recovery was not warranted.
- ed) Nothing in this Section shall preclude a vendor or alternate payee from voluntarily paying the amount of interest or having the Department recover the interest by deducting from Department obligations to the vendor prior to completion of the hearing. If the vendor or alternate payee has voluntarily paid the amount of overpayment subject to recovery of interest prior to the issuance of a final administrative decision, the amount of interest will cease to accrue.

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

**Section 104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
or to Revoke Alternate Payee**

a) Except for actions brought jointly by the Department of Healthcare and Family Services~~Public Aid~~ and the Department of Public Health pursuant to Section 104.300, the following provisions apply. If, in an action other than one under 89 Ill. Adm. Code 140.16(a)(2) or one under 89 Ill. Adm. Code 140.16(a)(9) based on a conviction for a violation of the Illinois Public Aid Code, the Department intends to terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program, or terminate (or not renew) a vendor's provider agreement, it shall notify the vendor in writing, setting forth:

- 1) the reason for the Department's action,
- 2) a statement of the right to request a hearing prior to the intended action taking effect,
- 3) a statement of the time, place and nature of the hearing,
- 4) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
- 5) a reference to the provisions of the statutes and rules involved.

b) Except for actions brought jointly by the Department of Healthcare and Family Services~~Public Aid~~ and the Department of Public Health pursuant to Section 104.300, the following provisions apply. If, in an action under 89 Ill. Adm. Code 140.16(a)(2), except in an action initiated pursuant to Section 104.211, an action under 89 Ill. Adm. Code 140.16(a)(9) based on a conviction for a violation of the Illinois Public Aid Code, or an action brought against a non-emergency transportation vendor under 89 Ill. Adm. Code 140.16(a), the Department intends to terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program, or terminate (or not renew) a vendor's provider agreement, it shall notify the vendor in writing, setting forth:

- 1) the reason for the ~~Departments'~~Department's action,

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- 2) the effective date of the action,
 - 3) a statement that the vendor has the opportunity to respond prior to the effective date and a statement of how and to whom such a response should be made,
 - 4) a statement that the action will be effective on such date regardless of whether any hearing requested has been completed,
 - 5) a statement of the right to request a hearing,
 - 6) a statement of the time, place and nature of the hearing,
 - 7) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
 - 8) a reference to the provisions of the statutes and rules involved.
- c) In an action brought jointly against a nursing home (not an ICF/MR facility) by the Illinois Department of ~~Healthcare and Family Services~~~~Public Aid~~ and the Illinois Department of Public Health pursuant to Section 104.300 in which the Department of ~~Healthcare and Family Services~~~~Public Aid~~ intends to terminate, suspend or deny the provider agreement, and the Department of Public Health intends to deny certification, the Departments shall notify the vendor in writing, setting forth:
- 1) the reason for the ~~Departments'~~~~Department's~~ action,
 - 2) the effective date of the action,
 - 3) a statement that the vendor has an opportunity to respond prior to the effective date and a statement of how and to whom such a response should be made,
 - 4) a statement that the action will be effective on such date regardless of whether any hearing requested has been completed,
 - 5) a statement of the right to request a hearing,
 - 6) a statement that a hearing will be scheduled to take place within 30 days

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after receipt of a request for hearing,

- 7) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
 - 8) a reference to the Sections of the statutes and rules involved.
- d) In an action brought jointly against an ICF/MR facility by the Illinois Department of ~~Healthcare and Family Services~~~~Public Aid~~ and the Illinois Department of Public Health pursuant to Section 104.300 in which the Department of ~~Healthcare and Family Services~~~~Public Aid~~ intends to terminate, suspend or deny the provider agreement, and the Department of Public Health intends to deny certification, the Departments shall notify the vendor in writing, setting forth:
- 1) the reason for the ~~Departments'~~~~Department's~~ action,
 - 2) a statement of the right to request a hearing prior to the intended action taking effect,
 - 3) a statement that a hearing will be scheduled to take place within 30 days after receipt of a request for hearing,
 - 4) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
 - 5) a reference to the provisions of the statutes and rules involved.
- e) In an action in which the Department intends to seek revocation of an alternate payee in the Medical Assistance Program, it shall notify the alternate payee in writing, setting forth:
- 1) the reason for the Department's action,
 - 2) a statement of the right to request a hearing prior to the intended action taking effect,
 - 3) a statement of the time, place and nature of the hearing,
 - 4) a statement of the legal authority and jurisdiction under which the hearing is to be held, and

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5) a reference to the provisions of the statutes and rules involved.

- f) The notice shall also inform the vendor, where applicable, that the final administrative decision of the Department could result in suspension for a specific period of time as well as termination.

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

Section 104.210 Right to Hearing

- a) An entity may request a hearing within 10 days after the entity's receipt of the Department's notice of:
- 1) the Department's decision to deny an application (as provided in Section 104.204);
 - 2) the Department's intent to recover money (as provided in Section 104.206);
 - 3) the Department's intent to terminate or suspend a vendor's eligibility or terminate (or not renew) a vendor's provider agreement or revoke an alternate payee (as provided in Section 104.208); or
 - 4) the Department's intent to certify past-due support owed by a responsible relative to, or failure to comply with a subpoena or warrant from, a State licensing agency and the licensing agency's intent to take disciplinary action (as provided in Section 104.209).
- b) A request for hearing must be received by the Department within 10 days of the date on which the vendor or alternate payee received the Department's Notice~~notice~~.
- c) This request must be in writing and must contain a brief statement of the basis upon which the Department's action is being challenged.
- d) If such a request is not received within 10 days, or is received but later withdrawn, the Department's decision and the grounds asserted in the Notice as the basis for that decision ~~therefor in the notice~~ shall be a final and binding administrative determination.

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- e) In actions initiated pursuant to Section 104.206 or 104.208(b), if a vendor or alternate payee requests a hearing, such a request shall not delay the effective date of action set forth in the Notice. In all other actions initiated pursuant to Sections 104.204 or 104.208(a), ~~or~~ (d) or (e), the action shall not take place until the final administrative decision has been issued.
- f) A long term care facility may request a hearing within 60 days after receipt of the Department's notice on any action initiated pursuant to Section 104.208(c) or (d). For a nursing home (not an ICF/MR facility), such request shall not delay the effective date of action set forth in the notice pursuant to Section 104.208(c).

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

Section 104.215 Notice of Formal Conference

When the Department schedules a formal conference, it shall notify the vendor and/or alternate payee in writing. The notice shall direct any parties and/or their attorneys to appear at a specified date, time and place.

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

Section 104.217 Purpose of Formal Conference

The purposes of the formal conference shall include, but not be limited to:

- a) clarification, formulation and simplification of issues;
- b) resolution of matters in controversy;
- c) exchange of documents and information;
- d) review of audit findings;
- e) 1) An opportunity for the vendor and/or alternate payee to rebut the Department's audit findings. If the Department's findings were based on sampling and extrapolation, the vendor and/or alternate payee may present evidence to show that the sample used by the Department was invalid and, therefore, cannot be used to project the overpayments identified in the

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sample to total billings for the audit period.

- 2) The vendor ~~and/or alternate payee~~ may also conduct an audit of 100% of the medical records of payments received during the audit period and present the result of such an audit at the formal conference. Any such audit should demonstrate that the vendor's records for the unaudited services provided during the audit period were in compliance with the regulations, provider handbooks and other written requirements of the Department. The vendor ~~and/or alternate payee~~ should be prepared to submit supporting documentation to demonstrate this compliance:-

~~ef)~~ ~~stipulations~~ ~~Stipulations~~ of fact so as to avoid unnecessary introduction of evidence at the hearing. Matters which may be readily stipulated at the formal conference are:

- 1) that the respondent has received all applicable written communications, including the notice of intent to recover money as provided in Section 104.206;
- 2) all procedural matters, including appearances made by both parties and the respondent's request for hearing and answer; and
- 3) a list of witnesses and any evidence to be presented at the hearing by all parties:-

~~fg)~~ ~~the~~ ~~The~~ identification of witnesses:-

~~gh)~~ ~~such~~ ~~Such~~ other matters as may aid in the simplification of the evidence and disposition of the issues.

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

Section 104.235 Discovery

- a) There shall be no discovery under this Part except for the following items if relevant to the case:
- 1) The Department shall provide, upon request, to the vendor:
 - A) lists of witnesses;

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- B) the provider detail report, the drug inventory report, the claim detail report, if applicable;
 - C) in actions against a nursing home based upon Department of Public Health surveys, all surveys that federal or State regulations require surveyors to complete during the investigation;
 - D) transcripts of that portion of peer review committee proceedings wherein the vendor appears, not including the committee's deliberations, if applicable;
 - E) resolutions of a peer review committee regarding the vendor, if applicable;
 - F) any report regarding the vendor prepared by the Bureau of Medicaid Integrity's medical consultant witness, if applicable; and
 - G) any exhibits or documents that may be identified at hearing.
- 2) The Department shall provide, upon request, to the alternate payee:
- A) lists of witnesses;
 - B) the provider detail report and the claim detail report, if applicable; and
 - C) any exhibits or documents that may be identified at hearing.
- 32) The vendor and/or alternate payee shall provide, upon request, to the Department:
- A) a list of witnesses and all reports written by each witness concerning the issue about which he or she is testifying; and
 - B) a copy of exhibits and documents that may be identified at hearing.
- b) Requests for discovery shall be made no later than the 21st day after receipt of the notice described in Sections 104.204 through 104.208, or no later than the 21st day after amendment, pursuant to Section 104.241, of the grounds for the action

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~~that~~which would make discovery of any of the ~~above~~ items listed in subsection (a) relevant for the first time.

- c) Discovery is to be provided to the requesting party within 21 days after service of a request. In no event shall a scheduled hearing be continued because of an untimely discovery request without good cause having been shown.
- d) Each party has a duty to seasonably supplement its witness list and documentary evidence that may be used at hearing. The administrative law judge may exclude witnesses or evidence absent a showing of good cause as to why the discovery was not tendered in response to the original discovery request.

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

Section 104.246 Evidence at Hearings

- a) The vendor may introduce evidence at the hearing that was not made available to the Department at the time the application or request for special permission was denied. If additional evidence is introduced at the hearing and the hearing officer determines that the vendor did not demonstrate he should be admitted based on the evidence available at the time the application or request for special permission was denied, but would have so demonstrated had the additional evidence at the hearing been available, the hearing shall be remanded to the Department for a new decision ~~that~~which considers such additional evidence. If additional evidence is introduced at the hearing and the hearing officer determines that the vendor would not have demonstrated that he should be admitted to the Medical Assistance Program or granted special permission even if such additional evidence had been considered, the recommendation shall be to uphold the Department's decision.
- b) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed. However, evidence not admissible under such rules of evidence may be admitted (except where precluded by statute) if it is of the type commonly relied upon by reasonably prudent men in the conduct of their affairs. When the admissibility of evidence is in dispute and depends upon fairly arguable interpretations of law, such evidence shall be admitted. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Any party may submit evidence in rebuttal or surrebuttal.

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- c) Summaries of voluminous documents may be admitted into evidence. The document summarized need not itself be admitted into evidence. Copies of the document need not be provided so long as all parties are accorded a reasonable opportunity to inspect the document summarized and no substantial injustice results.
- d) If the hearing is related in whole or in part to the Department's intent to recover money and the Department's recovery is based on sampling and extrapolation, the vendor or alternate payee may:
- 1) present evidence to show that the sample used by the Department was invalid and, therefore, should not be used to project the overpayments identified in the sample to total billings for the audit period; or
 - 2) the vendor or alternate payee may also conduct an audit of 100% of the medical records of payments received during the audit period and present the results of such an audit at the hearing. Any such audit should demonstrate that the vendor's records for the unaudited services provided during the audit period were in compliance with the regulations, provider handbooks and other written requirements of the Department. The vendor should be prepared to submit supporting documentation to demonstrate this compliance.
- e) In contested hearings to establish paternity under 89 Ill. Adm. Code 160.61(c), certified copies of bills for costs incurred for pregnancy and childbirth shall be admitted into evidence without foundation testimony or other proof of authenticity or accuracy.

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

Section 104.250 Official Notice

- a) Official notice may be taken of:
- 1) Matters of which the Circuit Courts of this State may take judicial notice;
 - 2) Matters in prior administrative hearings within and without the agency relating to the vendor or alternate payee or individuals associated with the vendor or alternate payee (including findings and evidence made in

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- hearings initiated prior to the effective date of these rules):
- 3) Generally recognized technical or scientific facts within the agency's specialized knowledge;
 - 4) Generally recognized technical, scientific or customary and ordinary procedures and operation without the agency.
- b) For purposes of this Section, "individuals associated with the vendor" shall mean:
- 1) persons with management responsibility for the vendor;
 - 2) an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor;
 - 3) an owner of a sole proprietorship ~~that~~which is a vendor; or
 - 4) a partner in a partnership ~~that~~which is a vendor.
- c) For purposes of this Section, "individuals associated with the alternate payee" shall mean:
- 1) persons with management responsibility for the alternate payee;
 - 2) a partner in a partnership that is an alternate payee;
 - 3) an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in an alternate payee.
- de) Parties shall be notified either before or during a hearing, or by reference in preliminary reports, or otherwise, of the material noticed, including any staff memoranda or data to be offered as evidentiary matter during the course of the hearing, and they shall be afforded an opportunity to contest the material so noticed. Testimony of the agency's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

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

Section 104.272 Withholding of Payments During Pendency of Proceedings

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- a) Payments on pending and subsequently submitted bills may be withheld during the pendency of the administrative proceeding:
- 1) Where:
 - A) the administrative proceeding seeks the termination of the provider or revocation of the alternate payee; or
 - B) the administrative hearing is seeking recovery of money and the recovery is at risk due to the financial or other circumstances of the provider or the alternate payee.
 - 2) Where the administrative proceeding is seeking recovery of money only, the withholding shall be limited to the amount sought in the recovery and in conformance with Section 104.273.
- b) A provider or alternate payee may request a full or partial release of withheld payments. The provider must submit a request, in writing, setting forth the reasons the payments should be released, to the Office of Inspector General at either 404 North Fifth Street, Springfield, Illinois 62702, or by e-mail to Oigwebmaster@idpa.state.il.us ~~oig_webmaster@mail.idpa.state.il.us~~. The request should set forth the reasons for the request in conformance with subsection (c) of this Section.
- c) Partial or full release of payments on pending and subsequently submitted bills may be granted, at the discretion of the Inspector General of the Department, based on the following factors:
- 1) The Department has not proceeded in a timely manner in presentation of its case in the administrative proceeding, including, but not limited to, lengthy delays in the availability of Department witnesses, attorneys or Administrative Law Judges.
 - 2) Where it is in the best interests of the recipients of medical assistance. This may include, but is not limited to, access to medical services for recipients or the potential movement of patients from long term care settings.
 - 3) Where, based on the reasons for the initiation of the proceeding, the full or partial release of payments would not be, in the judgment ~~judgement~~ of the

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Inspector General, detrimental to the recipients or the Department.

- 4) Whether the vendor or alternate payee has caused delays in proceeding in a timely manner, including, but not limited to, delays in the availability of witnesses or attorneys.
- d) The Inspector General will notify the provider or alternate payee in writing of the decision on the request for release of payments.
 - e) Payments on pending and subsequently submitted bills will not be released if:
 - 1) The basis for the termination or revocation is a criminal conviction.
 - 2) The basis for the termination or revocation is the termination, revocation or denial of a professional license or certification.
 - 3) The provider or alternate payee has had payments suspended pursuant to 42 CFR 455.23.
 - 4) The provider or alternate payee has had payments suspended pursuant to 305 ILCS 5/12-4.25 (F-5).
 - f) The Inspector General may release partial payment when, in the ~~judgment~~judgement of the Inspector General, full release of payments is not warranted pursuant to subsection (b) of this Section, but a partial release would meet these criteria.
 - g) The Inspector General may again institute full or partial withholding of payments after a full or partial release of payments if:
 - 1) The vendor or alternate payee has not proceeded in a timely manner in presentation of its case in the administrative proceeding, including, but not limited to, lengthy delays in the availability of witnesses or attorneys.
 - 2) The vendor's or alternate payee's professional license or certification has been revoked, suspended, denied or otherwise not renewed.
 - h) If the vendor is terminated or the alternate payee is revoked as a result of final agency action, payments or credit for any services rendered subsequent to receipt of the notice of intent to terminate shall be denied. The vendor or alternate payee

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will receive payment or credit for services rendered prior to receipt of the notice of intent to terminate or revoke subject to setoff for recovery of the amount sought in the proceeding.

- i) If the payments have been suspended pursuant to 305 ILCS 5/12-4.25(F-5) and the indictment or charge results in conviction, all withheld payments shall be considered forfeited to the Department. If the indictment or charge does not result in conviction, payments pending and subsequently submitted bills will be released.
- j) If the vendor or alternate payee is convicted of a felony offense of the type described in 305 ILCS 5/23-4.25(F-5), the Department may withhold payments from the vendor or alternate payee from the date of conviction until the date the vendor or alternate payee receives a notice of intent to terminate. Once the vendor or alternate payee receives a notice of intent to terminate, the Department may continue to withhold payments during the pendency of the administrative proceeding.

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

Section 104.273 Continuation of Payments During Pendency of Proceedings

The Department will continue to make payments during the pendency of an administrative proceeding when federal or State law or regulation does not require such payments to be withheld, and in the following circumstances:

- a) If the vendor is a nursing home (not an ICF/MR facility), the Department will continue to make payments up to the termination date established by the Department for services rendered to persons continuously eligible for and receiving Medical Assistance and residing in the home on the date of the Department's notice initiating the administrative proceeding; or
- b) If the vendor is an ICF/MR facility, the Department will continue to make payments for services rendered to persons continuously eligible for and receiving Medical Assistance and residing in the home on the date of the Department's notice initiating the administrative proceeding; or
- c) If the vendor is a hospital and the Department's notice:
 - 1) is a result of Medicare action, the Department will continue to make

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payments for services rendered, to persons who are eligible for and receiving Medical Assistance on the date of service of the Department's notice, up to the date the vendor's participation is terminated; or

- 2) is for Medicaid only action, the Department may withhold payments pursuant to ~~Section~~ 104.272; or
- d) If the administrative proceeding only relates to recovery of money (and not termination ~~or revocation~~), the Department will continue to process invoices for services rendered by the vendor. For vendors other than institutional vendors, the payments shall be subject to setoff for recovery of the amount sought in the proceeding; or
- e) If the administrative proceeding only relates to suspension and not termination of eligibility, the Department will continue to make payments for services rendered by the vendor.

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

Section 104.274 Denial of Payments for Services During Pendency of Proceedings

If the vendor is terminated ~~or the alternate payee is revoked~~ as a result of final agency action, payments or credit for any services rendered subsequent to receipt of the notice of intent to terminate ~~or revoke~~ shall be denied unless:

- a) Pursuant to Section 104.273, payments were not withheld; or
- b) Pursuant to Section 104.272, previously withheld payments for such services had been released.

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

Section 104.285 Failure to Appear or Proceed

- a) If the vendor ~~or alternate payee~~, without good cause, fails to appear at a hearing or formal conference scheduled by the Department, or fails to proceed at a hearing, the Department's action or decision and the grounds asserted as the basis therefor shall be a final and binding administrative determination.
- b) If the Department fails, without good cause, to appear at ~~the~~ hearing or

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formal conference, or fails to proceed at a hearing, the Department's action shall be dismissed.

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

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
140.13	Amendment
140.15	Amendment
140.18	Amendment
140.20	Amendment
140.24	Amendment
140.25	Amendment
140.28	Amendment
140.30	Amendment
140.33	Amendment
140.1001	New Section
140.1002	New Section
140.1003	New Section
140.1004	New Section
140.1005	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking, in conjunction with proposed amendments for Part 104, implements Public Act 94-265, which formalized the Department's relationship with alternate payees (entities registered with the Department to serve as alternate payees for medical providers). These amendments require alternate payees to register with HFS, permit the Department to deny or cancel alternate payee registrations; permit HFS, after the opportunity for a hearing, to revoke or prohibit participation in the Medical Assistance Program of any alternate payee that violates federal or State statutes or Department regulations; and provide that alternate payees are jointly and severally liable with vendors for overpayments under the Medical Assistance Program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.569	Amendment	30 Ill. Reg. 1231; 1/27/06
140.534	Amendment	30 Ill. Reg. 6230; 4/14/06
140.560	Amendment	30 Ill. Reg. 6230; 4/14/06
140.490	Amendment	30 Ill. Reg. 12066; 7/14/06
140.492	Amendment	30 Ill. Reg. 12066; 7/14/06
140.990	New Section	30 Ill. Reg. 13633; 8/18/06
140.991	New Section	30 Ill. Reg. 13633; 8/18/06
140.992	New Section	30 Ill. Reg. 13633; 8/18/06
140.993	New Section	30 Ill. Reg. 13633; 8/18/06

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

Tamara Tanzillo Hoffman
 Chief of Administration and Rules
 Illinois Department of Healthcare and Family Services
 201 South Grand Avenue E., 3rd Floor
 Springfield IL 62763-0002

217/557-7157

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

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in

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accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Entities registering with the Department as alternate payees.
 - 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: January 2006

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

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

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

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

SUBPART C: PROVIDER ASSESSMENTS

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

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

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SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	
140.400	Payment to Practitioners
140.402	Copayments for Noninstitutional Medical Services
140.405	SeniorCare Pharmaceutical Benefit (Repealed)
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Clinical Laboratory Services
140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Advanced Practice Nurse Services
140.436	Limitations on Advanced Practice Nurse Services
140.438	Imaging Centers
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items

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- 140.449 Payment of Pharmacy Items
- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Services
- 140.453 Definitions
- 140.454 Types of Mental Health Services
- 140.455 Payment for Mental Health Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Hospital-Based and Encounter Rate Clinic Payments
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Eligible Home Health Providers
- 140.471 Description of Home Health Services
- 140.472 Types of Home Health Services
- 140.473 Prior Approval for Home Health Services
- 140.474 Payment for Home Health Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 140.482 Family Planning Services
- 140.483 Limitations on Family Planning Services
- 140.484 Payment for Family Planning Services
- 140.485 Healthy Kids Program
- 140.486 Illinois Healthy Women
- 140.487 Healthy Kids Program Timeliness Standards

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140.488	Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.494	Record Requirements for Medical Transportation Services
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
140.498	Fingerprint-Based Criminal Background Checks

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Section	
140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Informal Hearing Process for Denial of Payment for New ICF/MR
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered By Department Payment
140.512	Utilization Control
140.513	Notification of Change in Resident Status
140.514	Certifications and Recertifications of Care (Repealed)
140.515	Management of Recipient Funds – Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds – Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)

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- 140.528 Payment of Quality Incentive (Repealed)
- 140.529 Reviews (Repealed)
- 140.530 Basis of Payment for Long Term Care Services
- 140.531 General Service Costs
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- 140.533 General Administration Costs
- 140.534 Ownership Costs
- 140.535 Costs for Interest, Taxes and Rent
- 140.536 Organization and Pre-Operating Costs
- 140.537 Payments to Related Organizations
- 140.538 Special Costs
- 140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
- 140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
- 140.541 Salaries Paid to Owners or Related Parties
- 140.542 Cost Reports – Filing Requirements
- 140.543 Time Standards for Filing Cost Reports
- 140.544 Access to Cost Reports (Repealed)
- 140.545 Penalty for Failure to File Cost Reports
- 140.550 Update of Operating Costs
- 140.551 General Service Costs Updates
- 140.552 Nursing and Program Costs
- 140.553 General Administrative Costs Updates
- 140.554 Component Inflation Index (Repealed)
- 140.555 Minimum Wage
- 140.560 Components of the Base Rate Determination
- 140.561 Support Costs Components
- 140.562 Nursing Costs
- 140.563 Capital Costs
- 140.565 Kosher Kitchen Reimbursement
- 140.566 Out-of-State Placement
- 140.567 Level II Incentive Payments (Repealed)
- 140.568 Duration of Incentive Payments (Repealed)
- 140.569 Clients With Exceptional Care Needs
- 140.570 Capital Rate Component Determination
- 140.571 Capital Rate Calculation
- 140.572 Total Capital Rate
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140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
140.646	Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
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140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND LOCAL GOVERNMENTAL ENTITIES

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

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

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

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

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

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)

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140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
140.980	Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982	Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

SUBPART J: ALTERNATE PAYEE PARTICIPATIONSection

<u>140.1001</u>	<u>Registration Conditions for Alternate Payees</u>
<u>140.1002</u>	<u>Participation Requirements for Alternate Payees</u>
<u>140.1003</u>	<u>Recovery of Money for Alternate Payees</u>
<u>140.1004</u>	<u>Conditional Registration for Alternate Payees</u>
<u>140.1005</u>	<u>Revocation of an Alternate Payee</u>

140.TABLE A	Medichek Recommended Screening Procedures (Repealed)
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards

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140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

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

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

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amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill.

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Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990;

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amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993;

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amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill.

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Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11,

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2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. _____, effective _____.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.13 Definitions

"Alternate Payee". For purposes of this Part, "Alternate Payee" shall mean an entity that is registered as an alternate payee in the Medical Assistance Program. An individual practitioner may designate payments due the practitioner be made to an alternate payee.

"Department Policy". For purposes of this Part, "Department policy" shall mean the written requirements of the Department set forth in the Medical Assistance Program Handbooks, and the Department's written manuals, bulletins and releases. It shall also include any additional policy statements transmitted in writing to a vendor.

"Entity". For purposes of this Part, "entity" means any person, firm, corporation, partnership, association, agency, institution, or other legal organization.

"Investor". For purposes of this Part, "investor" shall mean any entity that owns (directly or indirectly) five percent or more of the shares of stock or other evidences of ownership of a vendor, or holds (directly or indirectly) five percent

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or more of the debt of a vendor, or owns and holds (directly or indirectly) three percent or more of the combined debt and equity of a vendor.

"Management Responsibility". For purposes of this Part, a person with management responsibility includes a person vested with discretion or judgment who either alone or in conjunction with others, conducts, administers or oversees either the general concerns of the vendor or a portion of the vendor's concerns. A person with management responsibility shall specifically include the pharmacist in a pharmacy, the medical director of a laboratory, the administrator of a hospital or nursing home, the dispatcher in a transportation vendor, dispatchers and all individuals in charge of day to day operations of a non-emergency transportation vendor, the person or persons responsible for preparation and submittal of billings for services to the Department, and the manager of a group practice, clinic or shared health facility.

"Non-Emergency Transportation Vendor". For purposes of this Part, non-emergency transportation vendor shall mean any transportation provider identified in Section 140.490(a) other than those identified in Section 140.490(a)(1) and (a)(6).

"Technical or Other Advisor". For purposes of this Part, "technical or other advisor" shall mean any entity that provides any form of advice to a vendor regarding the vendor's business or participation in the Medical Assistance Program in return for compensation, directly or indirectly, in any form.

"Vendor". For purposes of this Part, "vendor" or "provider" shall mean a person, firm, corporation, association, agency, institution, or other legal entity that provides goods or services to a recipient or recipients, and is enrolled to participate in the Medical Assistance Program pursuant to 89 Ill. Adm. Code 140.11 and 140.12.

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

Section 140.15 Recovery of Money

- a) The Department may recover money improperly or erroneously paid, or overpayments (see subsection (b) of this Section for exception to recovery of money), either by setoff (deducting from Department obligations to the vendor or the designated alternate payee), deductions from future billings or by requiring direct repayment.

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- b) If a practitioner designates an alternate payee, the practitioner and the alternate payee shall be jointly and severally liable to the Department for payments made to the alternate payee. Recoveries by the Department may be made against either party or both, at the Department's option.
- c)b) The Department shall not recoup from any long term care provider any amounts subsequently determined to be owed by a client due to an error in the initial determination of medical eligibility.
- d)e) The Department shall recover interest on the amount of the overpayment at the rate of five percent per annum if it is established through an administrative hearing that the overpayment resulted from the vendor or the designated alternate payee willfully making, or causing to be made, a false statement or misrepresentation of a material fact in connection with billings and payments under the medical assistance program. For purposes of this Section, "willfully" means making a statement or representation with actual knowledge that it was false, or making a statement or representation with knowledge of facts or information that would cause a reasonable person to be aware that the statement or representation was false when made.

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

Section 140.18 Effect of Termination or Revocation on Personson-Individuals Associated with Vendor

- a) Upon termination of a vendor of goods or services from participation in the Medical Assistance Program, a person with management responsibility for such vendor during the time of any conduct thatwhieh served as the basis for that vendor's termination is barred from participation in the Medical Assistance Program.
- b) Upon termination of a corporate vendor, the officers and persons owning, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in the vendor during the time of any conduct thatwhieh served as the basis for that vendor's termination are barred from participation in the Medical Assistance Program.
- c) Upon termination of a sole proprietorship or partnership, the owner or partners during the time of any conduct thatwhieh served as the basis for that vendor's

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termination are barred from participation in the Medical Assistance Program.

- d) Upon revocation of an alternate payee pursuant to Section 140.1005, the owners, officers, and individuals with management responsibility for the alternate payee during the time of any conduct that served as the basis for that alternate payee's revocation may be prohibited from participation as an owner, an officer, or an individual with management responsibility for an alternate payee in the Illinois Medical Assistance Program.

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

Section 140.20 Submittal of Claims

- a) When claims for payment are submitted to the Department, providers shall:
- 1) Use Department designated billing forms or electronic format for submittal of charges, and
 - 2) Certify that:
 - A) They have personally rendered the services and provided the items for which charges are being made,
 - B) Payment has not been received, or that only partial payment has been received,
 - C) The charge made for each item constitutes the complete charge,
 - D) They have not, and will not, accept additional payment for any item from any person or persons, and
 - E) They will not make additional charges to, nor accept additional payment from, any persons if the charges they present are reduced by the Department to conform to Department standards.
- b) Statement of Certification
- 1) All billing statements shall contain a certification statement that must remain unaltered, and must be legibly signed and dated in ink by the provider, his or her designated alternate payee, or his or her authorized

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representative. A rubber stamp or facsimile signature is not acceptable.

- 2) An "authorized representative" may only be a trusted employee over whom the provider has direct supervision on a daily basis and who is personally responsible on a daily basis to the provider. Such representative must be specifically designated and must sign the provider's name and his or her own initials on each certification statement.

3) An alternate payee must be specifically designated by the provider and must sign the provider's name and alternate payee's authorized representative's initials on each certification statement.

- c) To be eligible for payment consideration, a provider's vendor-payment claim or bill, either as an initial or resubmitted claim following prior rejection, must be received by the Department, or its fiscal intermediary, no later than 12 months after the date on which medical goods or services were provided, with the following exception. The Department must receive a claim after disposition by Medicare or its fiscal intermediary no later than 24 months after the date on which medical goods or services were provided.
- d) Claims that are not submitted and received in compliance with the foregoing requirements will not be eligible for payment under the Department's Medical Assistance Program, and the State shall have no liability for payment thereof.

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

Section 140.24 Payment Procedures

- a) Payment of valid claims will be made by a State warrant (check) issued through the Office of the State Comptroller.
- b) All providers of medical services must designate a payee when enrolling in the Department's Medical Assistance Program.
- 1) Providers enrolled as business entities are limited to one payee. A business entity is defined as any firm, corporation, partnership, agency, institution or other legal organization organized for the purpose of providing medically related professional services. A provider enrolled as a business entity may designate the corporate or partnership name as the payee. The mailing address for the payee must be the provider's service

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address, the designated address of the provider's corporate or partnership office, or a designated address that will accept and forward the remittance advice to the business entity.

- 2) Providers enrolled as individual practitioners are allowed to have more than one payee. An individual practitioner is defined as an individual person licensed by an authorized state agency to provide medical services. Payment may be mailed to an individual practitioner at one of the following addresses that will accept and forward the remittance advice to the individual practitioner:
 - A) The provider's service address; or
 - B) The provider's residence; or
 - C) The provider's designated address; or
 - D) The address of the provider's designated alternate payee pursuant to subsection (d) of this Section; or
 - E) The address of the entity specified according to an arrangement under Section 140.27(c) or (d).
- c) A long term care facility and its corporate or partnership owner may request the facility's warrant be sent directly to the business office address of the corporate or partnership owner. After approval is given, the warrant will be issued in the name of the facility or corporate name doing business under the facility name, but sent to the business office address of the corporate or partnership owner rather than the facility.
- d) Individual practitioners may request the Department to designate an alternate payee. The Department may permit such a request if the Department determines that such designation is consistent with the provision of medical services to eligible recipients and:
 - 1) The individual practitioner has a contractual/salary arrangement, as a condition of employment with a hospital or professional school. A professional school is defined as a college or university offering a degree to qualify individuals for licensure to perform medical services; or

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- 2) The individual practitioner has a contractual/salary arrangement with or is employed by a practitioner owned group practice. The practitioner owned group practice must be owned by three or more full-time licensed individual practitioners who are eligible to participate in the Medical Assistance Program; or
- 3) The individual practitioner is a partner in a partnership and has a partnership arrangement that requires fees to be turned over to the partnership. The partnership must be solely-owned by two or more practitioners who are eligible to participate in the Medical Assistance Program; or
- ~~4)3)~~ The individual practitioner has a contractual/salary arrangement or is employed by a governmental entity that requires, as a condition of employment, that the fees be turned over to the governmental entity; or
- ~~5)4)~~ The individual practitioner has a contractual/salary arrangement or is employed by a community mental health agency that is certified by the Department of Human Services under 59 Ill. Adm. Code 132. The community mental health agency must be enrolled as a provider in the Medical Assistance Program; or
- ~~6)5)~~ The individual practitioner has a contractual/salary arrangement or is employed by a Federally Qualified Health Center, Rural Health Center or Encounter Rate Clinic that is enrolled as a provider in the Medical Assistance Program; or
- ~~7)6)~~ The individual practitioner has a contractual/salary arrangement or is employed by a hospital affiliate, as defined by the Hospital Licensing Act [210 ILCS 85]; or:
- 8) The alternate payee is registered as an alternate payee pursuant to Subpart J.
- e) The Department will not permit the designation of a payee or alternate payee that appoints, employs, or contracts with any person as an owner, officer, director, or individual with management or advisory responsibility who is terminated, suspended, or barred or has voluntarily withdrawn as a result of a settlement agreement, from any state or federal healthcare program.

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- f) If a practitioner designates an alternate payee, the practitioner and the alternate payee shall be jointly and severally liable to the Department for payments made to the alternate payee.

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

Section 140.25 Overpayment or Underpayment of Claims

- a) When ~~either~~ the Department, ~~or~~ the provider, or the designated alternate payee has determined that an overpayment has been made, the provider or the alternate payee shall reimburse the Department for the overpayment. The Department shall recover overpayments made to or on behalf of a provider ~~that~~which result from improper billing practices. Such recovery may occur by setoff, crediting against future billings or ~~by~~ requiring direct repayment to the Department.
- b) When a provider believes ~~it~~he has received an underpayment for ~~his~~ services, ~~it~~he may request Department review. ~~The~~Such request must be received by the Department within 12 months ~~after~~of the date payment was authorized. If the review reveals an underpayment was made, the Department shall pay the additional amount due. If the review reveals an overpayment was made, the provider, or the designated alternate payee, shall refund the amount of the overpayment.

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

Section 140.28 Record Requirements for Medical Providers

- a) Providers shall maintain in the regular course of business the following:
- 1) Any and all business records, ~~that~~which may indicate financial arrangements between the provider and other providers in the program or other entities, or ~~that~~which are necessary to determine compliance with ~~federal~~Federal and State requirements, ~~;~~ including but not limited to:—
 - A) business ledgers of all transactions,
 - B) records of all payments received, including cash,
 - C) records of all payments made, including cash,

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- D) corporate papers, including stock record books and minute books,
 - E) records of all arrangements and payments related in any way to the leasing of real estate or personal property, including any equipment,
 - F) records of all accounts receivable and payable; and
- 2) Any and all professional records ~~that~~~~which~~ relate to the quality of care given by the provider or ~~that~~~~which~~ document the care for which payment is claimed, including but not limited to:
- A) medical records for applicants and recipients of public assistance. This rule does not require a provider to keep or make available medical records for persons who are not applicants or recipients and for whom no claim to the Department for payment is made.
 - B) other professional records required to be maintained by applicable ~~federal~~~~Federal~~ or State law or regulations.
- b) The business and professional records required to be maintained shall be kept in accordance with accepted business and accounting practice and shall be legible. Such records must be retained for a period of not less than 3 years from the date of service or as provided by applicable State law, whichever period is longer, except that if an audit is initiated within the required retention period the records must be retained until the audit is completed and every exception resolved. This provision is not to be construed as a statute of limitations. However, the Department will not deny, suspend or terminate a provider pursuant to Sections 140.14 through 140.19 solely because the provider has failed to keep records for more than 3 years.
- c) All records required to be maintained shall be available for inspection, audit and copying (including photocopying) by authorized Department personnel during normal business hours. Department personnel shall make all attempts to examine such records without interfering with the professional activities of the provider.
- d) The provider's business and professional records for at least 12 previous calendar months shall be maintained and available for inspection by authorized Department personnel on the premises of the provider. Department personnel shall make requests in writing to inspect records more than 12 months old at least 2 days in

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advance of the date they must be produced.

- e) The provider is responsible to furnish records to the Department. If records are maintained by a designated alternate payee or another entity, the provider remains responsible for obtaining those records and furnishing them to the Department.

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

Section 140.30 Audits

- a) All services for which charges are made to the Department are subject to audit. During a review audit, the provider shall furnish to the Department or to its authorized representative, pertinent information regarding claims for payment. If records are maintained by a designated alternate payee, it is the provider's responsibility to obtain the records and furnish them to the Department. Should an audit reveal that incorrect payments were made, or that the provider's records do not support the payments that were made, or should the provider or designated alternate payee fail to furnish records to support payments that were made, the provider or designated alternate payee shall make restitution.
- b) The Department's procedure for auditing providers may involve the use of sampling and extrapolation. Under such a procedure, the Department selects a statistically valid sample of the cases for which the provider or designated alternate payee received payment for the audit period in question and audits the provider's records for those cases. All incorrect payments determined by an audit of the cases in the sample are then totaled and extrapolated to the entire universe of cases for which the provider or designated alternate payee has been paid during the audit period. The provider or designated alternate payee shall be required to pay the Department the entire extrapolated amount of incorrect payments calculated under this procedure after notice and opportunity for hearing pursuant to 89 Ill. Adm. Code 104.210.

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

Section 140.33 Publication of List of ~~Sanctioned~~Terminated, Suspended or Barred Entities

- a) The Department shall publish a list of every entity that is currently terminated, suspended or barred from participation in the Medical Assistance Program and shall include every alternate payee that has been revoked, and every entity prohibited from participating with an alternate payee. The list may also include

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entities that have voluntarily withdrawn from participation in the Medical Assistance Program as a result of a settlement agreement. The list shall also include the period of suspension. The list shall be supplemented with additions and deletions each month, if any. The list shall be published on the Office of the Inspector General's (OIG) website at www.state.il.us/agency/oig.

- b) The Department shall, upon request, mail the list and supplements, without charge, to associations and societies of vendors in the Medical Assistance Program, including their affiliates and components. Societies and associations of vendors and other entities that wish to receive the list are responsible for providing the Department with a current mailing address.
- c) An entity may file a request, in writing or via e-mail, for a list of any adverse actions against a particular entity that are not currently in effect. Inquiries may be directed to the OIG at 404 North Fifth Street, Springfield, Illinois 62702, or at Oigwebmaster@illinois.gov ~~igwebmaster@mail.idpa.state.il.us~~. The Department shall respond to such a request within ten days after receiving it.

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

SUBPART J: ALTERNATE PAYEE PARTICIPATIONSection 140.1001 Registration Conditions for Alternate Payees

- a) In order to participate, alternate payees shall:
- 1) Hold a valid, appropriate license where State law requires licensure of medical practitioners, agencies, institutions and other medical entities;
 - 2) Be certified for participation in the Title XVIII Medicare program when federal or State rules and regulations require such certification for Title XIX participation;
 - 3) Be certified for Title XIX when federal or State rules and regulations so require;
 - 4) Be a hospital or a hospital affiliate as defined by the Hospital Licensing Act [210 ILCS 85]; a professional school that offers a degree to qualify individuals for licensure to perform medical services; a group practice solely owned by three or more full-time licensed individual practitioners

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who are eligible to participate in the Medical Assistance Program; a partnership that requires fees of its partners to be turned over to the partnership and all partners are eligible to participate in the Medical Assistance Program; a governmental entity that requires, as a condition of employment, that the fees be turned over to the governmental entity; a community mental health agency that is certified by the Department of Human Services under 59 Ill. Adm. Code 132 and is enrolled as a provider in the Medical Assistance Program; or a Federally Qualified Health Center, Rural Health Center or Encounter Rate Clinic that is enrolled as a provider in the Medical Assistance Program;

- 5) Provide registration information to the Department, in the prescribed format, and notify the Department, in writing, immediately whenever there is a change in any registration information that the alternate payee has previously submitted;
 - 6) Provide disclosure, as requested by the Department, of all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions, or other legal entities providing any form of health care services to public assistance recipients and alternate payee relationships; and
 - 7) Have a current alternate payee registration on file with the Department.
- b) Approval of a corporate entity such as a group practice, a partnership, hospital, or professional school as an alternate payee in the Medical Assistance Program applies only to the entity's existing ownership, corporate structure, and location. Therefore, an alternate payee's registration in the Medical Assistance Program is not transferable.
 - c) For purposes of administrative efficiency, the Department may periodically require classes of alternate payees to re-register in the Medical Assistance Program. Under such a re-registration, the Department shall request classes of alternate payees to submit updated information. Failure of an alternate payee to submit such information within the requested time frames may result in cancellation of the alternate payee registration from the Program. Such cancellation shall have no effect on the future eligibility of the alternate payee to participate in the Program and is intended only for purposes of the Department's efficient administration of the Program.

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- d) For purposes of this Section, an alternate payee whose alternate payee investor ownership has changed by 50 percent or more from the date the alternate payee was initially approved for registration as an alternate payee in the Medical Assistance Program shall be required to submit a new application for registration. All such applications must meet the requirements for registration.

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

Section 140.1002 Participation Requirements for Alternate Payees

In order for an individual practitioner to designate that payments that may be due to the practitioner be made to a specific alternate payee, there must be a written alternate payee agreement between the individual practitioner and that alternate payee. This alternate payee agreement, which must be on file with the Department, shall be in the form and manner prescribed by the Department. In executing such an alternate payee agreement, an alternate payee shall agree to:

- a) Comply with the Department's policies, rules and regulations, and with the terms and conditions prescribed by the Department in its alternate payee registration and alternate payee agreements;
- b) Comply with the requirements of applicable federal and State laws and not engage in practices prohibited by those laws;
- c) Hold confidential, and use for authorized program purposes only, all Medical Assistance information regarding recipients;
- d) Furnish to the Department, in the form and manner requested by the Department, any information it requests regarding payments in connection with the rendering of goods or services or supplies to recipients by the provider or his or her agent, employer or employee; and
- e) Ensure maintenance of any and all professional records that relate to the quality of care given by the provider and that document the care for which payment is claimed for the designated alternate payee.

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

Section 140.1003 Recovery of Money for Alternate Payees

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- a) An individual practitioner and its designated alternate payee shall be jointly and severally liable to the Department for payments made to the alternate payee on behalf of that individual practitioner.
- b) Department action to recover money or overpayments from an alternate payee shall be subject to an administrative hearing pursuant to 89 Ill. Adm. Code 104.200, Subpart C, Medical Vendor and Alternate Payee Hearings.

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

Section 140.1004 Conditional Registration for Alternate Payees

- a) Registration as an alternate payee in the Illinois Medical Assistance Program shall be conditional. At any time, the Department may deny or cancel an alternate payee's registration in the Illinois Medical Assistance Program without cause. Any such denial or cancellation is not subject to an administrative hearing. Upon cancellation, payments shall cease to the alternate payee.
- b) The Department shall provide written notice of denial or cancellation. Any payments made by the Department after a cancellation notice to a designated alternate payee may be recoverable from the alternate payee pursuant to Section 140.15.
- c) An alternate payee whose registration has been cancelled may no longer act as a provider's designated payee.

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

Section 140.1005 Revocation of an Alternate Payee

- a) The Department may seek a revocation of any alternate payee that has participated in the Program, and all owners, officers, a partners, and individuals with management responsibility for the alternate payee shall be permanently prohibited from participating as an owner, an officer, a partner, or an individual with management responsibility with an alternate payee in the Illinois Medical Assistance Program if, after reasonable notice and opportunity for a hearing, the Department finds that:

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- 1) the alternate payee is not complying with Department policy or rules, or with the terms and conditions prescribed by the Department in its alternate payee registration and alternate payee agreements; or
- 2) the alternate payee is not properly licensed or qualified, or the alternate payee's professional license, certificate, or other authorization has not been renewed or has been revoked, suspended, or otherwise terminated as determined by the appropriate licensing, certifying, or authorizing agency; or
- 3) the alternate payee has failed to make available for inspection, audit, or copying, after receiving a written request from the Department, records regarding payments claimed as an alternate payee; or
- 4) the alternate payee has failed to furnish any information requested by the Department regarding payments claimed as an alternate payee; or
- 5) the alternate payee has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the Medical Assistance Program. For purposes of this Section, statements or representations made "knowingly" shall include statements or representations made with actual knowledge that they were false, as well as those statements made when the individual making the statement had knowledge of such facts or information as would cause one to be aware that the statements or representations were false when made; or
- 6) the alternate payee has submitted claims on behalf of an individual practitioner for services or supplies that were not rendered or delivered by the practitioner for which the alternate payee was designated; or
- 7) the alternate payee, a person with management responsibility for an alternate payee, an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate alternate payee, a partner in a partnership alternate payee, or a member of a group practice alternate payee:
 - A) was previously terminated from participation in the Medical Assistance Program, or was previously revoked as an alternate payee in the Illinois Medical Assistance Program, or was

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- terminated from participation as a vendor in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of the Public Aid Code; or
- B) was a person with management responsibility of a vendor previously terminated from participation as a vendor in the Illinois Medical Assistance Program, or was previously revoked or prohibited as an alternate payee in the Illinois Medical Assistance Program, or was terminated from participation as a vendor in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of the Public Aid Code, during the time of conduct that was the basis for that vendor's termination or alternate payee's revocation; or
- C) was an officer, or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor previously terminated from participation as a vendor in the Illinois Medical Assistance Program, or was previously revoked or prohibited as an alternate payee in the Illinois Medical Assistance Program, or was terminated from participation as a vendor in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of the Public Aid Code, during the time of conduct that was the basis for that vendor's termination; or
- D) was an owner of a sole proprietorship or partner in a partnership or a member in a group practice previously terminated from participation as a vendor in the Illinois Medical Assistance Program, or was previously revoked or prohibited as an alternate payee in the Illinois Medical Assistance Program, or was terminated from participation as a vendor in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of the Public Aid Code, during the time of conduct that was the basis for that vendor's termination or alternate payee's revocation; or
- 8) the alternate payee, a person with management responsibility for an alternate payee, an officer or person owning, either directly or indirectly,

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5% or more of the shares of stock or other evidences of ownership in a corporate alternate payee, a partner in a partnership alternate payee or a member in a group practice alternate payee:

- A) has engaged in conduct prohibited by applicable federal or State law or regulation relating to the Illinois Medical Assistance Program; or
- B) was a person with management responsibility for a vendor or alternate payee at the time the vendor or alternate payee engaged in practices prohibited by applicable federal or State law or regulation relating to the Illinois Medical Assistance Program; or
- C) was an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a vendor or alternate payee at the time the vendor or alternate payee engaged in practices prohibited by applicable federal or State law or regulation relating to the Illinois Medical Assistance Program; or
- D) was an owner of a sole proprietorship, partner of a partnership, or member in a group practice that was a vendor or alternate payee engaged in practices prohibited by applicable federal or State law or regulation relating to the Illinois Medical Assistance Program; or

 - i) For purposes of subsection (a)(8) of this Section, "applicable federal or State law or regulation" shall include licensing or certification standards contained in State or federal law or regulation related to the Medical Assistance Program, any other licensing standards as they related to the alternate payee's practice or business or any federal or State law or regulation related to the Medical Assistance Program;
 - ii) For purposes of subsection (a)(8) of this Section, conviction or a plea of guilty to activities in violation of applicable federal or State law or regulation shall be conclusive proof that such activities were engaged in; or

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- 9) the alternate payee, a person with management responsibility for an alternate payee, an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate alternate payee, a partner in a partnership alternate payee, or a member of a group practice alternate payee, has been convicted in this or any other State, or in any federal court, of any felony related to the Medical Assistance Program; or

- 10) the direct or indirect ownership of the vendor or alternate payee (including the ownership of a vendor or alternate payee that is a partner's interest in a vendor or alternate payee, or ownership of 5% or more of the shares of stock or other evidences of ownership in a corporate vendor or alternate payee) has been transferred by an individual who is terminated or barred from participating as a vendor or is prohibited or revoked as a alternate payee to the individual's spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

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

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- 1) Heading of the Part: Customer Financial Participation
- 2) Code Citation: 89 Ill. Adm. Code 562
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
562.10	Amendment
562.20	Amendment
562.30	Amendment
562.40	Amendment
562.60	Amendment
562.APPENDIX A	Repealed
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking adds and revises language. "Proof of Income" is being added to the definitions and defines it to mean the most recent tax return, or current wage records if a tax return has not yet been completed or if the individual's financial status has changed significantly since the last return. Unusual Allowable Expenses shall not be included in the customer Financial Analysis without appropriate documentation. Proof of income must be provided when completing the customer's Financial Analysis. Changes were made to the hearing impaired pre-vocational program at Northern Illinois University to indicate rules pertaining to financial participation in the Increased Costs Section shall apply to customers in this program. Language has been added that customers participating in Graduate School Training must pay their graduate training fee in addition to fees identified through the Financial Analysis. Appendix A is being repealed because figures may become obsolete before an amendment to this Section could be completed.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:
- Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
- 217/785-9772
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: VR Counselors are required to hold a Master's Degree.
- 14) Regulatory agenda on which this rulemaking was summarized: July 2005

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

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TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 562
 CUSTOMER FINANCIAL PARTICIPATION

Section

562.10	General Applicability
562.20	Definitions
562.30	Financial Analysis Completion
562.40	Financial Participation
562.50	Client Emancipation (Repealed)
562.60	Consideration of Settlements from Litigation or Other Sources
562.70	Refusal to Financially Participate (Repealed)
562.80	Timing of Financial Analysis (Repealed)
562.90	Impact of Review of Financial Analysis
562.100	Exclusion for Public Aid Recipients (Repealed)
562.TABLE A	Determination Table for Client Participation (Repealed)
562.APPENDIX A	Standard Budget Allowances (Repealed)

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8763, effective June 10, 1985; amended at 11 Ill. Reg. 4021, effective February 18, 1987; amended at 11 Ill. Reg. 15223, effective August 31, 1987; amended at 11 Ill. Reg. 19127, effective November 9, 1987; amended at 12 Ill. Reg. 20827, effective November 30, 1988; amended at 13 Ill. Reg. 2866, effective February 17, 1989; amended at 14 Ill. Reg. 1466, effective January 8, 1990; amended at 14 Ill. Reg. 18555, effective November 5, 1990; amended at 15 Ill. Reg. 10179, effective June 24, 1991; amended at 15 Ill. Reg. 18750, effective December 17, 1991; amended at 17 Ill. Reg. 3895, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 11676, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20356, effective November 15, 1993; amended at 19 Ill. Reg. 8803, effective June 20, 1995; amended at 21 Ill. Reg. 4833, effective April 1, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1386, effective January 14, 1999; amended at 23 Ill. Reg. 13082, effective October 6, 1999; amended at 27 Ill. Reg. 12588, effective July 21, 2003; amended at 30 Ill. Reg. _____, effective _____.

Section 562.10 General Applicability

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Rules contained within this Part are applicable to all Department of Human Services-
| Division~~Office~~ of Rehabilitation Services (DHS-DRSORS) Vocational Rehabilitation (VR)
customers.

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

Section 562.20 Definitions

For the purposes of this Part, the following terms shall have the following meanings:

| Customer Financial Analysis (IL 488-0265) (Financial Analysis) – the form
developed by DHS-DRSORS to determine customer and family financial
participation.

Customer Financial Participation – the amount of money, as determined by the
completion of the Financial Analysis, that a customer and/or the customer's
family must contribute to the cost of services and the amount of any voluntary
contributions the customer and/or his/her family wish to contribute to the cost of
services.

Dependent – a customer who receives half or more of his/her support from the
family; however, customers receiving training service at an institution that
participates in the federal assistance program, dependency of the customer shall
be verified by information contained in the Free Application for Federal Student
Aid (FAFSA).

Family – for the purpose of identifying those individuals included in the family
when completing the Financial Analysis, the term "family" shall include the
customer and all other family members. A family member is anyone who resides
in the same household and is related to the customer by blood or marriage or has a
close interpersonal relationship with the customer.

Income – all earned and other income from all sources, including all types of
public support; wages, tips; disability payments; Worker's Compensation; interest
or dividends from investments, savings, trust funds, certificates of deposit, etc.;
child support, spousal support; income from rental and leased property; and
private sources. The value of readily available assets (i.e., cash-on-hand,
checking accounts, savings accounts, certificates of deposit, stocks, bonds,
accessible trust funds) shall not be considered as income for the purpose of

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completion of the Financial Analysis, unless those assets have been established for the support or training of the customer.

Proof of Income – the portion of the most recent tax return that contains the adjusted gross income and the signature of the person submitting the return. Proof of income must be provided for each individual included in the definition of family. An estimated annual income will be calculated based on current wage records if an annual federal tax return has not yet been completed or if the financial status has significantly changed since the last submitted tax return.

Services – those services provided by and through DHS-~~DRSORS~~ to customers of the Vocational Rehabilitation Program VR and as described at 89 Ill. Adm. Code 590 – Services.

Standard Budget Allowance (SBA) – a figure equal to 70% of the State Median Income figures established by the Office of Community Programs of the United States Department of Health and Human Services that are published annually in the Federal Register.

Unusual Allowable Expenses – expenses directly related to the customer's or other family member's disability, such as on-going medical treatment, medication, adaptive equipment, a one-time allowance for the purchase of a van or van modification and rehabilitation technology services, that are currently being paid by the customer and/or customer's family that are not paid for through insurance or any other source and/or cost associated with another family member attending post-secondary education that are paid by the family. Unusual Allowable Expenses shall not be included in the customer Financial Analysis without appropriate documentation of each expense.~~not paid by any other source.~~

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

Section 562.30 Financial Analysis Completion

- a) The following factors will be considered in completing the Financial Analysis:
- 1) No Financial Analysis shall be completed for a customer who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act.
 - 2) Unless the services provided to the customer are exempt from financial

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participation as listed in subsection (b) below, all customers seeking services through DHS-~~DRSORS~~ and, when appropriate, the customer's family must complete the Financial Analysis and participate in the cost of services as indicated by the Financial Analysis. The level of the customer's or family's participation in non-exempt services shall be determined by the Financial Analysis.

- 3) In completing the customer's Financial Analysis, the customer's income shall be calculated. The customer's family's income shall be used when the customer is married or the customer is a dependent. Proof of income must be provided and retained for each individual.
- b) Customer financial participation shall be required for all services except the following:
 - 1) evaluation of rehabilitation potential, including the evaluation component of the Helen Keller National Center, Sand-Point NY. This includes room and board and transportation;
 - 2) services or instruction provided directly by DHS-~~DRSORS~~ staff or in a DHS-~~DRSORS~~ managed facility/institution;
 - 3) assessment and placement through any approved community rehabilitation program (89 Ill. Adm. Code 530);
 - 4) the evaluation, vocational, and academic fees related to participation in the work/study component of the summer program and the nine month hearing impaired pre-vocational program at Northern Illinois University. Rules pertaining to financial participation in the Increased Costs section shall apply to customers participating in this program (89 Ill. Adm. Code 590.660 and 590.670);
 - 5) services provided through the Bureau of Blind Service's transition program (Transvision) or the Secondary Transitional Experience Program (STEP) (89 Ill. Adm. Code 590: Subpart L);
 - 6) on-the-job training (OJT);
 - 7) job coaching services; and

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- 8) interpreter, reader, attendant, and note taker services.

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

Section 562.40 Financial Participation

- a) The Financial Analysis must be completed prior to the initiation of the IPE (89 Ill. Adm. Code 572) unless the IPE developed for the customer includes only those services exempt from financial participation as listed in Section 562.30(b) of this Part.
- b) The Financial Analysis must be readministered at least annually and at any time there is reason to believe there is a change in the customer's financial situation that will affect customer financial participation.
- c) The Financial Analysis is completed by adding all customer and family income, subtracting the SBA for a family the size of the customer's family, and subtracting Unusual Allowable Expenses. The final product of these calculations shall be divided by two to determine the amount of required customer financial participation, if any. For customers participating in Graduate School Training, the customer's graduate training fee will be in addition to this amount (89 Ill. Adm. Code 590.240).
- d) The customer and/or customer's family will also be asked, as part of the completion of the Financial Analysis, for voluntary financial participation they are willing to make towards the cost of the customer's rehabilitation.
- e) Failure on the part of the customer and/or the customer's family to cooperate in the completion of the Financial Analysis or participate in the cost of services, if participation is indicated, shall be reason for DHS-~~DRSORS~~ to deny all services except those listed in Section 562.30(b) of this Part.
- f) Falsification by the customer and/or the customer's family of information used to complete the Financial Analysis shall be grounds for immediate termination of services through DHS-~~DRSORS~~ and may result in DHS-~~DRSORS~~ taking legal action to recoup monies previously expended by DHS-~~DRSORS~~ in providing services to the customer.

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

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Section 562.60 Consideration of Settlements from Litigation or Other Sources

- a) DHS-~~DRSORS~~ may, at its discretion, seek reimbursement for previously provided services from a customer when a judgement is issued or a settlement is agreed upon which is a direct result of the litigation or other action related to the customer's disability and for which the services provided by DHS-~~DRSORS~~ were judged or agreed compensable.
- b) The rehabilitation counselor/instructor must inform the DHS Office of the General Counsel-ORS Legal Division of any known workers' compensation~~Workers' Compensation~~ proceedings or other litigation in which services provided by DHS-~~DRSORS~~ are a measure of damages.

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

Section 562.APPENDIX A Standard Budget Allowances (Repealed)

~~The Standard Budget Allowances (SBAs) are as follows:~~

Family Size	Annual Allowance
1	\$35,421
2	\$46,300
3	\$57,218
4	\$68,117
5	\$79,016
6	\$89,914
7	\$91,958
8	\$94,001
9	\$96,045
10	\$98,088
11	\$100,132
12	\$102,176

~~For families with more than 12 members, \$2044 is added for each additional member over 12.~~

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

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- 1) Heading of the Part: Services
- 2) Code Citation: 89 Ill. Adm. Code 590
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
590.10	Amendment
590.20	Amendment
590.45	Added Section
590.70	Amendment
598.80	Amendment
590.110	Amendment
590.120	Amendment
590.130	Amendment
598.140	Amendment
590.150	Amendment
590.170	Amendment
590.190	Amendment
590.210	Amendment
590.220	Amendment
590.230	Amendment
590.240	Amendment
590.250	Amendment
590.270	Amendment
590.280	Amendment
590.300	Amendment
590.310	Amendment
590.315	Amendment
590.320	Amendment
590.330	Amendment
590.350	Amendment
590.360	Amendment
590.380	Amendment
590.400	Amendment
590.420	Amendment
590.430	Amendment
590.460	Amendment
590.470	Amendment
590.480	Amendment
590.600	Amendment
590.610	Amendment

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590.620	Amendment
590.630	Amendment
590.660	Amendment
590.680	Amendment
590.740	Amendment
590.750	Amendment

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking is being proposed to clarify language related to rules for Degree Training, Non-Degree Training, Graduate School Training, and Choice of Training Facility/Institution. The changes also address DRS financial contribution and customer financial participation when customers do not meet the required GPA, when they fail a course, and when the customer changes or drops a course. The Self-Employment Section indicates customers will be required to provide evidence of available cash or resources to cover 50% of eligible costs and indicates DRS will not contribute more than \$10,000 toward a Self-Employment Program without an exception from the appropriate Bureau Chief. Language pertaining to Tools, Equipment, Supplies, Initial Stock and Transfer of Title has been streamlined to provide more specific direction to counselors. Language pertaining to Transportation and Temporary Lodging has been revised to provide more specific direction and has been changed to indicate DRS will not pay for transportation costs to and from school for customers who are in residence at a college or training program. Many Sections have been amended to this rulemaking to update Office of Rehabilitation (ORS) to Division of Rehabilitation (DRS).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

(217) 785-9772
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: New forms will be completed for Self Employment proposals.
 - C) Types of professional skills necessary for compliance: VR Counselors are required to hold a Master's Degree.
- 14) Regulatory agenda on which this rulemaking was summarized: July 2005

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 590
SERVICES

SUBPART A: GENERAL ISSUES

Section	
590.10	General Applicability
590.20	Availability of Services
590.30	Effect of Financial Status on Services
590.35	Effect of Comparable Benefits
590.40	Choice of Service Providers
590.45	DHS- DRSORS Bidding Procedure

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section	
590.50	Provision of Services
590.60	Qualification of Medical and Psychological Service Providers
590.70	Treatment of Acute Conditions
590.80	Medication and Treatment
590.90	Hearing Aids
590.100	Binaural Hearing Aids
590.110	Speech and Language Services
590.120	Low Vision Devices
590.130	Mental Restoration Services
590.140	Heart Surgeries
590.150	Kidney Transplant and Related Services
590.160	Chiropractic Services
590.170	Prosthetic and Orthotic Devices
590.180	Wheelchairs
590.190	Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section	
590.200	Provision of Services

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590.210	Qualification of Training Facilities/Institutions
590.220	Purpose and Types of Training
590.230	Financial Guidelines for Training Services
590.240	Graduate School Training
590.250	Choice of Training Facility/Institution
590.260	Summer School
590.270	Grades <u>and Attendance</u>
590.280	Health Status
590.290	On-the-Job Training
590.300	Default on Educational Loans

SUBPART D: ~~SELF-EMPLOYMENT~~ PROGRAM FOR SELF-EMPLOYMENT

Section	
590.310	Provision of Services
590.315	Eligibility <u>for Participation in the Program for Self-Employment</u>
590.320	Self-Employment Program <u>for Self-Employment</u>
590.330	Ineligible Costs
590.340	Bidding Requirements (Repealed)
590.350	Recovery of Tools, Equipment, Supplies and Initial Stock
590.360	Transfer of Title
590.370	Limitation of Financial Participation (Repealed)

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section	
590.375	Provision of Services
590.380	Vendor Requirements
590.390	Bidding Requirements (Repealed)
590.400	Vehicle Adaptation
590.410	DHS-DRS Financial Participation in Van Adaptation
590.420	Environmental Modification
590.430	Written Agreements for Environmental Modification
590.440	Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section	
590.450	Provision of Services
590.460	Types of Services

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- 590.470 Services
- 590.480 Qualifications for Services Provided by Individuals
- 590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

- Section
- 590.500 Provision of Services (Repealed)
- 590.510 Definitions (Repealed)
- 590.520 Purpose of Equipment Loans (Repealed)
- 590.530 Criteria for Loan of Equipment/Aids (Repealed)
- 590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)
- 590.550 Duration of Loans (Repealed)
- 590.560 Maintenance and Return of Equipment/Aids (Repealed)
- 590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)
- 590.580 Limitations on Available Equipment/Aids (Repealed)

SUBPART H: OTHER SERVICES

- Section
- 590.590 Provision of Services
- 590.600 Transportation and Temporary Lodging
- 590.610 Other Goods and Services
- 590.620 Equipment Sets

SUBPART I: PLACEMENT

- Section
- 590.630 Provision of Placement Services
- 590.640 Description of Services

SUBPART J: INCREASED COSTS

- Section
- 590.650 Provision of Services
- 590.660 Increased Costs
- 590.670 Determination of the Need for Increased Costs
- 590.675 Determination of Client Financial Participation in Maintenance (Repealed)
- 590.680 Exceptions

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SUBPART K: POST-EMPLOYMENT SERVICES

- 590.700 Provision of Services
- 590.710 Definitions
- 590.720 Scope of Services

SUBPART L: TRANSITION

- 590.730 Provision of Services
- 590.740 Definitions
- 590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29, 1995; amended at 20 Ill. Reg. 6319, effective April 18, 1996; amended at 20 Ill. Reg. 6523, effective April 18, 1996; amended at 20 Ill. Reg. 10375, effective July 19, 1996; amended at 21 Ill. Reg. 1395, effective January 17, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 201, effective December 15, 1998; amended at 23 Ill. Reg. 7502, effective June 17, 1999; emergency amendment at 24 Ill. Reg. 6728, effective April 14, 2000, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 10372, effective July 1, 2000, for a maximum of 150 days; emergency expired on November 27, 2000; amended at 24 Ill. Reg. 13687, effective August 23, 2000; amended at 24 Ill. Reg. 18561, effective November 30, 2000; amended at 25 Ill. Reg. 4568, effective April 1, 2001; amended at 27 Ill. Reg. 12602, effective July 21, 2003; amended at 30 Ill. Reg. 1886, effective January 30, 2006; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL ISSUES

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Section 590.10 General Applicability

The rules contained in this Part are applicable to all ~~customers~~~~clients~~ of the Department of Human Services-~~Division~~~~Office~~ of Rehabilitation Services (DHS-~~DRS~~~~ORS~~) Vocational Rehabilitation (VR) Program.

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

Section 590.20 Availability of Services

Services described in this Part shall only be provided to customers who have been determined eligible to receive VR services (89 Ill. Adm. Code 553) for whom an Individualized Plan for Employment (~~IEP~~) has been developed calling for the provision of such services to reach the customer's employment outcome.

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

Section 590.45 DHS-~~ORS~~~~DRS~~ Bidding Procedure

- a) Counselors may purchase items necessary to support a customer's IPE that cost less than \$1000 without obtaining bids.
- b) Counselors may purchase, with proper approval, items costing more than \$1000 after pursuing three bids. If the item is available from fewer than 3 sources, the maximum number of bids shall be sought. All bidding activities ~~should~~~~shall~~ be documented by the counselor. A bid is an attempt to receive a purchase price. The process used shall give all providers an adequate opportunity to respond and ~~shall~~ include a due date.
- c) The lowest bid received shall be selected in each case unless there are documented reasons to reject the lowest bid. Should the customer choose another bidder and there are no documented reasons for not selecting the lowest bid, the customer shall pay the difference between the bids in addition to other customer financial participation, if any.

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

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section 590.70 Treatment of Acute Conditions

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At any time when an acute illness or condition arises during the time the customer is receiving services under an IPE, DHS-~~DRSORS~~ will pay for the treatment if no comparable benefits are available and the following conditions are present:

- a) the duration of the acute condition is short enough that it will not interfere with the provision of services;
- b) the treatment is deemed necessary and recommended by the appropriate medical professional;
- c) the treatment is mutually agreed to by the customer and the counselor;
- d) the treatment is necessary to avoid an interruption of service listed in the customer's IPE; and
- e) the customer's IPE is amended to allow for the provision of these services.

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

Section 590.80 Medication and Treatment

- a) DHS-~~DRSORS~~ may pay for medication/treatment (e.g., doctor's office visits, medication) necessary to cure or stabilize a condition in accordance with the customer's IPE.
- b) DHS-~~DRSORS~~ shall not pay for ongoing medication/treatment (treatment for a condition for which there is no foreseeable date of termination of the medication/treatment) except as a support service to the primary service on the IPE (e.g., a customer requires insulin to control his/her diabetes in order to attend training) and then only until completion of that primary service.

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

Section 590.110 Speech and Language Services

Pursuant to the provisions of 89 Ill. Adm. code 590.20, DHS-~~DRSORS~~ will provide speech and language pathology services (i.e., speech, language and/or dysphagia evaluations; speech, language and/or dysphagia therapy; and speech reading services) in accordance with the customer's long term rehabilitation goals as stated on his/her ~~IPE/WRP~~ (89 Ill. Adm. Code 572).

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

Section 590.120 Low Vision Devices

Pursuant to the provisions of 89 Ill. Adm. Code 590.20, DHS-~~DRSORS~~ will provide low vision devices including electronic devices (e.g., closed circuit television magnification systems).

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

Section 590.130 Mental Restoration Services

- a) Pursuant to the provisions of 89 Ill. Adm. Code 590.20, DHS-~~DRSORS~~ will, with the exception of electro-shock treatments, provide in-patient mental restoration services from a private hospital only when the need for such services is documented in the customer's case file by reports from the customer's psychiatrist or psychologist and comparable benefits (89 Ill. Adm. Code 567.30(d)) are not timely or available.
- b) In such cases, comparable benefits shall be arranged at the soonest possible time after initiation of services and DHS-~~DRSORS~~ funding shall be withdrawn.
- c) DHS-~~DRSORS~~ shall not pay for on-going mental-restoration services (when there is no foreseeable ending date for the services) unless these services are in support of a primary service listed on the customer's IPE and then only until completion of the primary service.

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

Section 590.140 Heart Surgeries

Pursuant to the provisions of 89 Ill. Adm. Code 590.20, DHS-~~DRSORS~~ will provide heart surgery for a customer when documentation from the customer's physician is contained in the customer's case file and indicates that the customer's prognosis for returning to gainful employment is good.

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

Section 590.150 Kidney Transplant and Related Services

Pursuant to the provisions of 89 Ill. Adm. 590.20, DHS-~~DRSORS~~ shall provide kidney

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transplant, dialysis and artificial kidney services to a customer diagnosed as having end stage renal failure when information contained in the customer's case file indicates the customer's prognosis for returning to gainful employment is good.

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

Section 590.170 Prosthetic and Orthotic Devices

- a) Pursuant to the provisions of 89 Ill. Adm. Code 590.20, prosthetic and orthotic devices may be provided to a customer when a physician has issued a prescription for the device:
 - 1) the customer has undergone an evaluation at an amputee clinic; or
 - 2) has been evaluated by a physiatrist, orthopedist, or other qualified physician and the need for evaluation by an amputee clinic has been waived by the Rehabilitation Services Supervisor and the DHS-~~DRSORS~~ State Program Specialist for Medical Services.
- b) The evaluation by an amputee clinic referenced in (b), ~~above~~, shall include an assessment of the customer's readiness for fitting of the device, evaluation of the fit, evaluation of the fabrication of the completed device and evaluation of the customer's individual training needs for the use of the device.

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

Section 590.190 Prohibited Services

Under no circumstances shall DHS-~~DRSORS~~ provide to a customer:

- a) intestinal by-pass or stapling surgeries for the treatment of extreme obesity;
- b) abortions, or any associated services;
- c) transsexual services, or any associated services;
- d) organ transplants, or any related services, with the exception of Kidney Transplants and Related Services (89 Ill. Adm. Code 590.150);
- e) any drug, therapeutic device, procedure, or surgery which cannot be legally

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prescribed by a licensed medical professional or which is outside accepted medical practice; and any drug that has not been approved by the Food and Drug Administration (FDA) of the United States Department of Health and Human Services; any therapeutic device that has been banned under 21 USC 360f; or any procedure or surgery that cannot be prescribed or performed by a licensed medical professional; and

- f) surgical or other services solely for cosmetic purposes. A surgery or service is not "solely for cosmetic purposes" when it would correct or substantially modify a physical condition which constitutes an impediment to employment. Section 553.150 sets out the functional capacities that, if seriously limited, could constitute an impediment to employment.

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

SUBPART C: TRAINING AND RELATED SERVICES

Section 590.210 Qualification of Training Facilities/Institutions

- a) Any training facility/institution/program not operated by DHS-~~DRSORS~~ used to provide services to a VR ~~customer~~ ~~client~~ must be approved by, or registered with, the Illinois State Board of Education pursuant to 23 Ill. Adm. Code 1, 25, 254, 401 and 451, the Board of Higher Education pursuant to 23 Ill. Adm. Code 1000, 1010, 1030 and 1050, the Illinois Community College Board pursuant to 23 Ill. Adm. Code 1501 or registered with the Illinois Department of ~~Financial and~~ Professional Regulation pursuant to ~~6889~~ Ill. Adm. Code: Chapter I, Subchapter b.
- b) Any training facility located outside of the State of Illinois shall be registered with the appropriate entity for such regulation in that state, and approved for use by the VR agency in that state.

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

Section 590.220 Purpose and Types of Training

Vocational, technical or academic training may be available to a customer of the VR program, as appropriate. The training shall be determined by the customer's Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100) and shall be included in the customer's IPE (89 Ill. Adm. Code 572).

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- a) Degree Training
DHS-DRS requires supporting evidence to indicate a customer has the ability and the capability to succeed in college level training before DHS-DRS will commit to any financial contribution for post-secondary education.
- 1) For individuals with no prior post secondary training, supporting evidence shall include the following:
- A) ACT, SAT or Prairie State score;
 - B) high school curriculum;
 - C) class rank;
 - D) high school cumulative grade point average;
 - E) other diagnostic tests as appropriate; and
 - F) other supporting documentation, as appropriate.
- 2) For individuals with prior post-secondary training, in addition to the evidence required by subsection (a)(1), the following information will be evaluated to determine if there is a need for further post-secondary training that would lead to employment:
- A) number of credit hours previously earned;
 - B) degree and certifications currently held;
 - C) previous work history related to degree held; and
 - D) reasons the customer is not employed with current qualifications.
- b) Non-Degree Training
DHS-DRS requires supporting evidence to indicate a customer has the ability and the capability to succeed in vocational or technical training before DHS-DRS will commit to any financial contribution. Supporting evidence shall include:
- 1) high school curriculum/grades; and

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2) previous work experience.

- a) ~~Training is available to a customer of the VR Program, as appropriate, for the customer as evidenced by the determination of the customer's eligibility (89 Ill. Adm. Code 553.20), the Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100) and as included in the customer's Individualized Plan for Employment (IPE) (89 Ill. Adm. Code 572).~~
- b) ~~Training provided to a customer pursuant to the provisions of subsection (a) above may be of a vocational/technical or educational nature as based on the customer's needs and determined as necessary to ensure attainment of the customer's chosen employment outcome.~~

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

Section 590.230 Financial Guidelines for Training Services

- a) Training services shall be provided to a customer in accordance with the provisions set forth at 89 Ill. Adm. Code 562 – Customer Financial Participation. Customers attending training must provide proof of award or denial of financial assistance, the amount of such award, acceptance at the institution, and any previous transcript before the implementation of the customer's IPE or subsequent amendment.
- b) DHS-~~DRSORS~~ VR Program will assist with the purchase of books, supplies and materials, required of all students, necessary for a customer to complete his/her training program in accordance with 89 Ill. Adm. Code 562 – Customer Financial Participation and 89 Ill. Adm. Code 567 – Comparable Benefits.
- c) DHS-~~DRSORS~~ VR Program will assist with the purchase of transportation services necessary for the customer to complete his/her training program in accordance with 89 Ill. Adm. Code 562 – Customer Financial Participation and 89 Ill. Adm. Code 567 Comparable Benefits, and 89 Ill. Adm. Code 590.600 – Transportation and Temporary Lodging when housing is not available for the customer at the training site.
- d) DHS-~~DRSORS~~ will assist with the purchase of the medical/health related insurance coverage, if offered and required by the training institution. This shall be done in accordance with 89 Ill. Adm. Code 562 – Customer Financial

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Participation and 89 Ill. Adm. Code 567 – Comparable Benefits.

- e) DHS-~~DRS~~ORS will assist with the purchase of other support services (i.e., tutor services, reader services, note taker services) in accordance with 89 Ill. Adm. Code 562 – Customer Financial Participation and 89 Ill. Adm. Code 567 – Comparable Benefits. If education or language tutorial services are to be provided to a customer who is deaf to assist in the completion of the training program, the tutor must:
- 1) be certified by the Illinois State Board of Education;
 - 2) hold at least a bachelor's degree in deaf education from an accredited college or university; or
 - 3) be approved by the ~~Manager~~Chief Administrator of Services for Persons Who Are Deaf or Hard of Hearing. Approval is based upon the individual's signing skills and related experience/education. Skill and education/experience shall be verified by letters of reference provided by the individual from other appropriate service providers, or by resume, and personal interview which shall include an assessment of the individual's signing skills by the ~~Manager~~Administrator or designee.

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

Section 590.240 Graduate School Training

Choice of graduate school training facility/institution shall be consistent with the guidelines established in 89 Ill. Adm. Code 590.250. Customers attending graduate school must financially contribute toward their training costs. A customer's financial contribution towards training costs is 10% of tuition and fees, in addition to any financial participation that is determined during the customer's financial analysis (89 Ill. Adm. Code 562).

- a) DHS-DRS shall assist with a financial contribution toward graduate school only when the graduate degree is required to achieve the customer's employment outcome. The necessity of the graduate degree is to be determined by the counselor and the customer based on knowledge of the occupational choice and labor market information.
- b) The customer shall provide proof of acceptance into the graduate school program that is required for the customer's employment outcome.

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- c) In accordance with 89 Ill. Adm. Code 567.20(b), the customer must provide proof of award or denial of financial assistance and the amount of any award. This includes any comparable benefits related to training that reduce the cost of tuition and fees. This information must be provided prior to implementation of the IPE or subsequent amendments.
- d) Exceptions to the financial contribution for graduate school training may be granted by the appropriate Bureau Chief if there are extenuating circumstances relating to the customer's disability or personal and/or financial situation.
- a) ~~DHS-ORS shall assist in the sponsorship of graduate school only when the customer's employment outcome is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. This is to be determined by the counselor and the customer based on knowledge of the occupational choice of the customer and the labor market and as evidenced by the customer's IPE (89 Ill. Adm. Code 572).~~
- b) ~~The customer shall show proof of application for and acceptance or denial of graduate school financial assistance, including but not limited to, tuition waivers, stipends, scholarships, internships, work study programs; the amount of any award; acceptance at the institution and to the appropriate graduate program; before the implementation of the customer's IPE or subsequent amendment.~~

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

Section 590.250 Choice of Training Facility/Institution

The individual has the right to make an informed choice of the training facility that he/she will attend in completion of his/her IPE. Facilities within the State of Illinois and State operated institutions of higher education shall be given preference over out-of-state and private institutions.

- a) Degree Training
- 1) If the individual provides proof of acceptance at an Illinois public four-year university, DHS-DRS will provide financial contribution for academic courses directly applicable to a degree in compliance with 89 Ill. Adm. Code 567.20 and 89 Ill. Adm. Code 590.270

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- 2) If the individual provides proof of acceptance at an Illinois public four-year university and the individual chooses to attend a private or out-of-state university, DHS-DRS will provide financial contribution up to the amount of the Illinois public university where the individual was accepted minus comparable benefits (89 Ill. Adm. Code 567.20).
 - 3) DHS-DRS may contribute funds for the cost of one application to an Illinois institution of higher education.
 - 4) If the individual does not provide proof of acceptance to an Illinois public four-year university or community college, DHS-DRS will provide financial contribution up to the amount of the community college within the individual's home district minus all comparable benefits (89 Ill. Adm. Code 567.20).
 - 5) The State VR Director can make an exemption for the customer to attend a specified institution of higher education based on the value of the unique program and contribution of services to the customers as related to their disabilities and documented success of the institution of higher education.
- b) Non-Degree Training/Certification
For non-degree certification or training programs, in-state or out-of-state, DHS-DRS will provide financial contribution up to the cost of a similar program at the in-district Illinois public community college minus comparable benefits (89 Ill. Adm. Code 567.20).

~~The customer shall have the choice of the training facility/institution he/she will attend in completion of his/her IPE (89 Ill. Adm. Code 572). Facilities within the State of Illinois shall be given preference and State operated institutions of higher education shall be given preference over private and out-of-state institutions. If a customer chooses to attend a private or out-of-state program, DHS-ORS shall only authorize those services needed to attend that facility up to the cost of the same services at a comparable public program in Illinois. For employment outcomes requiring a bachelor's degree or an advance degree, comparable means the cost of required services up to the costs of attending the most expensive State public college/university in the State of Illinois. For employment outcomes requiring all other training programs, comparable means the costs of required services up to the cost of attending an equivalent public program in Illinois. DHS-ORS financial participation in any program is always less scholarships, other comparable benefits and any required or voluntary financial participation by the customer.~~

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

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Section 590.270 Grades and Attendance

a) Grades

- 1) DHS-~~DRSORS~~ will provide financial contribution to an individual sponsor a customer in educational training as long as the individual customer meets each part of the following two part test:
 - A) maintains a cumulative "C" grade point average (GPA) (e.g., 2.0 on a 4.0 point system or 3.0 on a 5.0 system) at each grading period (e.g., semester, quarter or term); and
 - B) maintains a sufficient cumulative GPA to meet graduation requirements in his/her major field of study. If the customer does not have a major field of study, the customer meets this second test by maintaining a sufficient cumulative GPA to meet graduation requirements.
- 2) If at any time a customer's cumulative GPA fails to meet either part of the two part test in subsection (a)(1), DHS-~~DRSORS~~ will only continue to provide financial contributionsponsor the customer for one additional grading period, regardless of when taken, providedproviding the customer and counselor agree continued educational training is appropriate. DHS-~~DRSORS~~ must give notice to the customer of this additional grading period of financial contributionsponsorship as soon as it learns of the customer's GPA deficiency. This notice may come after the start of the additional grading period. At the completion of the additional grading period, the customer must meet each of the two tests in subsection (a)(1). DHS-DRSORS may continue vocational rehabilitation services but will discontinue paid financial contribution towardsponsorship of the educational training until the customer has removed deficiencies without DHS-DRSORS paid financial contributionsponsorship.
- 3) If the customer fails a course that DHS-~~DRSORS~~ paid for, the customer will be required to pay for an equal number of hours, applicable toward the degree, the following term. DHS-DRS will not provide financial contribution for support or auxiliary services for those numbers of hours that course if taken again.

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- 4) Changing, withdrawing, or dropping courses during a term requires documented pre-approval from the DHS-~~DRS~~~~ORS~~ counselor. If a customer drops a course or withdraws without pre-approval, the customer will be required to pay for an equal number of hours, applicable toward the degree, the following term. DHS-DRS will not provide financial contribution for support or auxiliary services for those numbers of hours.~~the course shall not be paid for by DHS-ORS if retaken.~~
- b) Attendance
- 1) DHS-~~DRS~~ may provide financial contribution to ~~ORS shall sponsor~~ a customer for no more than the equivalent of three academic years to ~~complete~~obtain an Associate's degree or reach junior standing, and up to the equivalent of three additional academic years to complete a Bachelor's degree. If the customer requires additional academic terms to complete the degree, those additional terms, plus any support or auxiliary services will be paid for by the customer prior to any DHS-DRS financial contribution.
- 2) DHS-DRS may provide financial contribution to a customer in a graduate program for no more than the equivalent of three academic years to complete a Master's degree. If the customer requires additional terms to complete the degree, those additional terms, plus any support or auxiliary services, will be paid for by the customer prior to any DHS-DRS financial contribution.
- 32) Exceptions for a customer to be given additional time to ~~subsection (b)(1)~~ may be granted, by the appropriate Bureau Chief, if there are extenuating circumstances relating to the customer's disability, or personal and/or financial situation.

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

Section 590.280 Health Status

- a) If a customer is prevented from attending the training program outlined in his/her IPE (89 Ill. Adm. Code 572) or is forced to withdraw, due to health reasons, he/she must obtain written verification for the need of such action from his/her physician or the health service at the facility/institution at which he/she is enrolled.

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- b) If a customer is prevented from attending training due to hospitalization, he/she must inform his/her DHS-~~DRSORS~~ counselor. In such cases, advanced notice should be provided to the DHS-~~DRSORS~~ counselor, when possible.

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

Section 590.300 Default on Educational Loans

DHS-~~DRS~~ shall not provide financial assistance for post-secondary education to a customer ~~client~~ who is in default on any educational grant or loan, as authorized by Title IV of the Higher Education Act, unless the customer has provided proof of the repayment or a deferral agreement has been made with the lender. ~~counselor has determined that:~~

- a) ~~a repayment or deferral agreement has been made with the lender; or~~
- b) ~~a repayment effort is being made by the client; however, due to the client's financial situation, a repayment or deferral agreement cannot be reached with the lender.~~

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

SUBPART D: ~~SELF-EMPLOYMENT~~ PROGRAM FOR SELF-EMPLOYMENT

Section 590.310 Provision of Services

- a) All services described in this Subpart shall be provided in accordance with the provisions of this Subpart and Subpart A of this Part.
- b) Self-employment is a customer working for oneself in a business selling goods or services for the purpose of making a profit that will allow the customer to achieve an employment outcome.
- ~~cb)~~ Prior to provisions of any of the services listed in this Subpart, the counselor shall consult with the appropriate regional/central office resource specialist when considering self-employment as an employment goal for a customer. DHS-~~DRSORS~~ participation in such a program must be approved in writing by the Rehabilitation Services Supervisor prior to initiation of an Individualized Plan for Employment (IPE) (89 Ill. Adm. Code 572).

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- d) A copy of the Illinois Administrative Code pertaining to the Program for Self-Employment (Sections 590.310 through 590.370) must be provided to the customer prior to the completion of the Preliminary Program for Self-Employment Questionnaire (89 Ill. Adm. Code 590.315(b)).
- e) ~~Self-employment is a customer working for oneself in a business selling goods or services for the purpose of making a profit that will allow the customer to achieve an employment outcome.~~

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

Section 590.315 Eligibility for Participation in the Program for Self-Employment

For customers interested in self-employment opportunities, the following steps to determine eligibility must be completed before the Individualized Plan for Employment and the Self-Employment Plan can be developed.

- a) Options other than self-employment must be explored with the customer to determine if an equal or greater opportunity for successful employment is available in the competitive labor market.
- b) To be eligible for participation in the Program for Self-Employment, the customer must complete the Preliminary Program for Self-Employment Questionnaire that documents:
- 1) Previous formal education and/or training in business operation, as indicated by:
 - A) a two or four year degree in business/financial management or related field; or
 - B) prior business management experience that provides business knowledge equivalent to the formal education described in subsection (b)(1)(A).
 - 2) Self-employment is a viable employment option for the customer and is consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

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- 3) Self-employment shall enable the customer to engage in gainful employment that will generate income at a level equal to or above the earnings level of Substantial Gainful Activity (SGA) as determined annually by the U.S. Social Security Administration for Title II recipients.
 - 4) Evidence that the customer has available cash or credit resources to cover 50% of all eligible costs of the customers Program for Self-Employment and any required participation as determined in the financial analysis in 89 Ill. Adm. Code 562.
 - 5) Evidence that the customer has available resources to cover all eligible expenses over the \$10,000 limit that DHS-DRS will contribute towards eligible costs under the customer's Program for Self-Employment. Exceptions to the DHS-DRS contribution limit may be granted by the appropriate Bureau Chief.
- a) ~~If an option other than self-employment exists that will provide the customer with an equal or greater opportunity for successful employment outcome, the customer is not eligible for the Self-Employment Program.~~
 - b) ~~To be eligible for participation in the Self-Employment Program the customer must have:~~
 - 1) ~~prior successful business operation experience, or~~
 - 2) ~~previous formal education and/or training in business and business operation, as indicated by a two or four year degree in business/financial management or a related field.~~
 - e) ~~There shall be documented evidence in the case file that self-employment is a viable employment option for the customer that is consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice of the customer.~~
 - d) ~~Self-employment shall enable the customer to engage in gainful employment that will generate income at a level equal to or above the earnings level of Substantial Gainful Activity (SGA) as determined annually by the U.S. Social Security Administration for Title II recipients.~~

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

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Section 590.320 ~~Self-Employment Program~~ for Self-Employment

- a) ~~Tools~~~~These tools~~, equipment, supplies and initial stock necessary to begin a specific business may be provided to a customer in order for him/her to obtain a successful employment outcome when it has been determined by the customer, counselor, and the Supervisor that self-employment is a realistic employment goal for the individual. All tools, equipment, supplies and initial stock purchased for a customer must be specifically listed in the customer's IPE (89 Ill. Adm. Code 572).
- b) DHS-~~DRSORS~~ shall pay up to 50% of the eligible costs of the customer's ~~Self-Employment Program~~ for Self-Employment not to exceed the \$10,000 maximum limit. Exceptions to the DHS-DRS contribution limit may be granted by the appropriate Bureau Chief.
- 1) The cost shall not include those listed as ineligible in Section 590.330 or any in-kind contributions.
 - ~~2) This percentage shall be applied before the application of the DHS-ORS financial participation (see 89 Ill. Adm. Code 562).~~
 - ~~23) All required financial participation from the financial analysis in 89 Ill. Adm. Code 562 is in addition to the customer's 50% contribution and~~ shall be applied to the DHS-~~DRSORS~~ share of the cost.
- c) DHS-~~DRSORS~~ shall pay up to 100% of any ~~Self-Employment Program~~ for Self-Employment cost associated with accommodating the customer's disability.
- d) Prior to the provision of such services, the customer must complete a business plan for development of the business. The business plan shall include, but not be limited to:
- 1) a full description of the proposed business or service operation;
 - 2) the customer's qualifications for, interest in, and need for self-employment as an employment outcome as evidenced by the customer's Assessment;
 - 3) the estimated total capital needs for the establishment of the business and evidence of the availability of such funds (i.e., personal account

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statements, verification of loan availability, complete listing of all personal liabilities);

- 4) financial estimates for the first 12 months of operation;
 - 5) plans for business development and marketing;
 - 6) evidence the proposed business has a reasonable chance of success (i.e., provide net income to meet a majority of the customer's living expenses) as established by:
 - A) market surveys;
 - B) signed statements from consultants and experts that the business has a reasonable chance of success based on market conditions, demand and competition; and
 - 7) ~~evidence~~commitment for additional financing necessary to make the business operational.
- e) ~~The~~During the first six months of operation, the customer must provide monthly statements to the counselor detailing the financial activity of the business, including a statement of profit or loss for a minimum of nine months.
 - f) At a minimum of every~~after the first~~ three months ~~and six months~~ of operation, the customer must provide the counselor full detailed inventory of all tools, equipment, supplies and stock purchased to establish the business, regardless of the purchaser, until disposition of the operation as identified under Sections 590.350 and 590.360. Frequency of the inventory shall be determined by the counselor and appropriate DHS-~~DRS~~ORS staff.
 - g) All tools, equipment, supplies and initial stock shall be maintained by the customer in good order. ~~The customer is expected to maintain all tools, equipment, supplies and initial stock in like new condition~~. The customer must ensure all proper up-keep and maintenance is done as specified by the manufacturer. In the event of break-down or defect, the customer must have the item repaired. As most items carry a manufacturer warranty, all costs should be covered under such provisions.
 - h) The customer is expected to maintain and replenish an adequate supply of all

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initial stock and supplies.

- i) DHS-~~DRSORS~~ shall maintain title to all tools ~~and~~, equipment, ~~supplies and initial stock~~ purchased with DHS-~~DRSORS~~ funds for at least ~~nine~~the first six months of operation of the business enterprise. Disposition of the title shall be determined per Sections 590.350 and 590.360.
- j) The customer shall have appropriate business insurance coverage that includes personal liability, property damage/loss, and worker's compensation.

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

Section 590.330 Services/Goods not Available

DHS-~~DRSORS~~ shall not ~~purchase, or~~ provide funding for ~~the purchase of~~, the following, under this Part:

- a) cash for establishing a business;
- b) purchase of any real property;
- c) remodeling of a building or facility which is non-essential to the operation of the business;
- d) purchase of a vehicle requiring licensure for street use;
- e) purchase of accounts receivable or business "goodwill";
- f) tax bonds;
- g) reimbursement for sales tax, interest or service charges;
- h) funds to pay wages for employees;
- i) funds to obtain patents or any associated costs; and
- j) funds to develop and produce prototype products or any associated costs.

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

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Section 590.350 Recovery of Tools, Equipment, Supplies and Initial Stock

- a) DHS-~~DRSORS~~ shall retain title to any tools ~~and~~; equipment ~~and supplies~~ purchased for a customer by DHS-~~DRSORS~~ to establish a business.
- b) DHS-DRS shall make full recovery of all tools, equipment, and remaining supplies and initial stock purchased by DHS-DRS for the establishment of the business in the following situations:
- 1) the business does not succeed;
 - 2) the customer fails to cooperate by not providing all reports and records required by Subpart D of this Part;
 - 3) the customer deliberately misrepresents, or has misrepresented, necessary information, reports and records for the purpose of receiving services.
- c) Fair cash value shall be acceptable in lieu of recovering the tools, equipment, supplies and initial stock, as determined by DHS-DRS.

~~If, after establishment of the business and prior to conveyance of title of all tools, equipment, supplies and initial stock purchased by DHS-ORS, the business does not succeed or the customer fails to cooperate by not providing all reports and records required by this Subpart and/or deliberately misrepresents or has misrepresented necessary information, reports, and records for the purpose of receiving services, DHS-ORS shall make full recovery of all tools, equipment and remaining supplies and initial stock purchased by DHS-ORS for establishment of the business. Fair cash value shall be acceptable in lieu of recovering the tools, equipment, supplies and initial stock.~~

- d)e) All remedies available to DHS-~~DRSORS~~, including court action, shall be taken by DHS-~~DRSORS~~ if the customer is unwilling to return the items.

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

Section 590.360 Transfer of Title

Title to any tools, equipment, supplies, and initial stock purchased by DHS-DRS may be transferred to the customer when documentation verifies the customer's success at generating income equal to or greater than the Substantial Gainful Activity (SGA) for at least 9 months.

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~~If, after the development of a business enterprise, the documentation provided by the customer and verified by the counselor indicates the customer's success and verification that the enterprise has produced profits to the customer equal to SGA for at least 9 months, title to any tools, equipment, supplies and initial stock purchased as part of the customer's IPE (89 Ill. Adm. Code 572) shall be transferred by DHS ORS to the customer.~~

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

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section 590.380 Vendor Requirements

All vendors providing vehicle or environmental modifications under this Subpart shall provide DHS-~~DRSORS~~ with a certificate of insurance verifying liability coverage with a minimum of \$1,000,000.

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

Section 590.400 Vehicle Adaptation

- a) DHS-~~DRSORS~~ shall participate in the purchase of the necessary vehicle adaptive equipment, and its installation, in accordance with Subpart A of this Part, with the exception listed in Section 590.410+40(c), necessary to meet the minimum requirements for the individual customerelient to safely operate his/her vehicle.
- b) As a rehabilitation technology service, vehicle adaptation is exempt from the provisions regarding comparable benefits (89 Ill. Adm. Code 567), but not from the provisions of customerelient financial participation in the cost of the servicesservice(s) (89 Ill. Adm. Code 562).

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

Section 590.420 Environmental Modification

DHS-~~DRSORS~~ shall purchase environmental modifications necessary for the customerelient to meet his/her health and hygiene needs in accordance with Subpart A of this Part.

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

Section 590.430 Written Agreements for Environmental Modification

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When environmental modification is to be provided to a customerelient, DHS-~~DRSORS~~ shall, with assistance of the customerelient, obtain a written agreement with the home's owner (if other than the customerelient) prior to the initiation of such services if the modification shall permanently alter the property.

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

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section 590.460 Types of Services

- a) For the purpose of this Subpart, Personal Support Services and Auxiliary Aids shall mean services provided by an individual or through electronic/mechanical devices (equipment) which allow customers with sensory, manual or speaking impairment to achieve a level of performance equal to that of an individual who does not have such impairments.
- b) Such services shall include personal assistance (PA) services, interpreter services (i.e., foreign language, ~~sign language~~), computer assisted realtime captioning (CART), drivers, sensory augmentation devices, readers, notetakers and accessible format documents (e.g., Braille, large print, audio tape).
- c) Such services shall also include foreign language interpreter services.

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

Section 590.470 Services/Equipment

- a) DHS-~~DRSORS~~ shall provide such services to the customer as determined necessary as a result of the Extended Evaluation (89 Ill. Adm. Code 553.80) and/or the Assessment of Rehabilitation Needs Summary (89 Ill. Adm. Code 553.100) for the completion of his/her employment objective as described in his/her IPEIWRP (89 Ill. Adm. Code 572).
- b) Services provided by an individual (i.e, sign language interpreter, CART, notetaker, reader, PA services) under this Subpart shall continue until the customer's case is closed and as determined necessary by the customer and counselor.

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- c) Tools and equipment may be provided to a customer in order to obtain a successful employment outcome. All tools and equipment must be specifically listed in the customer's IPE. These services must comply with all bidding requirements outlined in Section 590.45.
- de) DHS-~~DRSORS~~ shall retain title to any tools or equipment purchased for use by a customer. Prior to the purchase of any tools or equipment for customer use, the customer must agree to maintain the tools or equipment in proper working order and condition, and agree to return the tools or equipment to DHS-~~DRSORS~~ at any time the customer has no further use for the tools or equipment or is otherwise not using the tools or equipment for the purpose for which ~~it was~~ purchased.
- ed) The customer may retain the tools or equipment even after he/she has successfully attained his/her vocational goal and his/her case has been closed, pursuant to 89 Ill. Adm. Code ~~595617~~, as long as he/she is using the tools or equipment for the purpose for which ~~it was~~ originally purchased.

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

Section 590.480 Qualifications for Services Provided by Individuals

Individuals providing services under this Subpart shall meet the following qualifications:

- a) PA services – such individuals shall meet the standards set forth at 89 Ill. Adm. Code 686.10 Personal Assistants (PA) Requirements that enumerates the requirements for individuals who will be employed by the customer to provide PA services through the DHS-~~DRSORS~~ Home Services Program.
- b) Readers and Notetakers – such an individual shall meet the approval of the customer, with concurrence of the counselor, as to his/her ability to adequately perform such duties.
- c) Drivers – such an individual shall be licensed pursuant to the Illinois Motor Vehicle Code, carry at least the minimum required liability insurance, and meet the approval of the customer, with concurrence of the counselor, as to his/her ability to adequately perform such duties.
- d) Sign language interpreters shall meet the regulations as set forth in Public Act 90-200. ~~Sign language interpreters must show proof of:~~

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- 1) ~~a certificate issued by the Registry of Interpreters for the Deaf (RID);~~
 - 2) ~~a satisfactory evaluation by the National Association of the Deaf;~~
 - 3) ~~a satisfactory Interpreter Skills Assessment Screening (ISAS) evaluation;~~
~~or~~
 - 4) ~~licensure or certification or a satisfactory evaluation or screening in another state.~~
- e) Foreign Language Interpreters – shall meet the approval of the counselor and customer.
- f) CART providers shall meet the following criteria:
- 1) Illinois Certified Shorthand Reporter;
 - 2) attendance of 6 hours in CART training sponsored by the Illinois Shorthand Reporters Association (ISRA);
 - 3) DHS-~~DRSORS~~ sponsored Sensitivity Training;
 - 4) submission of work history, including 4 hours realtime experience.

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

SUBPART H: OTHER SERVICES

Section 590.600 Transportation and Temporary Lodging

- a) ~~During When, during~~ the completion of the customer's IPE (89 Ill. Adm. Code 572), transportation and/or temporary lodging ~~may be~~ necessary to complete his/her employment outcome.
- 1) ~~When necessary~~, DHS-~~DRSORS~~ shall reimburse the customer and, when the customer requires a PA (Section 590.460), reimburse the PA, for travel and lodging expenses pursuant to Department of Central Management Services rules at 80 Ill. Adm. Code 3000 – The Travel Regulation Council. Mileage shall be paid to the customer at 50% of the established rate of the Travel Regulation Council, rounded to the next cent. ~~DHS-~~

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~~ORS shall not pay for automobile maintenance and insurance. DHS-ORS may pay for car repairs when the car cannot be driven or is unsafe to operate; there is no other means of transportation available to the customer; and a critical service in the customer's IPE will not be completed because of the lack of transportation.~~

2) The following shall also apply:

A+) Mileage shall be computed on one round trip per day that the customer attends a reimbursable event (reimbursement is available only for attending services planned in the IPE for which transportation reimbursement is being made available).

B2) If the public transportation system is accessible to the customer and meets the customer's schedule, the maximum DHS-~~DRS~~ORS shall pay the customer for transportation shall be the cost of public transportation.

3) These expenses shall not be reimbursed once the customer's employment outcome has been attained and the first pay check has been received.

b) Transportation via ambulance will only be provided based on the customer's IPE (89 Ill. Adm. Code 572) and when ordered by the customer's attending physician.

c) ~~DHS-ORS may pay customers in residence at a college or training program cost of the least expensive means of accessible transportation for up to two round trips home per academic year not including the initial trip to school at the beginning of the school year and the final trip home at the end of the school year.~~ Customer transportation needs for training at ICRE-Wood will be determined by the customer's training schedule and the training schedule of ICRE-Wood.

d) DHS-DRS will not pay for transportation for customers in residence at a college or training program.

e) DHS-DRS shall not pay for automobile insurance or maintenance.

f) DHS-DRS may pay for car repairs when:

1) the car cannot be driven or is unsafe to operate;

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- 2) there is no other means of transportation available to the customer; and
- 3) a critical service in the customer's IPE will not be completed because of the lack of transportation.

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

Section 590.610 Other Goods and Services

- a) DHS-~~DRSORS~~ may provide other services, including services to a ~~customer's~~ family members, not specifically described in this Part ~~that~~ which are necessary for a customer to overcome his/her impediment to employment and attain a successful employment outcome unless specifically prohibited by Federal law or regulation, State law or DHS-~~DRSORS~~ rules.
- b) For the purpose of this Subpart, "family member" shall mean any relative by blood or marriage of the customer and any other individual living in the ~~customer's~~ household with whom the customer has a close interpersonal relationship. A close interpersonal relationship is determined by the presence of an emotional commitment between the individuals, not by financial commitments. Adopted individuals shall be considered as family members.

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

Section 590.620 Equipment Sets

- a) For the purposes of this Section, the provisions of Subpart A of this Part do not apply.
- b) DHS-~~DRSORS~~ shall certify individuals as deaf, severely hard of hearing or deaf-blind for the purpose of obtaining equipment sets (Teletypewriter/Telephone Devices for the Deaf (TTYs/TDDs)) or telebraille devices) without charge per the Public Utility Act [220 ILCS 5/13-703].
- c) DHS-~~DRSORS~~ shall certify individuals seeking eligibility for a TTY/TDD who are deaf or severely hard of hearing and who are: present customers, past customers for whom DHS-~~DRSORS~~ holds records, or individuals known to certifying staff through professional affiliation (e.g., past customers for whom DHS-~~DRSORS~~ no longer has records, a family member of a customer or former student of the Illinois School for the Deaf and the

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Illinois Center for Rehabilitation and Education-Roosevelt).

- d) DHS-DRSORS will certify individuals who are seeking eligibility for a telebraille device who are:
- 1) deaf or severely hard of hearing;
 - 2) blind or severely visually impaired;
 - 3) capable of using Grade 1 Braille; and
 - 4) a present or past DHS-DRS customerORS client. If the individual's Braille skills are unknown, a series of short questions in Grade 1 Braille will be given to the individual by DHS-DRSORS staff for the individual to respond to in Braille.
- e) If the individual seeking certification from DHS-DRSORS is not known by DHS-DRSORS staff, as listed in subsections (c) and (d) above, DHS-DRSORS shall inform the individual of other certifying agents as listed at 83 Ill. Adm. Code 755.200.

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

SUBPART I: PLACEMENT

Section 590.630 Provision of Placement Services

- a) All services described in this Subpart shall be provided in accordance with the provisions of this Subpart and Subpart A of this Part.
- b) Placement services are normally provided by DHS-DRSORS staff but there is no customerclient financial participation (89 Ill. Adm. Code 562) required for any placement service.

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

SUBPART J: INCREASED COSTMAINTENANCE**Section 590.660 Increased Costs**

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Increased costs are expenses such as food, shelter and clothing, that are in excess of the customer's normal living expenses and that are necessitated by the customer's participation in an assessment for determining eligibility and vocational rehabilitation services under an IPE.

Normal living expenses shall not be paid by DHS-~~DRSORS~~. DHS-~~DRSORS~~ shall only pay for increased costs. Minimum normal living expense for shelter and food are established as the DHS TANF ~~payment level~~~~allowance~~ for shelter for one adult and the DHS Maximum Food Stamp Benefit level for a Family ~~of~~ One or the actual normal living expenses prior to service, whichever is greater. DHS-~~DRSORS~~ shall pay for these increased costs in the manner spelled out in this Subpart.

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

Section 590.680 Exceptions

Exceptions to this Subpart shall be granted by the appropriate Bureau Chief of DHS-~~DRSORS~~. Requests for exceptions must be in writing and explain and justify increased costs above those established by this Part.

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

SUBPART L: TRANSITION

Section 590.740 Definitions

For the purpose of this Subpart, the following terms shall have the following meanings:

Post-school Activities – vocationally oriented activities undertaken by a ~~customer~~~~client~~/student after he/she leaves the secondary education system. Such activities may include: post-secondary education; vocational training; integrated employment, including Supported Employment; continuing and adult education; VR services; and community participation.

Secondary Transitional Experience Program (STEP) – a program of transition services provided through cooperative agreement of DHS-~~DRSORS~~ and a Local Educational Agency (LEA).

Transition – a coordinated set of services for a ~~customer~~~~client~~/student, usually enrolled at the secondary education level, designed to promote movement from school to post-school activities.

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

Section 590.750 Secondary Transitional Experience Program (STEP)

- a) While necessary transition services may be provided to any VR customere~~lient~~, the majority of such services are provided through STEP. STEP is a cooperative program between DHS-DRSORS and LEAs in which DHS-DRSORS provides funding to LEAs to enhance transition services provided to customerse~~lients~~/students. Under cooperative agreements with the LEA, DHS-DRSORS provides funding to assist in the provision of:
- 1) classroom instruction in the areas of career exploration;
 - 2) independent living and community mobility skills training; and
 - 3) in-school and community-based work experience.
- b) STEP services are provided to individuals to enhance the educational and pre-vocational programming provided by the LEA and do not replace programming which the LEA is required to provide. Further, the primary responsibility for the provision of adaptive equipment and auxiliary aids necessary for the students to achieve the student's educational and pre-vocational goals shall rest with the LEA.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Use of State Parks and Other Properties of the Department of Natural Resources
- 2) Code Citation: 17 Ill. Adm. Code 110
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
110.30	Amendment
110.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: add language stating that dogs on a maximum 50 foot leash being used to track wounded deer are allowed at sites in accordance with 520 ILCS 5/2.26 and 17 Ill. Adm. Code 510; and to add language to prevent further infestation of the Emerald Ash Borer in Illinois by restricting the public from bringing firewood into State parks for personal use, sale or distribution, from geographical areas where wood exportation has been prohibited by either State or federal quarantine.
- 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

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
110.60	Amendment	13536, August 11, 2006
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

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

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: The Department personnel were not aware that these amendments would be necessary.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDSPART 110
PUBLIC USE OF STATE PARKS AND OTHER PROPERTIES OF THE
DEPARTMENT OF NATURAL RESOURCES

Section

- 110.4 Fees and Charges
- 110.5 Unlawful Activities (Repealed)
- 110.20 Alcoholic Beverages – Possession, Consumption, Influence
- 110.30 Animals – Pets, Dogs, Cats, Equine; Noisy, Vicious, Dangerous Animals;
Livestock; Animal Waste
- 110.40 Boats and Other Watercraft
- 110.45 Abandoned Watercraft
- 110.50 Capacity of Areas – Usage Limitation
- 110.60 Camping – Campfires – Firewood
- 110.70 Destruction of Property – Flora – Fauna – Man-Made and Inanimate Natural
Objects-Collection of Artifacts
- 110.90 Group Activity
- 110.95 Demonstrations
- 110.100 Littering
- 110.110 Prohibited Fishing Areas – Cleaning of Fish
- 110.120 Restricted Areas
- 110.140 Soliciting/Advertising/Renting/Selling
- 110.150 Swimming/Wading/Diving
- 110.160 Vehicles – Operation on Roadway – Speed – Parking – Weight Limit
- 110.165 Bicycles – Operation on Roadway – Designated Trails
- 110.170 Weapons and Firearms – Display and Use
- 110.175 Nudity Prohibited
- 110.180 Violation of Rule
- 110.185 Emergency Modification of Site Rules

AUTHORITY: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].

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SOURCE: Adopted at 4 Ill. Reg. 11, p. 59, effective March 4, 1980; emergency amendment at 5 Ill. Reg. 8933, effective August 25, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10621; amended at 6 Ill. Reg. 7401, effective June 11, 1982; amended at 8 Ill. Reg. 9967, effective June 19, 1984; amended at 10 Ill. Reg. 9797, effective May 21, 1986; amended at 10 Ill. Reg. 13256, effective July 25, 1986; amended at 13 Ill. Reg. 3785, effective March 13, 1989; amended at 15 Ill. Reg. 14423, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 7934, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15435, effective September 28, 1992; amended at 19 Ill. Reg. 6471, effective April 28, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14832, effective August 3, 1998; amended at 24 Ill. Reg. 12556, effective August 7, 2000; emergency amendment at 25 Ill. Reg. 13786, effective October 12, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1206, effective January 16, 2002; amended at 26 Ill. Reg. 6534, effective May 1, 2002; amended at 27 Ill. Reg. 8866, effective May 19, 2003; amended at 28 Ill. Reg. 7061, effective May 3, 2004; amended at 29 Ill. Reg. 2268, effective January 28, 2005; emergency amendment at 30 Ill. Reg. 13536, effective July 27, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. _____, effective _____.

Section 110.30 Animals – Pets, Dogs, Cats, Equine; Noisy, Vicious, Dangerous Animals; Livestock; Animal Waste

It shall be unlawful:

- a) For any person to allow an unleashed dog, cat or other domesticated animal on any area and further for any person to allow any dog, cat or other domesticated animal in any area, on a leash longer than 10 feet, except that:
 - 1) unleashed hunting dogs are allowed during the hunting season for all wildlife species except deer and wild turkey on any Department areas open to hunting and so posted;
 - 2) at field trials unleashed dogs are allowed at sites designated by the Department in accordance with 17 Ill. Adm. Code 910;
 - 3) unleashed hunting dogs are allowed by individual permit for dog training at sites designated by the Department in accordance with 17 Ill. Adm. Code 950;

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- 4) search and rescue dog training is allowed by activity permit. The permit will designate specific areas and times so as not to conflict with other site activities; ~~and-~~
- 5) dogs on a maximum 50 foot leash being used to track wounded deer are allowed at sites in accordance with 520 ILCS 5/2.26 and 17 Ill. Adm. Code 510 – General Hunting and Trapping on Department-Owned or -Managed Sites.
- b) For any leashed or tied animal to be left unattended and not under the specific physical control of the owner or person designated by the owner.
- c) For any person to bring any domesticated animal onto Department lands without the animal being current on any required federal, State or local vaccinations or health certifications. Proof of required vaccinations or health certifications must be provided to any Department employee upon demand.
- d) For any person to keep a noisy, or vicious, or dangerous dog or animal, or one which is disturbing to other persons, on Department of Natural Resources controlled properties, and to remain therein after being asked by the Site Superintendent or assigned employee to leave.
- e) For any person to ride or lead any equine in any area, other than a designated equestrian trail or area, except horse drawn conveyances authorized by permit by the Department of Natural Resources. The decision to grant or deny a permit will be based upon the impact upon the site and the public. Horse patrols of the Department in the performance of their duties are not excluded from any area under the control of the Department. Hikers on equestrian trails must yield to equines.
- f) For any person to allow livestock to roam or graze on any Department-controlled lands except when authorized by proper lease, license or written agreement approved by the Illinois Department of Natural Resources in accordance with 17 Ill. Adm. Code 150.
- g) For any person responsible for an animal in a campground or day use area not to dispose of his animal's waste excrement directly into a Department garbage container with a tight fitting lid or have the excrement put into a closed water tight bag or water tight container with the lid closed and placed into an open Department trash container. At equestrian campgrounds, equestrians must deposit

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their animal's waste in a designated manure collection area.

- h) For any person to allow a dog, cat, or other domesticated animal on any area designated as "NO PETS". Such designation will be reserved for beach areas, concession areas, and certain areas within campgrounds and picnic areas where there are concentrations of large numbers of people or the presence of food or children.
- i) For any person to erect or use temporary corrals, except when there are insufficient hitching posts or tie line areas, there is a large enough open area that can be utilized for a corral without causing damage to State property, and permission has been obtained from the Site Superintendent for use of rope or gates. Electrified fences or wires are prohibited.
- j) To tether equines or canines to trees. Tie lines between trees are permissible if sites do not provide hitching posts, tie line posts or tethering structures within campgrounds, day use areas or rest areas. Tie lines, if used, must not allow animals to reach or otherwise do damage to either tree.

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

Section 110.60 Camping – Campfires – Firewood

It shall be unlawful:

- a) For any person to use a tent or trailer, or any other type of camping device except in designated camping areas, and persons camping in such designated areas shall obtain a camping authorization slip from authorized site personnel as provided by 17 Ill. Adm. Code 130.
- b) For any person to build any fire in any area except in campstoves provided by the Department of Natural Resources or in charcoal or other types of metal grills which are furnished by the visitor at a specific campfire site designated or where bans on open fires are posted by the Department of Natural Resources.
- c) For any person to possess or discharge any type of fireworks or other explosive devices including but not limited to model rockets or aerial displays without a written permit issued by the Department. The decision to grant or deny a permit will be based upon public safety and legal considerations, and the impact on public use/enjoyment of parks.

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- d) For any person to bring or possess on Department of Natural Resources properties firewood from any geographical area where wood exportation has been prohibited by either State or federal quarantine, or to sell or distribute firewood on Department properties without prior written agreement with the Department pursuant to 17 Ill. Adm. Code 150 – Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions. Department staff may confiscate any firewood brought onto Department properties found to be in violation of this Part.

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

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- 1) Heading of the Part: Acquisition, Management and Disposal of Real Property
- 2) Code Citation: 44 Ill. Adm. Code 5000
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
5000.900	Amendment
5000.901	Amendment
5000.902	Amendment
5000.910	Amendment
5000.920	Amendment
5000.930	Amendment
5000.940	Amendment
5000.950	Amendment
5000.960	Amendment
5000.APPENDIX B	Amendment
- 4) Statutory Authority: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605/7.1], implementing and authorized by Sections 5-675, 405-215, 405-300, 405-305, 405-310 and 405-315 of the Civil Administrative Code of Illinois [20 ILCS 5/5-675 and 20 ILCS 405/405-215, 405-300, 405-305, 405-310, 405-315] and authorized by Section 6 of the State Property Control Act [30 ILCS 605/6] and the Illinois Procurement Code [30 ILCS 500].
- 5) Effective Date of Amendments: August 10, 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 amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 28, 2005; 29 Ill. Reg. 18977
- 10) Has JCAR issued a Statement of Objection to the amendments? No
- 11) Differences between proposal and final version: Many non-substantive technical and other non-substantive changes were made as recommended by JCAR. In addition, in Section 5000.910, language was added to clarify the definition of "Grounds" to include

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NOTICE OF ADOPTED AMENDMENTS

the atrium and concourse levels at the JRTC. Language was added at the end of Section 5000.940(d) to clarify that no permit will be denied on the basis of the viewpoint of the group seeking the permit or the content of the demonstration. In Section 5000.960, language was modified relating to leaflet distribution.

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

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
5000.610	Amendment	30 Ill. Reg. 11476
5000.720	Amendment	30 Ill. Reg. 11476

- 15) Summary and Purpose of Amendments: This rulemaking was amended to remove a prohibition on the promotion of religious or political philosophies in order to bring this Section into compliance with Constitutional requirements. Other changes were made to generally update the Part for clarity.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/785-1793

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

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE D: PROPERTY MANAGEMENT
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 5000
ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL PROPERTY

SUBPART A: GENERAL

Section	
5000.100	Authority
5000.110	Policy
5000.120	Applicability

SUBPART B: LEASED SPACE ACQUISITION POLICY

Section	
5000.200	General Policy and Responsibility
5000.210	Requests for Space/Agency Responsibilities
5000.220	Acquisition Authority
5000.230	General Acquisition Procedures
5000.231	Acquisition of Leases by RFI
5000.232	Leases Acquired by Other Methods
5000.233	Renewal or Extension of Lease in Effect Prior to July 1, 1998
5000.234	Renewal of Leases Entered into After July 1, 1998
5000.235	Purchase Options
5000.240	Lease Administration
5000.250	Emergency Lease Procurement

SUBPART C: BUILDING STANDARDS

Section	
5000.300	Scope
5000.310	Area Measurement
5000.320	Space Planning Assistance
5000.330	Open Space
5000.340	Space Allowance and Standards
5000.350	Office Furnishing
5000.360	Handicapped Accessibility

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- 5000.370 Vending Facilities/Blind Operators
- 5000.380 Improvements

SUBPART D: ASSIGNMENT AND MANAGEMENT OF SPACE

Section

- 5000.400 Assignment and Management by DCMS
- 5000.410 Assignment by Agencies
- 5000.420 Reviews and Appeal of Space Assignment Actions
- 5000.430 Services Provided
- 5000.440 Alterations
- 5000.450 Local Requirements

SUBPART E: UTILIZATION OF SPACE
(STATE-OWNED AND LEASED PROPERTIES)

Section

- 5000.500 Space Inspections and Surveys
- 5000.510 Responsibility of Agencies
- 5000.520 Release of Space Not Fully Utilized
- 5000.530 Notice to DCMS of Relinquishment or Termination of Space

SUBPART F: EXCESS REAL PROPERTY

Section

- 5000.600 Excess Real Property Defined
- 5000.610 Reports of Excess Real Property
- 5000.620 Utilization of Excess Real Property
- 5000.630 Charges for Use of Excess Property
- 5000.640 Temporary Occupancy
- 5000.650 Disputes
- 5000.660 Non-State Use

SUBPART G: SURPLUS REAL PROPERTY

Section

- 5000.700 Surplus Real Property Defined
- 5000.710 Declaration of Surplus
- 5000.720 Reporting Surplus Real Property
- 5000.730 Notice of Availability to State Agencies

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5000.740	State Agency Requests for Surplus Real Property
5000.750	Transfer Decisions
5000.760	Transfer Procedures
5000.770	Transfer to Department of Central Management Services
5000.780	Subsequent Disposal
5000.790	Sale of Surplus
5000.800	Notice of Sale to Local Governments
5000.810	Local Government Offer to Purchase
5000.820	Public Sale
5000.830	Public Sale Procedures
5000.840	Non-State Interim Use

SUBPART H: USE OF OFFICE BUILDING

Section

5000.900	Applicability
5000.901	Building Access and Security
5000.902	Security
5000.910	Definitions
5000.920	Business Hours and Public Access
5000.930	Prohibited Activities
5000.940	Demonstrations
5000.950	Exhibits and Special Events
5000.960	Distribution of Leaflets and Solicitations of Funds, Voter Registration and Signatures
5000.970	Severability
5000.APPENDIX A	Space Standards
5000.APPENDIX B	Rental Fees

AUTHORITY: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605/7.1], implementing and authorized by Sections 5-675, 405-215, 405-300, 405-305, 405-310 and 405-315 of the Civil Administrative Code of Illinois [20 ILCS 5/5-675 and 20 ILCS 405/405-215, 405-300, 405-305, 405-310, 405-315] and authorized by Section 6 of the State Property Control Act [30 ILCS 605/6] and the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 6 Ill. Reg. 12984, effective October 13, 1982; emergency amendment at 7 Ill. Reg. 3743, effective March 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 7825, effective June 22, 1983; emergency amendment at 8 Ill. Reg. 13444, effective July 17, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 19345; amended at 10 Ill. Reg. 636,

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effective December 31, 1985; amended at 17 Ill. Reg. 1006, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 2361, effective February 5, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10753, effective July 1, 1993; amended at 18 Ill. Reg. 1886, effective January 21, 1994; emergency amendment at 17 Ill. Reg. 15653, effective September 9, 1993, for a maximum of 150 days; amended at 19 Ill. Reg. 585, effective January 9, 1995; amended at 20 Ill. Reg. 15002, effective November 7, 1996; emergency amendment at 22 Ill. Reg. 12569, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20545, effective November 16, 1998; emergency amendment at 25 Ill. Reg. 15438, effective November 16, 2001, for a maximum of 150 days; emergency expired April 14, 2002; 26 Ill. Reg. 8083, effective May 17, 2002; amended at 27 Ill. Reg. 2105, effective January 27, 2003; emergency amendment at 29 Ill. Reg. 15686 effective November 17, 2004, for a maximum of 150 days; emergency expired April 15, 2005; amended at 30 Ill. Reg. 14094, effective August 10, 2006.

SUBPART H: USE OF OFFICE BUILDING

Section 5000.900 Applicability

This Subpart is applicable to the use of the Peoria Regional Office Building, Springfield Regional Office Building, Champaign Regional Office Building, Marion Regional Office Building, Kenneth Hall Regional Office Building, East St. Louis, Rockford Regional Office Building, [Michael A. Bilandic State of Illinois Building](#), Office and Laboratory Building, Central Computer Facility, Elgin Office Building, James R. Thompson Center ([commonly referred to as the JRTC](#)), Chicago Medical Center, E.J. "Zeke" Giorgi Center, Rockford, Suburban North Facility and the Communications Center pursuant to 20 ILCS 405/405-315.

(Source: Amended at 30 Ill. Reg. 14094, effective August 10, 2006)

Section 5000.901 Building Access and Security

- a) The Director of Central Management Services or a designated Associate Director or Assistant Director of the Department of Central Management Services may suspend all or a portion of this Subpart when deemed necessary to ensure the continuation of State business and the protection of State property, as well as the health and safety of the public, State employees and elected officials. During ~~the~~[such](#) suspension, the Director may establish (and reasonably change) policies without notice and limit or prohibit access to facilities. Any ~~such~~ suspension shall be reconsidered on a monthly basis and shall be lifted when, in the discretion of the Director, the suspension is no longer necessary to ensure the continuation of State business or to protect State property, health or safety as provided [in this subsection above](#).

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- b) Persons or groups wishing to appeal ~~thesueh~~ suspension may appeal directly in writing to the Director of Central Management Services at ~~thehis~~ office in either Springfield or Chicago. The Director shall respond to all such appeals within two business days after receipt. Suspensions of access or activities made under this Subpart shall not apply to fee schedules and space allocations except as to a suspension to rent/allocate space grounded in security concerns.

(Source: Amended at 30 Ill. Reg. 14094, effective August 10, 2006)

Section 5000.902 Security

- a) Persons seeking entrance to CMS facilities must display the following to security personnel:
- 1) State issued identification;
 - 2) Picture identification; persons furnishing picture identifications may also be required to sign in and out;
 - 3) Other acceptable credentials such as military or law enforcement identification.
- b) All vehicles using parking at a facility may be subject to search as a condition of parking.
- c) All parcels, bays, delivery mail and other items may be ~~subjects~~subjected to search or screening.
- d) ~~Persons When deemed necessary, persons~~ entering buildings may be ~~subjects~~subjected to metal, explosive or other screening.

(Source: Amended at 30 Ill. Reg. 14094, effective August 10, 2006)

Section 5000.910 Definitions

"Authorized Representative" means an employee of the Department authorized by the Director to act on his behalf.

"Building" or "Buildings" means the buildings named in Section 5000.900 of this

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Subpart.

"Building Manager" means the resident manager or engineer of the facility who is responsible for day to day operations of the Facility.

"Commercial Activity" means an activity whose primary purpose is to obtain a profit for the benefit of an individual or business entity organized for profit.

"Demonstration" means a public expression of a point of view that could be in the form of protestingdemonstrating, picketing, marching, rallying, ~~selling non-commercial printed matter or materials, moving in procession,~~ holding of vigils, and all other forms of public expressiondemonstrative activity that involve oralthe communication or expression orally or by conduct expressing a particular viewof views or grievancegrievancees engaged in by one or more persons, the conduct of which has the effect, intent, or propensity to draw a crowd of onlookers within 100 feet of the buildings named in Section 5000.900 of this Subpart.

Demonstration shall also mean protestingdemonstrating, parading, picketing, public speakingsspeechmaking, holding of vigils, sit-ins or other activities conducted for the purpose of voicingdemonstrating approval or disapproval of governmental policies or practices (or the lack thereof), expressing a view on public issues or bringing into public notice any issue or other matter. However, nothing herein shall be construed to govern lobbyists or lobbying as defined by the Lobbyist Registration Act [25 ILCS 170](Ill. Rev. Stat. 1991, ch. 63, par. 171, et seq.) nor shall a demonstration mean the peaceful contact or discussions by one or more persons with elected representatives or with executive branch officials concerning their view on public or personal issues. Demonstration shall not include conduct that is obscene, indecent, violent or otherwise punishable by law.

"Department" means the Department of Central Management Services (CMS).

"Director" means the Director of the Department of Central Management Services (CMS).

"Exhibits" means a stationary array orstatic display of material including, but not limited to art work, books, photographs, charts, graphs, or historical depictions or promotional items presented for informational purposesdisplays.

"Grounds" shall mean the grass area, garden areas, outside areas of the building, the atrium and concourse levels at the JRTC and all parking areas of the building.

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"Interfere" or "interference" shall mean the type of conduct ~~that~~^{which} by its nature tends to hinder, disrupt or obstruct the orderly function of the official enterprises being carried on in the building.

"Security Personnel" means ~~the CMS Police,~~ contractual security guards ~~or,~~ local, county or Illinois State Police.

"Special ~~Event~~^{Events}" means ~~an~~ commercial activity, reception, conference, production, performance, ceremony, gala, or any after-hours activity conducted by an activity involving a non-state entity, including but not limited to State agencies, corporations, not-for-profit organizations, private individuals or groups ~~and takes place after normal business hours or on weekends or holidays. State agency functions other than normal duties and State agency sponsored functions are also considered special events.~~

"Structure" shall mean anything built by any person or persons of any material for purposes of display, residence or as part of a demonstration. This term shall not refer to anything built pursuant to a State contract for construction, remodeling, or repair of any State property or a building defined in Section 5000.900.

(Source: Amended at 30 Ill. Reg. 14094, effective August 10, 2006)

Section 5000.920 Business Hours and Public Access

- a) The public business hours of the ~~JRTC State of Illinois Center (SOIC)~~ are 6:30 a.m. to 6 p.m. Monday through Friday; and 10 a.m. to 4 p.m. Saturday, Sunday and holidays.
- b) The public business hours of the other ~~buildings~~^{Buildings} are 7 a.m. to 6 p.m. Monday through Friday, except holidays declared by the Governor pursuant to Section ~~5-635.18~~ of the Civil Administrative Code of Illinois [20 ILCS 5/5-635](~~Ill. Rev. Stat. 1991, ch. 127, par. 18~~).
- ~~cb~~) Entrance to any building ~~during~~ other than during the times stated in subsection (a) of this Section is prohibited, except ~~that~~^{for} the following persons who shall be admitted to office areas assigned to them for their use in carrying out their official duties:
 - 1) members of the General Assembly;

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- 2) employees of the General Assembly;
 - 3) employees of the executive departments whose offices are in the building;
 - 4) any authorized maintenance, repairer, contractor or other service employee, while performing duties ~~that~~~~which~~ have been arranged for by the Department ~~of Central Management Services~~; and
 - 5) any person who is specially requested to enter into any building or office by an authorized individual listed in subsection (b)(1) ~~through~~~~e~~ (4) of this Section.
- ~~de~~) Proper identification of all persons, such as a press pass, government identity card, a driver's license or other document ~~that~~~~which~~ shows the identity of the person, may be demanded by security personnel, and all persons will be required to sign in and out of a building after 6 p.m. and before 7 a.m. Only one entrance shall be open after the public business hours. Factors to be considered in which identification may be requested include, but are not limited to: the security guard does not recognize the individual; the behavior of the individual; and accessibility to office areas, work areas and restricted access areas.

(Source: Amended at 30 Ill. Reg. 14094, effective August 10, 2006)

Section 5000.930 Prohibited Activities

- a) No animals, except guide dogs to assist handicapped persons, shall be permitted in the buildings.
- b) No person or organization shall camp, erect a tent, monument (except as authorized by the Department to commemorate a deceased public official or a historical event), structure, portable toilet, platform, sign or similar device on the grounds of or within the buildings except as provided in subsection (f) of this Section.
- c) No person or organization shall block, obstruct, or impede any doorway, stairway, corridor, escalator, elevator, convenience or facility in the building.
- d) No posters or signs may be carried above the first floor of the ~~buildings~~~~Buildings~~ except with written permission of the Building Manager or security personnel. Permission will be granted only if the posters or signs will not interfere with State

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business. No sticks, poles or laths may be used to carry any sign or placard into the buildings. No chains or ropes may be carried into the buildings, except by authorized workers and State employees, without the written permission of the Building Manager.

- e) No person or group of persons shall use any electronic loudspeaker, bullhorn or other amplifying device within the buildings or grounds, unless prior permission is granted pursuant to Section 5000.940(d).
- f) No signs, posters, stickers or decals for demonstration purposes may be affixed in any way to the walls, railings, floors or ceilings of the buildings. No ~~displays or~~ structures (including tents) in the buildings or on the grounds may be erected without the written permission of the Department pursuant to Section 5000.940. Permission shall be granted only if the:
 - 1) ~~display~~ structure is part of symbolic expression in the exercise of free speech guaranteed by the First Amendment to the United States Constitution and Article I, Sections 4 and 5 of the 1970 Illinois Constitution; and
 - 2) signs, posters, stickers or decals will not deface or damage the walls, railings, floors or ceilings of the buildings.
- g) The display of commercial signs, placards, or other forms of advertisement, or the sale, display, or vending of commercial products or articles in the buildings or on the grounds is prohibited, except pursuant to contract with the State.
- h) The noise level from demonstrators, picketers, and protesters of ~~any group or groups, or as individuals~~ within the ~~building~~Building shall not exceed a decibel level of 85dB(A). If the noise level from these persons exceeds this limit, the Building Manager or other authorized representatives shall direct all persons to decrease the noise or to reduce the numbers of people within the ~~building~~Building to lower the noise level to ~~a maximum of the specified level, which shall not exceed~~ 85dB(A).
- i) No person or organization shall damage, destroy, remove, deface, defile, tarnish, or injure in any way State property within the buildings or on the grounds ~~thereof~~. All persons and organizations engaging in this type of prohibited activity will be responsible for all costs, expenses, damages, and liability resulting from their own actions or the actions of persons or organizations controlled or directed by them at

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the time of the damage to State property.

- j) Any violation of the prohibited activities listed in subsections (c) through (i) of this Section or failure to follow requests of security personnel may result in individuals or groups being removed from the premises.

(Source: Amended at 30 Ill. Reg. 14094, effective August 10, 2006)

Section 5000.940 Demonstrations

- a) ~~Any demonstration~~~~The holding or conducting of any demonstration, public meeting, gathering, or parade on or in~~ near the buildings or on the grounds~~their grounds~~ is prohibited unless a permit for ~~the~~~~such~~ activity is issued by the Department or its authorized representatives. Demonstrations are prohibited in the buildings. A written request addressed to the Building Manager must be submitted at least 48 hours in advance of ~~such~~ an event, unless the requester can show, by the preponderance of the evidence, that the cause or reason for the ~~requested~~ demonstration, ~~meeting, gathering or parade~~ was not known, contemplated or; reasonably foreseeable, or resulted from changed circumstances; not in existence within those 48 hours. No ~~such~~ request shall take precedence over an activity ~~that~~~~which~~ was previously scheduled and approved by the Department; unless approved by the Department. The Department or Building Manager will employ the following elements in evaluating whether another event may be permitted: whether the facility needs to be used for governmental purposes or whether the new request can be accommodated without disruption to the previously scheduled event. Notwithstanding the foregoing, events may be canceled in cases involving natural disaster, public health or safety concerns (e.g., floods, civil disturbance, riots~~public health~~, etc.).
- b) The written request shall state the name of the individual, or organization, ~~corporation, association, society, fraternity, sorority, club, or group of whatever kind or nature~~ seeking to use ~~the building or~~ the grounds. The request shall also list the names and addresses of all officers or leaders of the organization, the ~~particular facility~~ grounds desired to be used, the purpose of the demonstration, the dates and times sought, equipment to be used or supplied, and the estimated number of ~~the~~ participants. Only the requesting individual or organization is permitted to use the grounds for a demonstration. No State agency or State employee may sponsor or make a request on behalf of any organization or individual.

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- c) Any group seeking a permit ~~hereunder~~ that will have 100 or more participants at any demonstration shall have one marshal per 25 participants. Marshals will be identified by insignia supplied by the Building Manager or security personnel. The marshals' duties shall include making certain, to the best of ~~their~~~~his/her~~ ability under the circumstances, that the conditions of the permit are met, that compliance with the rules occurs, that the demonstrations remain peaceful and orderly and ~~that~~ the participants remain within the physical boundaries of the permit.
- d) The Department or its authorized representatives will issue a permit to an applicant unless they find that the intended activity will:
- 1) Unreasonably interfere with the movement of vehicular traffic in the parking lots of the buildings, loading docks or persons within the buildings or on the grounds;
 - 2) Not occur in the area designated and will create or cause a health and/or safety hazard and will impede substantially the performance of ~~State~~~~public~~ business or the retail businesses in the ~~JRTC~~~~SOIC to be conducted in the~~ ~~area~~;
 - 3) Endanger the health and safety of the ~~public~~~~permit applicants or other~~ ~~persons~~;
 - 4) Be a commercial activity; ~~or~~
 - 5) Conflict in date, time, and place with a previously scheduled activity of another applicant or a government agency, unless approved by the Building Manager; ~~or~~;
 - 6) Create an unreasonable risk of damage to State property, ~~buildings or~~ ~~grounds~~.
- e) No permit will be denied on the basis of the viewpoint of the group seeking the permit or the content of the demonstration. A permit issued by the Department of ~~Central Management Services~~ to hold a demonstration ~~at a building~~ does not allow the individuals or groups to engage in activity prohibited by Section 5000.930. Failure to cease a prohibited activity may result in individuals or groups being removed from the premises by security personnel.

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- f) Applicants denied a permit may modify their request to meet the objection and concerns of the Building Manager and may resubmit their application for consideration.
- g) A written request in letter form addressed to the Building Manager shall be considered an application. A written response from the Department or its authorized representative approving part or all of the application shall be considered the permit. The written response shall state, if applicable, the reasons for denying, in whole or in part, the request. The Department or its authorized representative is required to show that an unreasonable interference or prohibited activity will occur or is occurring when they deny the request in whole or in part.
- h) A person or organization denied a permit, in whole or in part, may appeal the denial to the Director ~~of the Department of Central Management Services~~. The appeal must be submitted at least 24 hours prior to the time of the requested demonstration, to allow the Director time within which to consider and decide the appeal. The Director's decision shall be in writing, and shall be made at least 2 hours prior to the requested demonstration's starting time ~~of starting~~.
- i) Demonstrations onat the grounds~~buildings listed in Section 5000.900~~ may only be held during normal business hours. ~~No demonstrators will be allowed in the building before it is open to the public and all~~ All participants must disperse and structures~~demonstrators and material~~ must be removed at the close of the business day. Failure to vacate the premises will be grounds for security personnel to remove all participants and structures from the grounds~~demonstrators and their material from the building~~.
- j) Violations of the provisions of the permit issued by the Department ~~of Central Management Services~~ will also be grounds for removal from the premises. Any requested exemption from the provisions of this Section must be approved by the Director.

(Source: Amended at 30 Ill. Reg. 14094, effective August 10, 2006)

Section 5000.950 Exhibits and Special Events

- a) All organizations or individuals that are permitted to use the buildings specified in Section 5000.900 of this Subpart shall be required to execute an agreement to indemnify and hold harmless the State from any injury or damage caused by their members' or participants' negligence or willful misconduct. ~~The members or~~

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~~participants who cause the damage or injury are primarily responsible. The~~ Such organization or individual shall ~~also~~ restore the used areas to their pre-use appearance and condition, less reasonable wear and tear, and the Building Manager shall be the final decision-maker on the clean-up of the used area. Only the requesting organization or individual is permitted to rent space in the buildings for a special event or exhibit. No State agency or State employee may sponsor or make a request on behalf of any organization or individual. ~~This subsection only applies to those organizations receiving permission from the Department to use the specified buildings for meetings or parties.~~

- b) Special ~~events~~ Events and exhibits at the buildings may be requested up to two years in advance of the date for the special event or exhibits. Requests must be in writing and submitted to the Special Events Office or Building Manager. All requests for special events and exhibits will be filled on a first-come first-served basis. A letter of confirmation or rejection will be issued within 10 working days from receipt of the request.
- c) The areas available for ~~special events~~ Special Events at the JRTC are located on the concourse level, atrium level, assembly hall, outdoor plaza and covered arcade, second floor conference/hearing rooms and State agency office areas upon prior written ~~with~~ permission ~~from~~ of the respective State agency. Exhibits are allowed only in the atrium lobby level of the JRTC unless permission is granted by the Department to use another part of the JRTC ~~building by the Department.~~ ~~Exhibits may not promote religious philosophies or political candidates or philosophies.~~
- d) Organizations wishing to use the buildings should contact the Special Events Office or Building Manager for the applicable fee for the space they intend to use at a building. Minimum and maximum rental fee ranges and conditions for the JRTC ~~James R. Thompson Center~~ and all other buildings ~~Department facilities~~ are in Appendix B of this Part. An increase/reduction from the minimum/maximum rental rate may be required or granted, based on the following factors: whether the scheduled event is conducted during government business hours or with another event; relative anticipated safety considerations of the scheduled activity; and market prices for competing facilities in the nearby metropolitan area ~~area(s).~~ The Building Manager or office will maintain a fee schedule for the building. All payments are due prior to the special event or exhibit, with the exception of clean-up fees ~~that~~ which are due within 10 calendar ~~working~~ days after billing, unless prior permission is granted by the Special Events Office ~~or~~ of Building Manager. All requests for delayed payment must be submitted in writing on the requesting

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organization's ~~or company's~~ letterhead. All payments shall be made to the Office of the Building or Special Events Office within 10 days after the event. If payment for services is not received within 10 days after the event, or within the specified time as outlined in the lease agreement, a reminder notice will be sent to the event sponsor ~~and the client will lose reservation privileges until full payment is received~~. If after the reminder notice, payment has not been received, the CMS Legal Department will be notified and legal action ~~will~~ may be taken to secure full payment for services.

- e) Film crews and photographers for commercial purposes are permitted at the JRTC with permission of the Special Events Office.
- f) Any ~~non-State~~ user (excluding State agencies) conducting a special event must provide prior to the special event an estimated number of attendees and a certificate of insurance in the minimum amount group sponsoring an event after building hours must provide an insurance binder or assurance on the letterhead of the issuing company of coverage for the scheduled event and anticipated attendance of \$1,000,000 identifying to the Department as an additional insured. Failure to provide proof ~~of insurance is cause shall serve as grounds~~ for termination of the lease agreement. Further information on any insurance requirement is available from the Special Events Office or Building Manager.
- g) Any user (excluding State agencies) shall provide evidence of insurance coverage prior to an event or exhibit, if requested by the Building Manager. A signed copy of the lease agreement, evidence of insurance coverage, if requested for an event or exhibit, and base rental fee at the JRTC with the base rental fee is due prior to the ~~special event~~ event or exhibit. All leasing arrangements shall be confirmed by the JRTC Office. Confirmation shall be by letter, fax or telephone call, a copy of which will be maintained by the Office.
- h) A minimum of one planning meeting, either by phone or in person, must be held with the Building Manager or the Manager's representative at least one week prior to the special event.
- i) All food and beverage services for special events conducted in the JRTC special events must be provided in accordance with the terms of the Department's commercial ~~space master~~ lease with its master tenant. Further information is available from the Office of the Building. Food and beverage service at the other buildings must be coordinated with the Building Manager.

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- j) ~~Exhibits~~Displays may not exceed 8 feet in height or block entrances, fire exits and hallways and must comply with all fire ~~codes~~ code and regulations. ~~Exhibits also~~They may not obscure the view of Atrium Mall shops at the JRTC during business hours.
- k) The State does provide some audio/visual equipment. This service is available on a first-come, first-served basis. Rental fee will vary based on the type of equipment requested. Limited set-up assistance is provided. The State accepts no responsibility for loss or damage to any part of an exhibit.

(Source: Amended at 30 Ill. Reg. 14094, effective August 10, 2006)

Section 5000.960 Distribution of Leaflets ~~and Solicitations of Funds, Voter Registration and Signatures~~

- a) No organization ~~or individual, including charitable organizations and political parties or candidates,~~ shall distribute leaflets to, ~~register voters, obtain signatures or solicit and collect funds from~~ persons entering ~~or in~~ the buildings or in the atrium or concourse levels of the JRTC without written permission from the Departments specified in Section 5000.900, except from public sidewalks. Leaflet distribution shall not be allowed in any automobile parking area under the control of the Department or within business areas in the buildings.
- b) ~~No such distribution or solicitation shall be allowed in any automobile parking area under the control of the Department within business areas in the buildings specified in Section 5000.900 of this Subpart.~~
- e) ~~Activities included in subsection (a) of this Section shall not be allowed without the written permission of the Department.~~
- bd) All requests to distribute leaflets~~engage in such activity~~ must be submitted in writing at least 48 hours in advance of the activity to the Building Manager, unless the criteria for requests within less than the 48 hours set forth in Section 5000.940 of this Subpart are met. The Department shall consider the factors listed in Section 5000.940(d) to determine whether permission shall be granted to distribute leaflets on the grounds.
- ce) A ~~Organizations requesting authorization for activities listed in subsection (a) must put the request in writing per subsection (d) of this Section. The request shall~~ include~~state~~ the name of the organization, estimated number of distributors,

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amount of time needed, and beginning and ending dates of the activity. [The request must also include a copy of the leaflet to be distributed.](#)

- df) ~~The organization must provide a sign 12" by 12" posted at the table, identifying the organization and that there is no affiliation with the State of Illinois.~~ Each person engaged in activities approved by the Department must wear a badge containing the ~~individual's~~individual and organization names. The organization and its members agree they will not ~~approach~~, harass, or attempt to compel the public in any activity approved by the Department under subsection (a) of this Section. The distributor may approach a person for the purpose of handing the person a leaflet if the person consents to being approached. ~~Distributors~~They also agree to stay in the area designated by the Department and shall not interfere with the business being conducted at the building. ~~The organization and its members shall not engage in any partisan activity, nor shall they advocate for a political party, candidate or issue. No material shall be distributed by the organization, unless granted a demonstration permit pursuant to Section 5000.940. Deviations from the requirements of this subparagraph must be approved in advance of the activity by the Department.~~ Failure to follow the rules may result in the organization or individual being removed from the premises and permission being denied to continue the activity.

(Source: Amended at 30 Ill. Reg. 14094, effective August 10, 2006)

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Section 5000.APPENDIX B Rental Fees

All non-State user groups must show proof of \$1,000,000 of liability insurance coverage for after building hours events.

FEE SCHEDULE
JAMES R. THOMPSON CENTER

<u>Private/Corporate Organizations</u>	<u>Not-For-Profit Organizations</u>
<p><u>Concourse & Atrium Level Special Events:</u></p> <p><u>Base Rent: \$2,500 minimum for 250 people or less.</u></p> <p><u>Additional Charge: \$2 per each person over 250</u></p> <p><u>Monday – Friday</u> <u>6:00 p.m. to 1:00 a.m.</u></p> <p><u>Weekends/Holidays</u> <u>8:00 a.m. to 1:00 a.m.</u></p> <p><u>Atrium Exhibits:</u></p> <p><u>Base Rent: \$250 per day</u></p> <p><u>Maximum Period: 1 week</u></p> <p><u>Monday – Friday</u> <u>8:00 a.m. to 6:00 p.m.</u></p> <p><u>Assembly Hall:</u></p> <p><u>Base Rent: (2 hour minimum)</u></p> <p><u>Monday – Friday</u> <u>8:00 a.m. to 6:00 p.m.</u></p>	<p><u>Concourse & Atrium Level Special Events:</u></p> <p><u>Base Rent: \$1,300 minimum for 250 people or less.</u></p> <p><u>Additional Charge: \$2 per each person over 250</u></p> <p><u>Monday – Friday</u> <u>6:00 p.m. to 1:00 a.m.</u></p> <p><u>Weekends/Holidays</u> <u>8:00 a.m. to 1:00 a.m.</u></p> <p><u>Atrium Exhibits:</u></p> <p><u>Base Rent: \$125 per day</u></p> <p><u>Maximum Period: 1 week</u></p> <p><u>Monday – Friday</u> <u>8:00 a.m. to 6:00 p.m.</u></p> <p><u>Assembly Hall:</u></p> <p><u>Base Rent: (2 hour minimum)</u></p> <p><u>Monday – Friday</u> <u>8:00 a.m. to 6:00 p.m.</u></p>

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<p><u>\$200 per hour</u> <u>Maximum of \$1000 per day</u></p> <p><u>Weekends/Holidays</u> <u>8:00 a.m. to 1:00 a.m.</u> <u>\$300 per hour</u> <u>Maximum of \$1500 per day</u></p> <p><u>Outdoor Plaza/Covered Arcade:</u></p> <p><u>Base Rent: \$750</u></p> <p><u>Monday – Friday</u> <u>8:00 a.m. to 9:00 p.m.</u></p>	<p><u>\$175 per hour</u> <u>Maximum of \$500 per day</u></p> <p><u>Weekends/Holidays</u> <u>8:00 a.m. to 1:00 a.m.</u> <u>\$250 per hour</u> <u>Maximum of \$500 per day</u></p> <p><u>Outdoor Plaza/Covered Arcade:</u></p> <p><u>Base Rent: \$300</u></p> <p><u>Monday – Friday</u> <u>8:00 a.m. to 9:00 p.m.</u></p>
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Private/Corporate Organizations	Professional Associations	Not-for-profit Organizations
Concourse/Atrium Levels:	Concourse/Atrium Levels:	Concourse/Atrium Levels:
Base Rent: \$2,500 minimum for 250 people or less.	Base Rent: \$1,700 minimum for 250 people or less.	Base Rent: \$1,300 minimum for 250 people or less.
Additional Charge: \$2.00 per each person over 250 attending events.	Additional Charge: \$2.00 per each person over 250 attending events.	Additional Charge: \$2.00 per each person over 250 attending events.
Hours: 6:00 p.m. to 1:00 a.m. Monday through Friday.	Hours: 6:00 p.m. to 1:00 a.m. Monday through Friday.	Hours: 6:00 p.m. to 1:00 a.m. Monday through Friday.
All day to 1:00 a.m. on weekends and holidays.	All day to 1:00 a.m. on weekends and holidays.	All day to 1:00 a.m. on weekends and holidays.
Set-up/Take down: A three hour set up and three hour take down period is allowed at no extra charge.	Set-up/Take down: A three hour set up and three hour take down period is allowed at no extra charge.	Set-up/Take down: A three hour set up and three hour take down period is allowed at no extra charge.
Assembly Hall: (600 seat capacity)	Assembly Hall: (600 seat capacity)	Assembly Hall: (600 seat capacity)
Base Rent: 2 Hour Minimum	Base Rent: 2 Hour Minimum	Base Rent: 2 Hour Minimum
Monday – Friday: 8:00 a.m. to 5:00 p.m. \$200.00/hr Max. \$1000.00	Monday – Friday: 8:00 a.m. to 5:00 p.m. \$200.00/hr Max. \$600.00	Monday – Friday: 8:00 a.m. to 5:00 p.m. \$175.00/hr Max. \$500.00
Weekends/Holidays 8:00 a.m. to 1:00 a.m. \$300.00/hr Max. \$1500.00 per day	Weekends/Holidays 8:00 a.m. to 1:00 a.m. \$250.00/hr Max. \$750.00 per day	Weekends/Holidays 8:00 a.m. to 1:00 a.m. \$250.00/hr Max. \$500.00 per day
Set-up/Take down: A one hour set up period and one hour take down period is allowed at no extra charge.	Set-up/Take down: A one hour set up period and one hour take down period is allowed at no extra charge.	Set-up/Take down: A one hour set up period and one hour take down period is allowed at no extra charge.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Equipment Rental Rates:		Equipment Rental Rates:		Equipment Rental Rates:	
¾" overhead video projector	\$100.00	¾" overhead video projector	\$100.00	¾" overhead video projector	\$100.00
½" overhead video projector	\$100.00	½" overhead video projector	\$100.00	½" overhead video projector	\$100.00
35 mm slide projector	\$75.00	35 mm slide projector	\$75.00	35 mm slide projector	\$75.00
Portable video/monitor	\$75.00	Portable video/monitor	\$75.00	Portable video/monitor	\$75.00
Overhead projector	\$75.00	Overhead projector	\$75.00	Overhead projector	\$75.00
Baby Grand Piano	\$100.00	Baby Grand Piano	\$100.00	Baby Grand Piano	\$100.00
Other equipment is available on request.		Other equipment is available on request.		Other equipment is available on request.	
Outdoor Plaza/Covered Arcade:		Outdoor Plaza/Covered Arcade:		Outdoor Plaza/Covered Arcade:	
Base Rent:	\$750.00	Base Rent:	\$500.00	Base Rent:	\$300.00
Hours:	8:00 a.m. to 1:00 a.m.	Hours:	8:00 a.m. to 1:00 a.m.	Hour:	8:00 a.m. to 1:00 a.m.
Displays, Exhibits, Promotions:		Displays, Exhibits, Promotions:		Displays, Exhibits, Promotions:	
Maximum period: 2 weeks		Maximum period: 1 week		Maximum period: 1 week	
Base Rent:	\$250.00 per day.	Base Rent: Exhibits—no charge.		Base Rent: Exhibits—no charge.	
		Displays, promotions—\$250.00 per day.		Displays, promotions—\$125.00 per day.	
Retail Business Fairs:		Retail Business Fairs:		Retail Business Fairs:	
Maximum period: 3 days		Maximum period: 3 days		Maximum period: 3 days	
Base Rent:	\$300.00 per day	Base Rent:	\$300.00 per day	Base Rent:	\$300.00 per day
		Rent:		Rent:	

FEE SCHEDULE
OTHER STATE BUILDINGS

PRIVATE/CORPORATE:

Auditorium	\$50.00/\$57.50 per hour
Dining Room and/or Patio**	\$300.00/\$345.00 maximum
Large Conference Room	
Small Conference Room	\$25.00/\$28.75 per hour
	\$125.00/\$143.75 maximum

STATE AGENCIES:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Auditorium	No charge
Dining Room and/or Patio	
Large Conference Room	
Small Conference Room	

EQUIPMENT AVAILABLE:

Overhead Projector (2)	\$10.00
52" TV & VCR	\$10.00
35 mm Slide Projector	\$10.00
55 Cup Coffee Maker (2)	No Charge
	User supplies full coffee service

All equipment must be returned in same condition received.
State agencies are not charged for equipment use.

**Additional \$100.00/\$115.00 fee for this space when attendance exceeds 200.

CLEANING

All after hours user groups will be charged a cleaning fee based on attendance, should the condition of the space used require it.

Under 100	\$25.00/\$28.75
100-200	\$50.00/\$57.50
Over 200	\$75.00/\$86.25

PROCEDURES AND REGULATIONS

A tentative hold may be placed on space via telephone.

Permanent hold on space must be done by letter of request from user group.

All non-State user groups must show proof of \$1,000,000 liability insurance coverage for after hours events.

EVENT HOURS:

Monday - Friday:	5:00 p.m. - 1:00 a.m.
Saturday & Sunday:	8:00 a.m. - 1:00 a.m.

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NOTICE OF ADOPTED AMENDMENTS

FINALIZING EVENT:

Meeting between building staff and user group to take place 1 month prior to event.

Signed contract, certificate of insurance, and check for full amount due 2 weeks prior to event.

(Source: Amended at 30 Ill. Reg. 14094, effective August 10, 2006)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 16
- 3) Section Number: 16.APPENDIX A Adopted Action: Amend
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Amendment: August 10, 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 Division of Aeronautics at the address below and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8127
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 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: By this Notice, the Department has amended Section 16.Appendix A to add numerous publicly-owned airports to the Part. This Part prescribes requirements for administration and enforcement that restrict the height of structures, equipment, and vegetation and that regulate the use of property on or in the vicinity of publicly-owned airports. The following airports are now covered under this Part: Harrisburg-Raleigh Airport (HSB), Galesburg Municipal Airport (GBG), Lansing Municipal Airport (IGQ), Joliet Regional Airport (JOT), Mount Hawley Auxiliary

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Airport (3MY), Greater Peoria Regional Airport (PIA), Cairo Regional Airport (CIR), DeKalb Taylor Municipal Airport (DKB), Ingersoll Airport (CTK), Williamson County Regional Airport (MWA), Benton Municipal Airport (H96), Coles County Memorial Airport (MTO), DuPage Airport (DPA), Decatur Airport (DEC), Jacksonville Municipal Airport (IJX), Lewis University Airport (LOT), Edgar County Airport (PRG), Kewanee Municipal Airport (EZI), and Illinois Valley Regional Airport (VYS).

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
#1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 16
AIRPORT HAZARD ZONING

Section

16.10	Purpose and Scope
16.20	Applicability
16.30	Definitions
16.35	Public Hearings
16.40	Surfaces and Height Limitations
16.50	Horizontal Surface
16.60	Conical Surface
16.70	Primary Surface
16.80	Approach Surface
16.90	Transitional Surfaces
16.100	Circling Approach Surface
16.110	Instrument Approach Obstruction Clearance Surface
16.120	Heliport/Vertiport Surfaces
16.130	Use Restrictions
16.140	Pre-Existing, Non-Conforming Uses (Grandfather Clause)
16.150	Pre-Existing, Non-Conforming Structures, Uses, or Vegetation Abandoned or Destroyed
16.160	Notice of Construction or Alteration of Any Structure
16.170	Permits
16.180	Variances
16.190	Administrative and Judicial Review
16.200	Penalties
16.210	Conflicting Regulations
16.220	Severability
16.APPENDIX A	Applicable Airports
16.ILLUSTRATION A	Airports Imaginary Surfaces
16.ILLUSTRATION B	Airports (Public- or Private-Use) Minimum Dimensional Standards
16.ILLUSTRATION C	Obstruction Standards (\leq 6 Nautical Miles)
16.ILLUSTRATION D	Obstruction Standards ($>$ 6 Nautical Miles)
16.ILLUSTRATION E	Public- or Private-Use Heliport/Vertiport Minimum Dimensional Standards

AUTHORITY: Implementing and authorized by the Airport Zoning Act [620 ILCS 25].

DEPARTMENT OF TRANSPORTATION

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SOURCE: Adopted at 28 Ill. Reg. 2421, effective January 26, 2004; amended at 29 Ill. Reg. 12529, effective July 27, 2005; amended at 30 Ill. Reg. 14117, effective August 10, 2006.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

Section 16.APPENDIX A Applicable Airports

Airport	City	County	ARP Latitude	ARP Longitude	Fed Std.	State Std.	Applicable Date
SPI	Springfield	Sangamon	39-50.64	89-40.66	X		Jan. 26, 2004
MLI	Moline	Rock Island	41-26.91	90-30.45	X		July 29, 2005
SQI	Sterling-Rock Falls	Whiteside	41-44.57	89-40.58	X		July 29, 2005
SLO	Salem	Marion	38-38.57	88-57.85	X		July 29, 2005
H96	Benton	Franklin	38-00.41	88-56.07	X		Sept. 15, 2006
CIR	Cairo	Alexander	37-03.87	89-13.18	X		Sept. 15, 2006
CTK	Canton	Fulton	40-34.15	90-04.49	X		Sept. 15, 2006
DEC	Decatur	Macon	39-50.08	88-51.94	X		Sept. 15, 2006
DKB	DeKalb	DeKalb	41-56.02	88-42.34	X		Sept. 15, 2006
GBG	Galesburg	Knox	40-56.28	90-25.87	X		Sept. 15, 2006
HSB	Harrisburg	Saline	37-48.69	88-32.95	X		Sept. 15, 2006
IJX	Jacksonville	Morgan	39-46.48	90-14.30	X		Sept. 15, 2006
JOT	Joliet	Will	41-31.08	88-10.52	X		Sept. 15, 2006
EZI	Kewanee	Henry	41-12.31	89-57.83	X		Sept. 15, 2006
IGQ	Lansing	Cook	41-32.09	87-31.77	X		Sept. 15, 2006
MWA	Marion	Williamson	37-45.30	89-00.67	X		Sept. 15, 2006
MTO	Mattoon	Coles	39-28.68	88-16.75	X		Sept. 15, 2006
PRG	Paris	Edgar	39-42.01	87-40.17	X		Sept. 15, 2006
3MY	Peoria	Peoria	40-47.72	89-36.80	X		Sept. 15, 2006
PIA	Peoria	Peoria	40-39.86	89-41.60	X		Sept. 15, 2006
VYS	Peru	LaSalle	41-21.11	89-09.19	X		Sept. 15, 2006
LOT	Romeoville	Will	41-36.44	88-05.77	X		Sept. 15, 2006
DPA	West Chicago	DuPage	41-54.47	88-14.92	X		Sept. 15, 2006

(Source: Amended at 30 Ill. Reg. 14117, effective August 10, 2006)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Benton Municipal Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 20
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
20.5	Repeal
20.10	Repeal
20.20	Repeal
20.30	Repeal
20.40	Repeal
20.50	Repeal
20.60	Repeal
20.70	Repeal
20.80	Repeal
20.90	Repeal
20.100	Repeal
20.110	Repeal
20.120	Repeal
20.130	Repeal
20.140	Repeal
20.150	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: August 10, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics at the address below and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8133
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the Benton Municipal Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation and regulates the use of property on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and has added the airport to Part 16, which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Cairo Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 25
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
25.10	Repeal
25.20	Repeal
25.30	Repeal
25.40	Repeal
25.50	Repeal
25.60	Repeal
25.70	Repeal
25.80	Repeal
25.90	Repeal
25.100	Repeal
25.110	Repeal
25.120	Repeal
25.130	Repeal
25.140	Repeal
25.Exhibit A	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: August 10, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics at the address below and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8152
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the Cairo Regional Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation and regulates the use of property on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Coles County Memorial Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 32
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
32.5	Repeal
32.10	Repeal
32.20	Repeal
32.30	Repeal
32.40	Repeal
32.50	Repeal
32.60	Repeal
32.70	Repeal
32.80	Repeal
32.90	Repeal
32.100	Repeal
32.110	Repeal
32.120	Repeal
32.130	Repeal
32.140	Repeal
32.150	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: August 10, 2006
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics at the address below and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8174
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the Coles County Memorial Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation and regulates the use of property on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Decatur Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 34
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
34.5	Repeal
34.10	Repeal
34.20	Repeal
34.30	Repeal
34.40	Repeal
34.50	Repeal
34.60	Repeal
34.70	Repeal
34.80	Repeal
34.90	Repeal
34.100	Repeal
34.110	Repeal
34.120	Repeal
34.130	Repeal
34.140	Repeal
34.150	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: August 10, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics at the address below and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8193
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the Decatur Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation and regulates the use of property on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: DeKalb Municipal Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 36
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
36.5	Repeal
36.10	Repeal
36.20	Repeal
36.30	Repeal
36.40	Repeal
36.50	Repeal
36.60	Repeal
36.70	Repeal
36.80	Repeal
36.90	Repeal
36.100	Repeal
36.110	Repeal
36.120	Repeal
36.130	Repeal
36.140	Repeal
36.150	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: August 10, 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 repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics at the address below and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8212
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the DeKalb Municipal Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation and regulates the use of property on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: DuPage Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 37
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
37.10	Repeal
37.20	Repeal
37.30	Repeal
37.40	Repeal
37.50	Repeal
37.60	Repeal
37.70	Repeal
37.80	Repeal
37.90	Repeal
37.100	Repeal
37.110	Repeal
37.120	Repeal
37.130	Repeal
37.140	Repeal
37.Exhibit A	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: August 10, 2006
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8231
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the DuPage Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation and regulates the use of property on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Edgar County Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 38
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
38.5	Repeal
38.10	Repeal
38.20	Repeal
38.30	Repeal
38.40	Repeal
38.50	Repeal
38.60	Repeal
38.70	Repeal
38.80	Repeal
38.90	Repeal
38.100	Repeal
38.110	Repeal
38.120	Repeal
38.130	Repeal
38.140	Repeal
38.150	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: August 10, 2006
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8254
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the Edgar County Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation and regulates the use of property on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Ingersoll Municipal Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 50
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
50.10	Repeal
50.20	Repeal
50.30	Repeal
50.40	Repeal
50.50	Repeal
50.60	Repeal
50.70	Repeal
50.80	Repeal
50.90	Repeal
50.100	Repeal
50.110	Repeal
50.120	Repeal
50.130	Repeal
50.140	Repeal
50.Exhibit A	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: August 10, 2006
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8273
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: None

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 5) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the Ingersoll Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation and regulates the use of property on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Jacksonville Municipal Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 52
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
52.5	Repeal
52.10	Repeal
52.20	Repeal
52.30	Repeal
52.40	Repeal
52.50	Repeal
52.60	Repeal
52.70	Repeal
52.80	Repeal
52.90	Repeal
52.100	Repeal
52.110	Repeal
52.120	Repeal
52.130	Repeal
52.140	Repeal
52.150	Repeal
- 4) Statutory Authority: Authorized by and implementing the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: August 10, 2006
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8296
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the Jacksonville Municipal Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation and regulates the use of property on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Kewanee Municipal Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 54
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
54.10	Repeal
54.20	Repeal
54.30	Repeal
54.40	Repeal
54.50	Repeal
54.60	Repeal
54.70	Repeal
54.80	Repeal
54.90	Repeal
54.100	Repeal
54.110	Repeal
54.120	Repeal
54.130	Repeal
54.140	Repeal
54.150	Repeal
54.160	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: August 10, 2006
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8315
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the Kewanee Municipal Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation and regulates the use of property on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Lewis University Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 57
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
57.10	Repeal
57.20	Repeal
57.30	Repeal
57.40	Repeal
57.50	Repeal
57.60	Repeal
57.70	Repeal
57.80	Repeal
57.90	Repeal
57.100	Repeal
57.110	Repeal
57.120	Repeal
57.130	Repeal
57.140	Repeal
57.Exhibit A	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: August 10, 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 repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8334
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the Lewis University Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation and regulates the use of property on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Williamson County Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 94
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
94.10	Repeal
94.20	Repeal
94.30	Repeal
94.40	Repeal
94.50	Repeal
94.60	Repeal
94.70	Repeal
94.80	Repeal
94.90	Repeal
94.100	Repeal
94.110	Repeal
94.120	Repeal
94.130	Repeal
94.140	Repeal
94.150	Repeal
94.160	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: August 10, 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 repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics at the address below and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8357
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the Williamson County Regional Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation and regulates the use of property on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Illinois Valley Regional Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 95
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
95.10	Repeal
95.20	Repeal
95.30	Repeal
95.40	Repeal
95.50	Repeal
95.60	Repeal
95.70	Repeal
95.80	Repeal
95.90	Repeal
95.100	Repeal
95.110	Repeal
95.120	Repeal
95.130	Repeal
95.140	Repeal
95.Exhibit A	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: August 10, 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 repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics at the address below and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 2006; 30 Ill. Reg. 8376
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, has included the Illinois Valley Regional Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation and regulates the use of property on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Practice and Procedure for Appeals Before the Property Tax Appeal Board
- 2) Code Citation: 86 Ill. Adm. Code 1910
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1910.67	Amended
1910.90	Amended
1910.99	New Section
- 4) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195
- 5) Effective Date of Rulemaking: August 11, 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 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: April 28, 2006; 30 Ill. Reg. 7844
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Changes made between the proposal and the final version of the rules included editing and formatting changes recommended by the Joint Committee on Administrative Rules (JCAR). The agency also made other technical and substantive changes to specify when hearings may be closed, as suggested by JCAR, and allowing any party to adopt evidence pursuant to comments made during the First Notice period.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter 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

Section NumbersProposed ActionIll. Reg. Citation

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

1910.79	New Section	30 Ill. Reg. 10599
1910.95	Amended	30 Ill. Reg. 10599

- 15) Summary and Purpose of Rulemaking: This rulemaking, which amends two existing sections and adds one new section, is designed to streamline and expedite the appeal process through procedural changes and address instances where the agency can close hearings open to the public in limited circumstances.
- 16) Information and questions regarding these adopted amendments shall be directed to:

James W. Chipman - Executive Director
Property Tax Appeal Board
Rm. 402, Stratton Office Building
401 S. Spring St.
Springfield, Illinois 62706

217/782-6076
james.chipman@illinois.gov

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

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER II: PROPERTY TAX APPEAL BOARD

PART 1910

PRACTICE AND PROCEDURE FOR APPEALS
BEFORE THE PROPERTY TAX APPEAL BOARD

Section

1910.5	Construction and Definitions
1910.10	Statement of Policy
1910.11	Rules of Order
1910.20	Board Information – Correspondence
1910.25	Computing Time Limits
1910.30	Petitions – Application
1910.31	Amendments
1910.40	Board of Review Response to Petition Application
1910.50	Determination of Appealed Assessment
1910.55	Stipulations
1910.60	Interested Parties – Intervention
1910.63	Burdens of Proof
1910.64	Motion Practice – Service of Papers
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence
1910.67	Hearings
1910.68	Subpoenas
1910.69	Sanctions
1910.70	Representation at Hearings
1910.71	Ex Parte Communications
1910.72	Informal Settlement Conference
1910.73	Pre-hearing Conference – Formal Settlement Conference
1910.74	Administrative Review
1910.75	Access to Board Records – Freedom of Information Procedures
1910.76	Board Publications – Distribution
1910.77	Withdrawals and Substitutions of Attorneys
1910.78	Consolidation of Appeals
1910.80	Forms
1910.88	Use of Facsimile Machines
1910.90	<u>Procedural Hearing</u> Practice Rules
1910.91	Business Records
1910.92	Rules of Pleading, Practice and Evidence

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

1910.93	Request for Witnesses
1910.94	Inspection of Subject Property – Effect of Denial by Taxpayer or Property Owner
1910.95	Separability (Renumbered)
1910.96	Evidence Depositions
1910.98	Transcription of Hearings – Official Record
<u>1910.99</u>	<u>Adoption of Evidence</u>
1910.100	Severability

AUTHORITY: Implementing and authorized by Article 7 and Sections 16-180 through 16-195 of the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233, effective January 5, 2000; amended at 29 Ill. Reg. 13574, effective August 19, 2005; amended at 29 Ill. Reg. 21046, effective December 16, 2005; amended at 30 Ill. Reg. 1419, effective January 20, 2006; amended at 30 Ill. Reg. 2640, effective February 15, 2006; amended at 30 Ill. Reg. 7965, effective April 14, 2006; amended at 30 Ill. Reg. 10103, effective May 16, 2006; amended at 30 Ill. Reg. 12280, effective June 30, 2006; amended at 30 Ill. Reg. 14148, effective August 11, 2006.

Section 1910.67 Hearings

- a) The Property Tax Appeal Board may render a decision based upon the evidence, exhibits and briefs submitted to it by all interested parties without holding a hearing.
- b) The Property Tax Appeal Board shall review all appeals filed in compliance with this Part to determine whether a hearing shall be held on any factual or legal issue. Whenever the Board determines that a hearing is not required, the appeal shall be decided based upon the evidence in the record. The Board shall hold a hearing at the request of any party in writing. In the event a hearing is deemed necessary, the Board shall give notice to all parties to the appeal of the time, date, and place of the hearing at least 20 days prior to the hearing, unless the 20 day period is specifically waived by all the parties to the appeal.
- c) A party may request a decision of the Property Tax Appeal Board based upon the evidence in the record by filing a written request with the Board. Any such

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

request shall not be binding on the Board.

- d) Notice of a hearing to all interested taxing bodies by the Property Tax Appeal Board shall be deemed to have been given when served upon the State's Attorney of the county from which the appeal has been taken, unless such interested taxing bodies have specifically been made parties to the appeal proceeding.
- e) Hearings may be held before less than a majority of the Members of the Board, and the Chairman may assign Members or Hearing Officers to hold hearings. Any hearing may be conducted by the Property Tax Appeal Board at its offices in Springfield or Des Plaines or at any other location in Illinois selected by the Board. The Board may cause its Hearing Officer to conduct such hearing and report his findings for affirmation or rejection by the Board.
- f) Each hearing shall be open to public observation, except for a hearing or part of a hearing that the Board or its designated Hearing Officer states to be closed for purposes of ensuring the protection of any confidential, proprietary or trade secret nature of any data, information or studies that are discussed by a witness. Hearings shall be open to the public and shall be conducted in accordance with such rules of practice and procedure as the Board may make and promulgate.
- g) Every Hearing Officer presiding over a Property Tax Appeal Board hearing must meet the following requirements:
 - 1) possess a working knowledge of the English language, including composition and grammar;
 - 2) possess a working knowledge of standard office practices and procedures;
 - 3) possess an ability to effectively communicate technical information both orally and in writing;
 - 4) possess an ability to deal tactfully with the general public, attorneys, and service providers;
 - 5) possess an ability to prepare concise and factual reports on hearing findings for presentation to the Board;
 - 6) possess an ability to conduct hearings and obtain and analyze necessary information;

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 7) possess a valid Illinois driver's license;
 - 8) be of high integrity and good personal repute;
 - 9) be familiar with this Part and the Property Tax Code;
 - 10) be disinterested and impartial; and
 - 11) have no financial or personal interest in the result of the hearing.
- h) Authority of the Board and designated Hearing Officers
- 1) In connection with any proceeding, the Board, or any of its designated Hearing Officers, shall have full authority over the conduct of a hearing and the responsibility for submission of the matter to the Board for decision. The Board or its designated Hearing Officer shall have those duties and powers necessary to these ends, including:
 - A) To conduct hearings and pre-hearing conferences;
 - B) To admit or exclude testimony or other evidence into the record pursuant to this Part;
 - C) To administer oaths and affirmations and examine all persons appearing at the hearing to testify or to offer evidence;
 - D) To require the production of any book, record, paper or document at any stage of the appeal or of the hearing which is the foundation for any evidence or testimony presented in the appeal;
 - E) To require the submission of briefs on issues of law raised during the hearing within 60 days after the termination of the hearing;
 - F) To call upon any person at any stage of the hearing to produce witnesses or information that is material and relevant to any issue; and
 - G) To ensure that the hearing is conducted in a full, fair and impartial manner, that order is maintained, and that unnecessary delay is

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

avoided in the disposition of the hearing.

- 2) Any Hearing Officer assigned to conduct a hearing on behalf of the Board shall be empowered to exercise the full authority of the Board with respect to the conduct and control of the proceeding.
- i) Continuances shall be granted for good cause shown in writing, and then only on an order of a Member of the Property Tax Appeal Board, or a duly authorized Hearing Officer. Good cause shall be the inability to attend the hearing at the date and time set by the Board for a cause beyond the control of the party, such as the unavoidable absence of a party, his attorney or material witness, or the serious illness or death of a witness or party. The Board shall set the hearing of a continued case at the time it sets other hearings of appeals from the county in which the subject of the continued appeal lies, unless the parties request that the Board decide the appeal based upon the evidence in the record without a formal hearing.
- j) At the hearing, the contesting party shall first introduce his case into evidence, followed by the evidence of other parties to the appeal, in the order directed by the Property Tax Appeal Board or Hearing Officer. All parties are entitled to a rebuttal after all evidence of all parties has been introduced. Evidence submitted to the Board in documentary form may be made a part of the record without the document being read into the record if the Board or Hearing Officer so orders.
- k) In no case shall any written or documentary evidence be accepted into the appeal record at the hearing unless:
 - 1) Such evidence has been submitted to the Property Tax Appeal Board prior to the hearing pursuant to this Part;
 - 2) The filing requirement is specifically waived by the Board; or
 - 3) The submission of the written or documentary evidence is specifically ordered by the Board or by a Hearing Officer.
- l) Appraisal testimony offered to prove the valuation asserted by any party shall not be accepted at the hearing unless a documented appraisal has been timely submitted by that party pursuant to this Part. Appraisal testimony offered to prove the valuation asserted may only be given by a preparer of the documented appraisal whose signature appears thereon.

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

- m) All testimony taken at the hearing shall be under oath or affirmation.

(Source: Amended at 30 Ill. Reg. 14148, effective August 11, 2006)

| **Section 1910.90** Procedural Hearing~~Practice~~ Rules

- a) The provisions of this Section are promulgated pursuant to Section 16-180 of the Code and shall apply to all appeals before the Property Tax Appeal Board. Nothing contained in this Section shall in any way negate, limit, modify or otherwise affect any of the powers, duties or authority of the Board under the Code.
- b) Appeals filed with the Property Tax Appeal Board shall be set for hearing pursuant to Section 1910.67 of this Part. All hearings once commenced shall continue on successive work days until completed unless any Member or designated Hearing Officer orders a continuance of the hearing pursuant to subsection (d) of this Section. ~~All hearings shall be open to the public.~~ [Hearings shall be open to the public in accordance with Section 1910.67\(f\) of this Part.](#)
- c) The sequence to be followed for all hearings before the Property Tax Appeal Board shall be as follows:
- 1) Preliminary matters – motions or objections, or attempts to narrow issues or limit evidence shall be heard first;
 - 2) Opening statements – the contesting party shall proceed first, followed by the board of review and intervenors, if any; opening statements may be waived or may be reserved and presented prior to the commencement of a party's case in chief;
 - 3) Case in chief – the evidence and witnesses presented to prove the position of the contesting party shall be heard first, followed by those of the board of review and intervenors, if any; as witnesses complete their testimony, they are subject to cross-examination by the Hearing Officer and the other parties to the appeal; witnesses may be questioned under redirect examination where necessary;
 - 4) Rebuttal – the evidence and witnesses presented to rebut the evidence offered in opposition to the contesting party's position shall be heard after

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

the completion of the cases in chief of all parties, followed by the rebuttal evidence and witnesses of the board of review and intervenors, if any;

- 5) Closing statements – the closing argument of the contesting party shall be heard first, followed by the closing arguments of the board of review and intervenors, if any; the contesting party shall be permitted a brief rebuttal at the end of the closing arguments of the other parties.
- d) Continuances of appeals set for hearing shall be granted pursuant to Section 1910.67(i) of this Part; a hearing which has commenced may be continued by order of the Hearing Officer to permit further testimony or argument only if the time allotted for the hearing has expired.
- e) All witnesses appearing before the Property Tax Appeal Board shall testify under oath or affirmation.
- f) Any party may object to the admissibility of evidence or testimony, and such objections must clearly state the specific ground or rule of law which is the basis for the objection.
 - 1) When an objection is made to the admissibility of evidence prior to the hearing of the appeal, the objection must be made in writing. A copy of the objection shall be transmitted to all other parties to the appeal, and the Property Tax Appeal Board shall solicit responses thereto from all other parties. The Board shall issue its ruling on such objection in writing prior to the hearing of the appeal.
 - 2) When an objection is made to the admissibility of evidence or testimony during the hearing, the Hearing Officer may either sustain or overrule the objection if it is based on the provisions of this Part, or may reserve the ruling and permit the testimony and/or evidence into the record subject to the ruling of the Property Tax Appeal Board on the objection in its decision for the appeal.
 - 3) Any party offering evidence which is ruled inadmissible shall be permitted to make an offer of proof upon motion made at the hearing.
- g) The Property Tax Appeal Board or its designated Hearing Officer may exclude inadmissible evidence upon its own motion.

PROPERTY TAX APPEAL BOARD

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- h) Writings, documents and all copies thereof submitted to the Property Tax Appeal Board shall be legible, and exhibits shall be plainly marked and identified. All exhibits and documentation discussed during the hearing shall be marked for identification by the Hearing Officer.
- i) The Property Tax Appeal Board may take official notice of decisions it has rendered, matters within its specialized knowledge and expertise, and all matters of which the Circuit Courts of this State may take judicial notice.
- j) Any party or his witness may be called by any other party as an adverse witness and examined as if under cross-examination in the same manner and under the same circumstances as provided in Section 2-1102 of the Code of Civil Procedure [735 ILCS 5/2-1102]. Upon a showing that a witness was called in good faith and that the party calling him is surprised by his testimony, examination of the witness may proceed as if under cross-examination, and the testimony of the witness may be impeached by prior statements or otherwise.
- k) The Hearing Officer presiding over or scheduled to preside over a Property Tax Appeal Board hearing may be disqualified from the hearing as follows:
 - 1) Any interested party may move for the disqualification of a Hearing Officer based on bias or a conflict of interest. The motion must be in writing and must state specific facts establishing that bias or a conflict of interest exists. Adverse rulings in pending or prior appeals shall not be sufficient to establish bias or a conflict of interest.
 - 2) A motion for disqualification shall be made promptly after the moving party learns the identity of the Hearing Officer or after learning facts that establish grounds for disqualification. The motion shall be presented to the Chairman of the Board or the Executive Director. If bias or a conflict of interest is found to exist, another Hearing Officer shall be appointed as soon as possible.
 - 3) The Hearing Officer may at any time voluntarily disqualify himself or herself.
- l) Decisions of the Property Tax Appeal Board shall dispose of contested matters upon the merits and shall set forth the Board's findings of fact and conclusions of law, and shall be served by mail on the persons and parties affected thereby as provided in Section 16-185 of the Code. Decisions of the Board shall be based on

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

the evidence contained in the administrative record.

(Source: Amended at 30 Ill. Reg. 14148, effective August 11, 2006)

Section 1910.99 Adoption of Evidence

- a) Any party to an appeal before the Property Tax Appeal Board is allowed to adopt the evidence of any other party to the appeal; however, if a party adopts the evidence of another party, the adopting party shall be precluded from withholding its authorization for settlement of an appeal if the party with whom it adopted evidence reaches an agreement in the pending appeal. The adopting party shall be bound by the terms of the stipulation or agreement.

- b) If a party chooses to adopt the evidence of another party, it shall be precluded from subsequently filing evidence, motions, and requests for continuances. The adopting party may appear at pre-hearing conferences and the hearing of the appeal; however, the adopting party shall be prohibited from presenting a case-in-chief at the hearing but shall reserve the right to present rebuttal evidence and cross-examine witnesses.

(Source: Added at 30 Ill. Reg. 14148, effective August 11, 2006)

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

DEPARTMENT OF VETERANS' AFFAIRS

Heading of the Part: Veterans' Scratch-Off Lottery Grants

Code Citation: 95 Ill. Adm. Code 123

Section Numbers: 125.5 125.10 125.15
125.20 125.25 125.30
125.35 125.40 125.45
125.50

Date Originally Published in the Illinois Register: 5/5/06
30 Ill. Reg. 8398

At its meeting on August 8, 2006, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that the Department of Veterans' Affairs explain in writing its methodology underlying the funding of the grants in the proposed rule (a \$1 million cap on funds available to 4 of the 5 categories (post traumatic stress disorder, homelessness, disability benefits and long-term care); all remaining funding to the 5th category (health insurance costs)), including the number of applicants it anticipates in each of the 5 categories, how many grant applicants in each category the Department anticipates that it can fund, and the logic behind the proposed distribution of funds.

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 OBJECTION TO
EMERGENCY RULEMAKING

STATE BOARD OF EDUCATION

Heading of the Part: Early Childhood Block Grant

Code Citation: 23 Ill. Adm. Code 235

<u>Section Numbers:</u>	235.10	235.60	235.70
	235.100	235.200	235.300
	235.400	235.500	

Date Originally Published in the Illinois Register: 7/7/06
30 Ill. Reg. 11793

At its meeting on August 8, 2006, the Joint Committee on Administrative Rules objected to the State Board of Education adopting its emergency rule titled Early Childhood Block Grant (23 Ill. Adm. Code 235; 30 Ill. Reg. 11793) before the authorizing statute, PA 94-1054, became effective on July 25, 2006. SBE issued RFPs and was enforcing policy not authorized by statute during the intervening period.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. 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
EMERGENCY RULEMAKING

SECRETARY OF STATE

Heading of the Part: Issuance of Licenses

Code Citation: 92 Ill. Adm. Code 1030

Section Numbers: 1030.11

Date Originally Published in the Illinois Register: 6/30/06
30 Ill. Reg. 11409

At its meeting on August 8, 2006, the Joint Committee on Administrative Rules objected to the Secretary of State applying the emergency rules titled Issuance of Licenses (92 Ill. Adm. Code 1030; 30 Ill. Reg. 11409) three days before the Governor signed the authorizing statute.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYWITHDRAWAL OF FILING PROHIBITION OF PROPOSED RULEMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of the Part: Licensing Standards for Day Care Homes

Code Citation: 89 Ill. Adm. Code 406

Section Numbers: 406.4 406.5 406.8 406.12 406.12
406.14 406.APPENDIX C

Date Originally Published in Illinois Register: 11/14/05
29 Ill. Reg. 18180

Date Filing Prohibition Published in Illinois Register: 30 Ill. Reg. 13030
7/28/06

Date Filing Prohibition Became Effective: 7/11/06

Date Filing Prohibition Withdrawn: 8/8/06

The Joint Committee on Administrative Rules hereby certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act and 1 Ill Adm Code 220.1000(c)(6), the Joint Committee, at its meeting on August 8, 2006, has withdrawn the prohibition against the filing of the Department of Children and Family Services' rulemaking titled Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406). The Committee originally issued this prohibition at its July 11, 2006 meeting.

Please take notice that the agency is no longer prohibited from filing the rulemaking, as modified in accordance with agreements between the agency and the Joint Committee on Administrative Rules, with the Secretary of State and from enforcing or invoking the rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYWITHDRAWAL OF FILING PROHIBITION OF PROPOSED RULEMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of the Part: Licensing Standards for Group Day Care Homes

Code Citation: 89 Ill. Adm. Code 408

Section Numbers: 408.10 408.15 408.30 408.60 408.70
408.APPENDIX E

Date Originally Published in Illinois Register: 11/14/05
29 Ill. Reg. 18207

Date Filing Prohibition Published in Illinois Register: 30 Ill. Reg. 13031
7/28/06

Date Filing Prohibition Became Effective: 7/11/06

Date Filing Prohibition Withdrawn: 8/8/06

The Joint Committee on Administrative Rules hereby certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act and 1 Ill Adm Code 220.1000(c)(6), the Joint Committee, at its meeting on August 8, 2006, has withdrawn the prohibition against the filing of the Department of Children and Family Services' rulemaking titled Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408). The Committee originally issued this prohibition at its July 11, 2006 meeting.

Please take notice that the agency is no longer prohibited from filing the rulemaking, as modified in accordance with agreements between the agency and the Joint Committee on Administrative Rules, with the Secretary of State and from enforcing or invoking the rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

ILLINOIS STUDENT ASSISTANCE COMMISSION

- 1) Heading of the Part: Monetary Award Program Plus (MAP Plus)
- 2) Code Citation: 23 Ill. Adm. Code 2734
- 3) Register citation of proposed rulemaking and other pertinent action: 30 Ill. Reg. 13312; August 11, 2006
- 4) Explanation: On #3 of the Proposed Notice Page listing the Section numbers, the Part number was incorrect. It should have been 2734, not 2742. JCAR regrets this error.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

ILLINOIS STUDENT ASSISTANCE COMMISSION

- 1) Heading of the Part: Nurse Educator Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2759 (formerly 2766)
- 3) Register citation of proposed or adopted rulemaking and other pertinent action: 30 Ill. Reg. 13327; August 11, 2006
- 4) Explanation: In Issue 32 of the Illinois Register, an ISAC proposed rulemaking was incorrectly published with the wrong Part number. This is a new Part that should have been assigned Part number 2759. It was inadvertently published with the number 2766, which is not a currently available Part number. The corrected rulemaking appears on the following page.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

ILLINOIS STUDENT ASSISTANCE COMMISSION

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2759

NURSE EDUCATOR SCHOLARSHIP PROGRAM

Section

2759.10	Summary and Purpose
2759.20	Applicant Eligibility
2759.30	Program Procedures
2759.40	Institutional Procedures

AUTHORITY: Implementing and authorized by Sections 5 and 15 of the Nurse Educator Assistance Act [110 ILCS 967/5 and 15].

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

Section 2759.10 Summary and Purpose

- a) The Nurse Educator Scholarship Program is designed to attract capable and promising students to the nursing educator profession. Increasing the number of instructors will allow more students to be educated in the field of nursing. This scholarship also provides an opportunity for individuals interested in making a career change to the nurse educator profession.
- b) This Part governs the Nurse Educator Scholarship Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2759.20 Applicant Eligibility

- a) A qualified applicant shall be:
 - 1) a resident of Illinois;
 - 2) a United States citizen or eligible noncitizen;
 - 3) a recipient of at least a bachelor's degree;

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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ILLINOIS STUDENT ASSISTANCE COMMISSION

- 4) enrolled or accepted for enrollment on at least a half-time basis in an approved program of professional or practical nursing education at the graduate level at an Illinois institution of higher learning; and
- 5) maintaining satisfactory academic progress as determined by the institution.

Section 2759.30 Program Procedures

- a) All applicants must complete and file the form the U.S. Department of Education (ED) designates as an application/promissory note for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC), which is used as a selection criterion for this award. (See Section 483 of the Higher Education Act of 1965, as amended (20 USC 1070a).)
- b) A completed ISAC application for the Nurse Educator Scholarship Program must be postmarked on or before March 1 immediately preceding the academic year for which the scholarship is being requested, in order to receive priority consideration for an award.
 - 1) Applications are available at qualified institutions of higher learning, ISAC's web site, and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) ISAC will make renewal applications available to all qualified students who were awarded assistance under this Part during the preceding year.
 - 3) If the application is incomplete, ISAC will notify the appropriate party. The applicant will then have an opportunity to furnish the missing information. However, the application will only be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- c) No recipient may receive scholarship assistance under this program for more than the equivalent of 8 semesters/16 quarters of full-time enrollment.
- d) ISAC shall select the recipients from among qualified applicants who filed timely applications based on a combination of the following criteria:

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- 1) Cumulative grade point averages will be prioritized from highest to lowest. All grade point averages will be converted to a four-point scale; and
 - 2) Expected Family Contribution (EFC), from the lowest to the highest.
- e) Recipients of assistance under this Part during the previous academic year shall receive first priority consideration provided the student:
- 1) Maintains his or her status as a qualified applicant, as outlined in Section 2766.20(a) of this Part, Applicant Eligibility.
 - 2) Maintains satisfactory academic progress as determined by the institution.
 - 3) Has submitted an application on a timely basis.
- f) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application to ISAC on the earliest date.
- g) Prior to receiving scholarship assistance under this Part, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
- 1) the recipient pledges to work as an educator in an approved program of professional nursing education in Illinois or an approved program of practical nursing education in Illinois, as certified by an authorized individual at the approved Illinois institution, for a period of not less than five years;
 - 2) the recipient shall begin teaching as a nurse educator within one year following the termination of the program for which the recipient received assistance under this Part, and shall teach on a continuous basis for the required five year period of time;
 - 3) the teaching requirement will be fulfilled in an approved program of professional nursing education in Illinois or an approved program of

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

ILLINOIS STUDENT ASSISTANCE COMMISSION

practical nursing education at an approved institution in Illinois that prepares students for careers as practical or professional nurses;

- 4) if the teaching requirement is not fulfilled, the proceeds received convert to a loan and the recipient must repay the entire amount prorated according to the fraction of the teaching obligation not completed, plus interest at a rate equal to five percent and, if applicable, reasonable collection fees;
 - 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 6) the recipient promises to use all proceeds received for educational expenses.
- h) A recipient of funds awarded under this Part shall not be in violation of the agreement entered into pursuant to subsection (g) during periods in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is actively seeking but unable to find employment as a nurse educator at an approved Illinois institution for one continuous period not to exceed two years and is able to provide evidence of that fact; or
 - 4) is taking additional courses, on at least a half-time basis, needed to obtain certification in a nursing educator program in Illinois.
- i) If a recipient is required to repay any portion of the proceeds received, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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- 2) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is seeking and unable to find full-time employment, for one continuous period not to exceed two years, and is able to provide evidence of that fact;
 - 4) withdraws from a course of study leading to certification as a nursing educator, but is enrolled full-time in another academic discipline not to exceed three years; or
 - 5) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years.
- j) During the time a recipient qualifies for any of the extensions listed in subsection (i), he or she shall not be required to make payments and interest shall not accrue.
- k) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a nursing educator, but not before six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
 - 3) the day after the latest date upon which the recipient must have begun teaching after completing the nurse educator program for which the funds were awarded.
- l) A recipient shall not be required to repay the amount of the proceeds received if he or she becomes permanently totally disabled as established by the sworn affidavit of a qualified physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a certified death certificate.

Section 2759.40 Institutional Procedures

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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- a) The institution shall submit eligibility information for qualified and certified applicants in sufficient time for ISAC to make award announcements.
- b) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests except for summer term must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.
- c) ISAC shall disburse funds in two or three installments, depending on the number of terms financed by the award, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the funds are being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.
- e) Upon receipt of the funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution shall then credit the funds to the recipient's account for tuition and fees due and payable. Upon receipt of the funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the payment to ISAC.
- f) Award Amount:
 - 1) Nurse educator scholarships are applicable toward tuition and fees.
 - 2) A recipient attending a public institution in Illinois shall receive a scholarship that shall not exceed the cost of tuition and fees at that institution.
 - 3) A recipient attending a private institution in Illinois may receive a scholarship sufficient to pay the cost of tuition and fees, provided the award does not exceed the maximum amount payable to a student enrolled in the most expensive comparable program of study at a public institution.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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- 4) A qualified applicant will also receive a stipend of not more than \$10,000 for full-time enrollment. The stipend will be used to cover the cost of attendance, including living expenses. Stipends for recipients enrolled less than full-time will be prorated according to the credit hours taken.
- 5) The total amount of nurse educator assistance awarded to a qualified applicant in a given academic year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION (CORRECTED COPY)

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the findings in Re: Del Toro Landscaping, Inc., IDOL File No.(s) 2005-PW-WJ04-0932, 2004-PW-WJ10-0922, 2005-PW-WJ10-0395, 2004-PW-WJ02-1303, 2004-PW-WJ11-1008, the Director of the Department of Labor gives notice that [Del Toro Landscaping, Inc.], its member(s), officer(s), manager(s), agent(s), and all persons acting in Del Toro Landscaping, Inc.'s interest and/or on Del Toro Landscaping, Inc.'s behalf, and any business entity, including, but not limited to, any firm, corporation, partnership or association in which Del Toro Landscaping, Inc., its member(s), officer(s), manager(s), agent(s), and all other persons acting in Del Toro Landscaping, Inc.'s interest and/or on Del Toro Landscaping, Inc.'s behalf have an interest, pecuniary or otherwise, is(are) prohibited from being awarded any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2001), commencing July 18, 2006 and continuing through July 17, 2008.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

OFFICE OF THE TREASURER

NOTICE OF PUBLIC INFORMATION

NOTICE OF NAMES OF PERSONS APPEARING
TO BE OWNERS OF UNCLAIMED PROPERTY WHOSE
LAST KNOWN ADDRESSES ARE IN CERTAIN STATES

Pursuant to Public Act 91-0016, the Illinois State Treasurer's Office is publishing the names and last known addresses of owners of unclaimed property whose last known addresses are allegedly in a state other than Illinois. The other state does not have a reciprocity arrangement with Illinois.

If your name or that of a person you represent appears below, you may contact this agency for further information about the assets.

INQUIRIES MUST BE IN WRITING. The written inquiry should include the name and address as listed and the correct name and address for reply. If inquiring about a name other than your own, you must indicate your authority to act on behalf of that person.

Address written inquiries to:

ILLINOIS STATE TREASURER'S OFFICE
UNCLAIMED PROPERTY DIVISION
P.O. Box 19495
Springfield, Illinois 62794-9495

AUTHORITY: Implementing and required by the Illinois Uniform Disposition of Unclaimed Property Act [765 ILCS 1025/12].

OFFICE OF THE TREASURER

NOTICE OF PUBLIC INFORMATION

NOTICE OF NAMES OF PERSONS APPEARING
TO BE OWNERS OF UNCLAIMED PROPERTY WHOSE
LAST KNOWN ADDRESSES ARE IN CERTAIN STATES

CABRERA JAVIER	SINGAPORE 3 SCIENCE DR 2	JAPAN		
CATTON ROBERT		TRIMFIELD	IL	
CEDERSTRAND CARL	630 GREENLEAF AVE	WIL	IL	
CHILDRESS JERRY A		PINKSTAFF	IL	
COLE CHARLES M	2739 S EUCLID AVE	BEUGAN	IL	
CONKLING NORMA L		KASBEER	IL	
CONLEY EDWIN		CHEMUNG	IL	
COOK DEBORAH J	31 RIDGEWOOD BLVD	DUNDAS ONTARIO	L9H5E3	
COSELY CARLTON	16140 ELVENVILLE	SOUTHFIELD	MI	48037
CSABA KRISZTINA	VACI UT 178 BUDAPEST JANSSENCILAG DUNA PLZ			0
CZECOWSKI STEPHANIE	3812 DEAL ST E	EAST CHICAGO	IN	46312
CZECOWSKI STEPHENIE	3812 DEAL ST FL 1 APT 1	EAST CHICAGO	IN	46312
CZIPERLE ZOLTAN	4725 ALEXANDER	EAST CHICAGO	IN	46312
DARGEWICH FRANCES	4923 BARING	EAST CHICAGO	IN	46312
DOFFER SALLY	MINATOKU TOKYO 1232	ARKASAKA CANADA	FN	
DOOLEY ROBERT	4144 NORTCOTE	EAST CHICAGO	IN	46312-2518
DUNHAM RALPH	748 N 59TH	ST LOUIS	MO	
EAST ALABAMA HOSPITAL				
EDWARDS MAMIE	6151 W BRADLEY RD 109	MILWAUKEE	WI	53223
EGAN ROBERT E	RF 4 E	ST LOUIS	MO	

OFFICE OF THE TREASURER

NOTICE OF PUBLIC INFORMATION

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TO BE OWNERS OF UNCLAIMED PROPERTY WHOSE
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ELMORE JOANN	1226 ILLINOIS AVE	ST LOUIS	MO	
ELORENCE VASQUEZ	3550 GUTHERIE	EAST CHICAGO	IN	46312-2151
ERDMAN NOAM		VAL PARAISSO	IN	46385
ERICKSON PETER G	PO BOX 1602	PUNTA GORDA	FL	33950
EVANS JAMES	1636 MISSOURI AVE	ST LOUIS	MO	63104
EVANS LUCY P	1636 MISSOURI AVE	ST LOUIS	MO	63104
FREGEN ELEANO	5016 BARING	EAST CHICAGO	IN	46312-3623
HARVEY SEAMUS	LURGANBUOY	DONEGAL TOWN	CO	DONEGAL HOSPITAL GUMES MARANHAO
				RUD MARGUES DO PARANAGUA 51 CASA FORTE RECIFE PE 50 000
MARCINEK RICHARD	4934 WALSH	EAST CHICAGO	IN	
MARCOCCIA LISA	2827 LANGLOIS CT	WINDSOR ON		N8X4V3
MASAKAZU NAKAMURA MD	16107 MORINOMIYA JOTOKY	OSAKA		536-8588
MASAKAZY NAKAMURA MD	16107 MORINOMIYA JOTOKY	OSAKA		536-8588
MATZA DORIS M		ST LOUIS	MO	
MCCRACKEN ORVILLE L	RFD 5 E	ST LOUIS	MO	
MCINTIRE NELSON	1630 N MAIN ST	WALNUT CREEK	CA	94596
MCKENNA JAMES D	108 GOMPERS	ST LOUIS	MO	

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MENDRELA JAIRO	6616 W CERMARK	ANDALUSIA	AL	36420
MICHAELSON MICHELLE A				
	253 CASINO RD	STORMLAKE	IA	50588
ONEIL DESMOND	7 LOMBARD ST	EAST DUBLIN 2	LONDON E14	
ONEIL ROSEMARY	7 LOMBARD ST	EAST DUBLIN 2	LONDON E14	
SANCHEZ DAVID S	PO BOX 3564	EAST CHICAGO	IN	46312
SCHEUERMANN ERNEST H MD	HASSELHORSTWEGZZ 60599	FRANKFURT MAIN		
SCHROEDER DONALD	3414 W 77TH PL	MERRILLVILLE	IN	46410
SERRATO ESMERALDO H	963 N HUNTINGTON 2	MEDINA	OH	44256
SERRATO LAURA K	963 N HUNTINGTON 2	MEDINA	OH	44256
SIMPSON SHAWN	916 HWY 8E	PELZER	SC	29669
SINGH JAGDEV	4932 KONA DR	HUNTINGTON BEACH	CA	92649
STEVENSON TODD	1017 LEAVITT	WATERLOO	IA	50702
THOMPSON CLARISSA	4440 W 20TH PL	GARY	IN	46404
WEATHER COURTNEY	1917 ANDREN AVE	BRONX	NY	10453
WEIBEL ALEJANDRO M	BELERANO 547 8 APTO B	SS DE JUJUY 4600	FN	
WEIDENBENNER MARY	RFD 4	ST LOUIS	MO	
CHAPMAN FRANK C II	RTE DE VAUDAGNE 1670 F	74310 LES HOUCHE		
DWYER JAMES JR	2951 S HOWELL AVE	MILWAUKEE	MN	60001
HAFFORD MARYELLEN	1315 SPRING BEACH WY	GARY	IN	60013

OFFICE OF THE TREASURER

NOTICE OF PUBLIC INFORMATION

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HELMKE AUDREY C 2538 A N 17TH ST MILWAUKEE MN 60001

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 August 8, 2006 through August 14, 2006 and have been scheduled for review by the Committee at its September 12, 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.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
9/21/06	Secretary of State, Public Library Construction Grants (23 Ill. Adm. Code 3060)	5/26/06 30 Ill. Reg. 9436	9/12/06
9/21/06	Secretary of State, Illinois State Library, Library Services Division (23 Ill. Adm. Code 3010)	5/12/06 30 Ill. Reg. 8810	9/12/06
9/21/06	State Board of Elections, Miscellaneous (26 Ill. Adm. Code 207)	5/19/06 30 Ill. Reg. 9253	9/12/06
9/22/06	Department of Labor, Prevailing Wage Hearing Procedures (56 Ill. Adm. Code 100)	11/28/05 29 Ill. Reg. 19064	9/12/06
9/23/06	Department of Natural Resources, Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)	6/23/06 30 Ill. Reg. 11000	9/12/06
9/24/06	Department on Aging, Community Care Program (89 Ill. Adm. Code 240)	6/2/06 30 Ill. Reg. 9949	9/12/06

PROCLAMATION

2006-267**THE CHICAGO DEFENDER CHARITIES BUD BILLIKEN DAY**

WHEREAS, for seventy-six years, the annual Defender Charities Bud Billiken® Parade and Picnic has provided wholesome fun and entertainment without charge to thousands of children; and

WHEREAS, the Bud Billiken® Parade and Picnic observance gives adults an opportunity to share fun and fellowship with youth; and

WHEREAS, Chicago Defender Charities, Incorporated, the sponsoring organization for this event, provides services to those in need. Some of the services included are scholarships and financial assistance to deserving high school and college youths, gift baskets provided to over 3,000 public housing residents during the holiday season, and numerous other acts performed throughout the community; and

WHEREAS, the Bud Billiken® Parade and Picnic has been one of the most distinguished and outstanding events in Illinois, worthy of the wholehearted support of all citizens:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 12, 2006 as **THE CHICAGO DEFENDER CHARITIES BUD BILLIKEN® DAY** in Illinois, and encourage all citizens to join in the splendid spirit and purpose for which this occasion is designated.

Issued by the Governor on August 8, 2006.

Filed by the Secretary of State August 8, 2006.

2006-268**WOMEN'S BUSINESS DEVELOPMENT DAYS**

WHEREAS, the Women's Business Development Center (WBDC) is a nationally-recognized nonprofit women's business assistance organization, devoted to providing services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy; and

WHEREAS, the Women's Business Development Center will hold its 20th Anniversary Entrepreneurial Woman's Conference on September 27 & 28, 2006 at Chicago's Navy Pier; and

WHEREAS, this Conference marks the commencement of the third decade of the WBDC's commitment to the demands of women entrepreneurs for greater opportunities in business ownership and development; and

PROCLAMATION

WHEREAS, the WBDC has, in response, put forth creative and innovative approaches to empowering women and their families, striving to influence the larger political and economic environment in a way that encourages and supports women's economic empowerment; and

WHEREAS, the WBDC was founded in 1986 by S. Carol Dougal and Hedy M. Ratner and since then, more than 50,000 women business owners have used its programs and services: one-on-one counseling; workshops; entrepreneurial training; the Women's Business Finance Program; the Women's Business Enterprise Certification Program; Procurement and Technical Assistance Program and Child Care Business Initiative and Program; and Women's Venture Program; and

WHEREAS, there are now over 10.6 million women-owned businesses in the U.S., employing over 19.1 million workers, and over 350,000 of those businesses are in Illinois. Minority-owned businesses are growing faster than all firms, and 1 in 5 women-owned firms in the U.S. is owned by a woman of color. Women-owned businesses nationally generate over \$2.46 trillion in sales:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 27-28, 2006 as **WOMEN'S BUSINESS DEVELOPMENT DAYS** in Illinois, in recognition of the Women's Business Development Center's 20th Anniversary Entrepreneurial Woman's Conference, and in celebration of two decades of the WBDC's outstanding advocacy and service to women business owners.

Issued by the Governor on August 8, 2006.

Filed by the Secretary of State August 8, 2006.

2006-269**THIRD JURISDICTION ILLINOIS CHURCHES OF GOD IN CHRIST**

WHEREAS, led by Bishop Robert R. Sanders, the Third Jurisdiction Illinois Churches of God in Christ (COGIC) was established on August 21, 1996 and includes over 50 churches under its jurisdiction; and

WHEREAS, COGIC is commonly known as being Pentecostal in nature because of the importance ascribed to the events which occurred on the Day of Pentecost, the 50th day after the Passover, or Easter; and

WHEREAS, organized in 1897, the national Church of God in Christ has experienced an increase in membership from 3 million in 1973 to an estimated 5.2 million in 1997; and

PROCLAMATION

WHEREAS, Third Jurisdiction COGIC is the second largest jurisdiction in the State of Illinois; and

WHEREAS, on August 21, 2006, Third Jurisdiction Illinois Churches of God in Christ will be celebrating their 10th anniversary:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize and commend the **THIRD JURISDICTION ILLINOIS CHURCHES OF GOD IN CHRIST** on the occasion of their 10th anniversary of serving their local community and the State of Illinois.

Issued by the Governor on August 10, 2006.

Filed by the Secretary of State August 10, 2006.

2006-270**LYMPHOMA RESEARCH FOUNDATION DAY and LYMPHOMATHON DAY**

WHEREAS, lymphoma is a type of cancer that results when abnormal lymphocyte cells are created. These cells can grow in many parts of the body, including the lymph nodes, bone marrow, or spleen. There are more than 30 subtypes of cancer of the lymphatic system: 5 types of Hodgkin's disease and over 25 types of non-Hodgkin's lymphoma; and

WHEREAS, symptoms of lymphoma come in several forms, but are hard to detect because they are generally the same as those of the common cold. A very persistent cold or respiratory infection may be a sign of lymphoma; and

WHEREAS, of the nearly 500,000 Americans that have lymphoma, 332,000 have Non-Hodgkin's lymphoma. Over 60,000 new cases are diagnosed and 20,000 Americans die from the disease each year. Treatment for the disease comes in three different manners – chemotherapy, radiation therapy, and biologic therapy. These treatments, or combinations of thereof, can put the cancer in remission for years; and

WHEREAS, approximately 168,000 people with lymphoma have Hodgkin's disease. This form of lymphoma has a much higher survival rate – 84 percent over five years. Each year 7,800 new cases are diagnosed and 1,490 Americans die from the disease. Those treated often receive some form of chemotherapy or radiation therapy or a combination of the two; and

WHEREAS, the Lymphoma Research Foundation (LRF) was created to eradicate Lymphoma and serve those touched by the disease. The Foundation is the nation's largest

PROCLAMATION

lymphoma-focused organization dedicated to funding lymphoma research. To date, LRF has funded over \$29.5 million for cancer research; and

WHEREAS, the LRF will be hosting its 40th Annual Chicago LYMPHOMathon, a 5K walk and run to help raise money for the cause. This event will begin at Montrose Harbor on Lake Michigan:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 27, 2006 as **LYMPHOMA RESEARCH FOUNDATION DAY and LYMPHOMATHON DAY** in Illinois, and encourage all citizens to join in supporting the search for a cure to this life-threatening disease.

Issued by the Governor on August 10, 2006.

Filed by the Secretary of State August 10, 2006.

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 30, Issue 34 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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