

# 2006

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 30 Issue 5  
February 3, 2006  
Pages 1419-1549

Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017  
<http://www.cyberdriveillinois.com>

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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## 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>
1910.70	Amended
1910.93	New Section
1910.95	Renumbered
1910.100	Renumbered, amended
- 4) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195
- 5) Effective Date of Amendments: January 20, 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: October 14, 2005; 29 Ill. Reg. 15503
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: There were changes made between the proposal and the final version of the rules. In Section 1910.93, parties may request a witness list only after the Board has distributed all of the documentary and rebuttal evidence submitted by the parties. The time to respond to a request for witnesses was extended from 15 to 30 days. Finally, the words "hearing officer" cited in subsection (c) were capitalized.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

## PROPERTY TAX APPEAL BOARD

## NOTICE OF ADOPTED AMENDMENTS

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
1910.50	Amended	29 Ill. Reg. 18071
1910.55	New Section	29 Ill. Reg. 18071
1910.66	Amended	29 Ill. Reg. 18071
1910.76	Amended	29 Ill. Reg. 13983
1910.90	Amended	29 Ill. Reg. 18071
1910.92	New Section	29 Ill. Reg. 13983

15) Summary and Purpose of Amendments: This rulemaking involves three changes. In Section 1910.70, attorneys may not appear at a Board proceeding as both an advocate and as a witness offering expert testimony. In Section 1910.93, parties may prepare for hearing by requesting witness lists in advance of the proceeding. Lastly, Section 1910.100 is renumbered and amended to more closely reflect the statutory language found in Section 15-5 of the Illinois Administrative Procedure Act.

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

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	Correspondence
1910.25	Computing Time Limits
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1910.75	Access to Board Records – Freedom of Information Procedures
1910.76	Publication of Annual Synopsis
1910.77	Withdrawals and Substitutions of Attorneys
1910.78	Consolidation of Appeals
1910.80	Forms
1910.90	Practice Rules
<a href="#">1910.93</a>	<a href="#">Request for Witnesses</a>
1910.95	Separability ( <del>Renumbered</del> )
<del>1910.100</del> <a href="#">1910.95</a>	<del>Severability</del> <a href="#">Separability</a>

AUTHORITY: Implementing and authorized by Article 7 and Sections 16-180 through 16-195

## PROPERTY TAX APPEAL BOARD

## NOTICE OF ADOPTED AMENDMENTS

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.

**Section 1910.70 Representation at Hearings**

- a) A party shall have the right to represent himself or herself and to be present at and participate in any hearing before the Property Tax Appeal Board. The right to participate shall include the rights to call, examine and cross-examine witnesses and to discuss any evidence properly submitted pursuant to this Part. A party may be represented at the hearing by any person who is admitted to practice as an attorney in this State. Accountants, tax representatives, tax advisers, real estate appraisers, real estate consultants and others not qualified to practice law in this State may not appear at hearings before the Board in a representative capacity, and may not conduct questioning, cross-examination or other investigation at the hearing. However, such persons may testify at hearings before the Board and may assist parties and attorneys in preparation of cases for presentation by those~~such~~ parties and attorneys for the Board at hearings.
- b) As provided in subsection (a), only attorneys licensed to practice law in the State of Illinois shall be allowed to represent a party at a Property Tax Appeal Board hearing.
- c) Corporations, limited liability companies (LLC), partnerships and other similar entities, and taxing districts shall be represented at a Property Tax Appeal Board hearing by any person licensed to practice law in the State of Illinois.
- d) The board of review may be represented at a hearing by the county state's attorney's office, any attorney licensed to practice law in the State of Illinois properly authorized as a special assistant state's attorney, or ~~by~~ board of review members or commissioners or their duly authorized designees.

## PROPERTY TAX APPEAL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- e) An attorney, pro se taxpayer (representing himself or herself), or board of review designee may enter an appearance either by signing the petition or other document initiating the participation of a party in a proceeding or by filing an appearance in the proceeding. By signing a petition or filing an appearance, the attorney, pro se taxpayer, or board of review designee certifies that he or she has the authority to appear and act on behalf of a party in the proceeding.
- f) An attorney shall avoid appearing before the Board on behalf of his or her client in the capacity of both an advocate and a witness. When an attorney is a witness for the client, except as to merely formal matters, the attorney should leave the hearing of the appeal to other counsel. Except when essential to the ends of justice, an attorney shall avoid testifying before the Board on behalf of a client.

(Source: Amended at 30 Ill. Reg. 1419, effective January 20, 2006)

**Section 1910.93 Request for Witnesses**

- a) In any appeal in which a change in assessed value of \$100,000 or more is sought before the Property Tax Appeal Board, upon written request served on an opposing party after the Board has distributed all of the documentary evidence that has been submitted by all of the parties, including rebuttal evidence under Section 1910.66 of this Part, a party shall be entitled to the name, address and qualifications of any witness who may be reasonably expected to testify at hearing on behalf of an opposing party, together with a brief summary of the subject matter of each witness' anticipated testimony. The information shall be provided within 30 days after service of a request.
- b) A party may obtain witness lists only by making a written request as provided in subsection (a). Copies of requests for witnesses and an opposing party's response shall be served at the same time on all parties and the Board at its Springfield office.
- c) Witnesses that were not properly and timely disclosed in response to a request for production shall be barred or excluded from the proceeding by the Board or its designated Hearing Officer.
- d) Discovery requests under this Section shall not be cause for postponement or delay of the hearing or of the Board's disposition of the appeal.

(Source: Added at 30 Ill. Reg. 1419, effective January 20, 2006)

## PROPERTY TAX APPEAL BOARD

## NOTICE OF ADOPTED AMENDMENTS

**Section 1910.95 Separability (Renumbered)**

(Source: Section 1910.95 renumbered to Section 1910.100 at 30 Ill. Reg. 1419, effective January 20, 2006)

**Section 1910.100 Severability~~1910.95 Separability~~**

In the event any Section, provision or term of this Part, ~~or any amendment thereto~~, is determined by a court or other authority of competent jurisdiction to be invalid, ~~that such~~ determination shall not affect the remaining Sections or provisions, which shall continue in full force and effect. For this purpose, the provisions of this Part are severable.

(Source: Section 1910.100 renumbered from Section 1910.95 and amended at 30 Ill. Reg. 1419, effective January 20, 2006)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) Section Number: 300.120                      Adopted Action:  
Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective date of rulemaking: January 23, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notices of Proposal was Published in Illinois Register: 29 Ill. Reg. 1785; February 4, 2005
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between proposal and final version: The following changes were made in response to comments received during the first notice or public comment period: Various typographical, grammatical and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
300.330	Amendment	29 Ill. Reg. 13346; September 2, 2005
300.615	Amendment	29 Ill. Reg. 13346; September 2, 2005
300.620	Amendment	29 Ill. Reg. 13346; September 2, 2005
300.625	New Section	29 Ill. Reg. 13346; September 2, 2005
300.626	New Section	29 Ill. Reg. 13346; September 2, 2005

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

300.627                      New Section                      29 Ill. Reg. 13346; September 2, 2005

- 15) Summary and purpose of rulemaking: Section 300.120 (Application for License) is being amended to change the license application fee from a fee based on the licensed capacity of the facility to a flat fee of \$995. The rulemaking reflects P.A. 93-841, which amended the Nursing Home Care Act to establish the \$995 fee.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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

217/782-2043  
e-mail: rules@idph.state.il.us

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 300  
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

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300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.163	Alzheimer's Special Care Disclosure
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
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300.250	Ownership Disclosure
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## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

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300.310	Department May Survey Facilities Formerly Licensed
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## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

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## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

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## DEPARTMENT OF PUBLIC HEALTH

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## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

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## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

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## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

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300.APPENDIX B	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
300.APPENDIX C	Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
300.APPENDIX D	Forms for Day Care in Long-Term Care Facilities
300.APPENDIX E	Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
300.APPENDIX F	Guidelines for the Use of Various Drugs
300.APPENDIX G	Facility Report
300.TABLE A	Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities

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300.TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
300.TABLE D	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567,

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effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective September 23, 2005, for the remainder of the maximum 150 days; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at 30 Ill. Reg. 1425, effective January 23, 2006.

## SUBPART A: GENERAL PROVISIONS

**Section 300.120 Application for License**

- a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate an intermediate care facility or skilled nursing facility shall submit application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed. Application forms and other required information shall be submitted and approved prior to surveys of the physical plant or review of building plans and specifications.
- b) An application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act [20 ILCS 3960].
- c) *Application* for a license to establish or *operate* an intermediate care facility or

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skilled nursing facility shall be made in writing and submitted, with other such information as the Department may require, on forms provided by the Department. (Section 3-103(1) of the Act)

- d) *All license applications shall be accompanied with an application fee of \$995. ~~The fee for an annual license shall be based on the licensed capacity of the facility and shall be determined as follows: 0-49 licensed beds, a flat fee of \$500; 50-99 licensed beds, a flat fee of \$750; and for any facility with 100 or more licensed beds, a fee of \$1,000 plus \$10 per licensed bed.~~ The fee for a 2-year license shall be double the fee for the annual license.* (Section 3-103(2) of the Act)
- e) *The application shall be under oath and the submission of false or misleading information shall be a Class A misdemeanor. The application shall contain the following information:*
- 1) *The name and address of the applicant if an individual, and if a firm, partnership, or association, of every member thereof, and in the case of a corporation, the name and address thereof and of its officers and its registered agent, and in the case of a unit of local government, the name and address of its chief executive officer;*
  - 2) *The name and location of the facility for which a license is sought;*
  - 3) *The name of the person or persons under whose management or supervision the facility will be conducted;*
  - 4) *The number and type of residents for which maintenance, personal care, or nursing is to be provided; and*
  - 5) *Such information relating to the number, experience, and training of the employees of the facility, any management agreements for the operation of the facility, and of the moral character of the applicant and employees as the Department may deem necessary.* (Section 3-103(2) of the Act)
- f) **Ownership Change or Discontinuation**
- 1) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the facility is sold or leased; when operation is discontinued; when

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operation is moved to a new location; when the licensee (if an individual) dies; when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be.

- 2) A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases.
- g) *Each initial application shall be accompanied by a financial statement setting forth the financial condition of the applicant and by a statement from the unit of local government having zoning jurisdiction over the facility's location stating that the location of the facility is not in violation of a zoning ordinance. An initial application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act. After the application is approved, the applicant shall advise the Department every six months of any changes in the information originally provided in the application. (Section 3-103(3) of the Act)*
- h) *The Department may issue licenses or renewals for periods of not less than six months nor more than 18 months for facilities with annual licenses and not less than 18 months nor more than 30 months for facilities with 2-year licenses in order to distribute the expiration dates of such licenses throughout the calendar year. The fees for such licenses shall be pro-rated on the basis of the portion of the year for which they are issued. (Section 3-110 of the Act)*

(Source: Amended at 30 Ill. Reg. 1425, effective January 23, 2006)

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## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Sheltered Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 330
- 3) Section Number: 330.120                      Adopted Action: Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rulemaking: January 23, 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 Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 1799; February 4, 2005
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Difference between proposal and final version: The following changes were made in response to comments received during the first notice or public comment period: Various typographical, grammatical and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
330.330	Amendment	29 Ill. Reg. 13389; September 2, 2005
330.715	New Section	29 Ill. Reg. 13389; September 2, 2005
330.720	Amendment	29 Ill. Reg. 13389; September 2, 2005
330.725	New Section	29 Ill. Reg. 13389; September 2, 2005
330.726	New Section	29 Ill. Reg. 13389; September 2, 2005

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330.727                      New Section                      29 Ill. Reg. 13389; September 2, 2005

- 15) Summary and Purpose of Rulemaking: Section 330.120 (Application for License) is being amended to change the license application fee from a fee based on the licensed capacity of the facility to a flat fee of \$995. Further, the requirement for initial applications for a sheltered care license to be accompanied by a permit from the Health Facilities Planning Board is being deleted.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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

217/782-2043  
e-mail: [rules@idph.state.il.us](mailto:rules@idph.state.il.us)

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 330  
SHELTERED CARE FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.163	Alzheimer's Special Care Disclosure
330.165	Criteria for Adverse Licensure Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to be Made Available to the Public By the Department
330.230	Information to be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitoring and Receivership
330.271	Presentation of Findings
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties

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- 330.288 Reduction or Waiver of Penalties
- 330.290 Quarterly List of Violators (Repealed)
- 330.300 Alcoholism Treatment Programs In Long-Term Care Facilities
- 330.310 Department May Survey Facilities Formerly Licensed
- 330.315 Supported Congregate Living Arrangement Demonstration
- 330.320 Waivers
- 330.330 Definitions
- 330.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

- Section
- 330.510 Administrator

SUBPART C: POLICIES

- Section
- 330.710 Resident Care Policies
- 330.720 Admission and Discharge Policies
- 330.730 Contract Between Resident and Facility
- 330.740 Residents' Advisory Council
- 330.750 General Policies
- 330.760 Personnel Policies
- 330.765 Initial Health Evaluation for Employees
- 330.770 Disaster Preparedness
- 330.780 Serious Incidents and Accidents
- 330.785 Contacting Local Law Enforcement
- 330.790 Infection Control
- 330.795 Language Assistance Services

SUBPART D: PERSONNEL

- Section
- 330.910 Personnel
- 330.911 Health Care Worker Background Check
- 330.913 Nursing and Personal Care Assistants (Repealed)
- 330.916 Student Interns (Repealed)
- 330.920 Consultation Services
- 330.930 Personnel Policies

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## SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

## Section

330.1110	Medical Care Policies
330.1120	Personal Care
330.1125	Life Sustaining Treatments
330.1130	Communicable Disease Policies
330.1135	Tuberculin Skin Test Procedures
330.1140	Behavior Emergencies (Repealed)
330.1145	Restraints
330.1150	Emergency Use of Physical Restraints
330.1155	Unnecessary, Psychotropic, and Antipsychotic Drugs
330.1160	Vaccinations

## SUBPART F: RESTORATIVE SERVICES

## Section

330.1310	Activity Program
330.1320	Work Programs
330.1330	Written Policies for Restorative Services
330.1340	Volunteer Program

## SUBPART G: MEDICATIONS

## Section

330.1510	Medication Policies
330.1520	Administration of Medication
330.1530	Labeling and Storage of Medications

## SUBPART H: RESIDENT AND FACILITY RECORDS

## Section

330.1710	Resident Record Requirements
330.1720	Content of Medical Records
330.1730	Records Pertaining to Residents' Property
330.1740	Retention and Transfer of Resident Records
330.1750	Other Resident Record Requirements
330.1760	Retention of Facility Records
330.1770	Other Facility Record Requirements

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SUBPART I: FOOD SERVICE

Section

- 330.1910 Director of Food Services
- 330.1920 Dietary Staff in Addition to Director of Food Services
- 330.1930 Hygiene of Dietary Staff
- 330.1940 Diet Orders
- 330.1950 Meal Planning
- 330.1960 Therapeutic Diets (Repealed)
- 330.1970 Scheduling of Meals
- 330.1980 Menus and Food Records
- 330.1990 Food Preparation and Service
- 330.2000 Food Handling Sanitation
- 330.2010 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section

- 330.2210 Maintenance
- 330.2220 Housekeeping
- 330.2230 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

- 330.2410 Furnishings
- 330.2420 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

- 330.2610 Codes
- 330.2620 Water Supply
- 330.2630 Sewage Disposal
- 330.2640 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW  
SHELTERED CARE FACILITIES

Section

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330.2810	Applicable Requirements (Repealed)
330.2820	Applicability of These Standards
330.2830	Submission of a Program Narrative
330.2840	New Constructions, Additions, Conversions, and Alterations
330.2850	Preparation and Submission of Drawings and Specifications
330.2860	First Stage Drawings
330.2870	Second Stage Drawings
330.2880	Architectural Drawings
330.2890	Structural Drawings
330.3000	Mechanical Drawings
330.3010	Electrical Drawings
330.3020	Additions to Existing Structures
330.3030	Specifications
330.3040	Building Codes
330.3050	Site
330.3060	General Building Requirements
330.3070	Administration
330.3080	Corridors
330.3090	Bath and Toilet Rooms
330.3100	Living, Dining, Activity Rooms
330.3110	Bedrooms
330.3120	Special Care Room
330.3130	Kitchen
330.3140	Laundry
330.3150	Housekeeping, Service, and Storage
330.3160	Plumbing
330.3170	Heating
330.3180	Electrical

SUBPART N: FIRE PROTECTION STANDARDS FOR NEW  
SHELTERED CARE FACILITIES

Section	
330.3310	Applicable Requirements (Repealed)
330.3320	Applicability of These Standards
330.3330	Fire Protection
330.3340	Fire Department Service and Water Supply
330.3350	General Building Requirements
330.3360	Exit Facilities and Subdivision of Floor Areas
330.3370	Stairways, Vertical Openings, and Doorways

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330.3380	Corridors
330.3390	Exit Lights and Directional Signs
330.3400	Hazardous Areas and Combustible Storage
330.3410	Fire Alarm and Detection System
330.3420	Fire Extinguishers, Electric Wiring, and Miscellaneous
330.3430	Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR  
EXISTING SHELTERED CARE FACILITIES

Section	
330.3610	Site
330.3620	General Building Requirements
330.3630	Administration
330.3640	Corridors
330.3650	Bath and Toilet Rooms
330.3660	Living, Dining, and Activity Rooms
330.3670	Bedrooms
330.3680	Special Care Room
330.3690	Kitchen
330.3700	Laundry Room
330.3710	Housekeeping and Service Rooms and Storage Space
330.3720	Plumbing and Heating
330.3730	Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING  
SHELTERED CARE FACILITIES

Section	
330.3910	Fire Protection
330.3920	Fire Department Service and Water Supply
330.3930	Occupancy and Fire Areas
330.3940	Exit Facilities and Subdivision of Floor Areas
330.3950	Stairways, Vertical Openings, and Doorways
330.3960	Exit and Fire Escape Lights and Directional Signs
330.3970	Hazardous Areas and Combustible Storage
330.3980	Fire Alarm and Detection System
330.3990	Fire Extinguishers, Electric Wiring, and Miscellaneous
330.4000	Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

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## SUBPART Q: RESIDENT'S RIGHTS

## Section

330.4210	General
330.4220	Medical and Personal Care Program
330.4230	Restraints (Repealed)
330.4240	Abuse and Neglect
330.4250	Communication and Visitation
330.4260	Resident's Funds
330.4270	Residents' Advisory Council
330.4280	Contract With Facility
330.4290	Private Right of Action
330.4300	Transfer or Discharge
330.4310	Complaint Procedures
330.4320	Confidentiality
330.4330	Facility Implementation

## SUBPART R: DAY CARE PROGRAMS

## Section

330.4510	Day Care in Long-Term Care Facilities
330.APPENDIX A	Interpretation, Components, and Illustrative Services for Sheltered Care Facilities (Repealed)
330.APPENDIX B	Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)
330.APPENDIX C	Forms for Day Care in Long-Term Care Facilities
330.APPENDIX D	Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
330.APPENDIX E	Guidelines for the Use of Various Drugs
330.TABLE A	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November

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15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective October 15, 1994; amended at 19 Ill. Reg. 11567, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 552, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 10125, effective July 15, 1996; amended at 20 Ill. Reg. 12160, effective September 10, 1996; amended at 22 Ill. Reg. 4078, effective February 13, 1998; amended at 22 Ill. Reg. 7203, effective April 15, 1998; amended at 22 Ill. Reg. 16594, effective September 18, 1998; amended at 23 Ill. Reg. 1085, effective January 15, 1999; amended at 23 Ill. Reg. 8064, effective July 15, 1999; amended at 24 Ill. Reg. 17304, effective November 1, 2000; amended at 25 Ill. Reg. 4901, effective April 1, 2001; amended at 26 Ill. Reg. 4859, effective April 1, 2002; amended at 26 Ill. Reg. 10559, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2202, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5473, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5886, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14218, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15880, effective September 25, 2003; amended at 27 Ill. Reg. 18130, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3541, effective November 15, 2003; amended at 28 Ill. Reg. 11195, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11879, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15156, effective September 23, 2005, for the remainder of the maximum 150 days; amended at 29 Ill. Reg. 12891, effective August 2, 2005; amended at 30 Ill. Reg. 1439, effective January 23, 2006.

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## SUBPART A: GENERAL PROVISIONS

**Section 330.120 Application for License**

- a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate a sheltered care facility shall submit application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed. The application form and other required information shall be submitted and approved prior to surveys of the physical plant or review of building plans and specifications.
- ~~b) An application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act [20 ILCS 3960].~~
- b)e) Application for a license to establish or operate a sheltered care facility shall be made in writing and submitted, with other such information as the Department may require, on forms provided by the Department. (Section 3-103(1) of the Act)
- ~~c)d) All license applications shall be accompanied with an application fee of \$995. The fee for an annual license shall be based on the licensed capacity of the facility and shall be determined as follows: 0-49 licensed beds, a flat fee of \$500; 50-99 licensed beds, a flat fee of \$750; and for any facility with 100 or more licensed beds, a fee of \$1,000 plus \$10 per licensed bed. The fee for a 2-year license shall be double the fee for the annual license. (Section 3-103(2) of the Act)~~
- d)e) The application shall be under oath and the submission of false or misleading information shall be a Class A misdemeanor. The application shall contain the following information:
- 1) The name and address of the applicant if an individual, and if a firm, partnership, or association, of every member thereof, and in the case of a corporation, the name and address thereof and of its officers and its registered agent, and in the case of a unit of local government, the name and address of its chief executive officer;
  - 2) The name and location of the facility for which a license is sought;

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- 3) *The name of the person or persons under whose management or supervision the facility will be conducted;*
- 4) *The number and type of residents for which maintenance, personal care, or nursing is to be provided; and*
- 5) *Such information relating to the number, experience, and training of the employees of the facility, any management agreements for the operation of the facility, and of the moral character of the applicant and employees as the Department may deem necessary. (Section 3-103(2) of the Act)*

| e)f Ownership Change or Discontinuation

- 1) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the facility is sold or leased; when operation is discontinued; when operation is moved to a new location; when the licensee (if an individual) dies; when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be.
- 2) A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases.

| d)g *Each initial application shall be accompanied by a financial statement setting forth the financial condition of the applicant and by a statement from the unit of local government having zoning jurisdiction over the facility's location stating that the location of the facility is not in violation of a zoning ordinance. An initial application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act. After the application is approved, the applicant shall advise the Department every six months of any changes in the information originally provided in the application. (Section 3-103(3) of the Act)*

| g)h *The Department may issue licenses or renewals for periods of not less than six months nor more than 18 months for facilities with annual licenses and not less than 18 months nor more than 30 months for facilities with 2-year licenses in order to distribute the expiration dates of such licenses throughout the calendar year. The fees for such licenses shall be pro-rated on the basis of the portion of*

DEPARTMENT OF PUBLIC HEALTH

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*the year for which they are issued.* (Section 3-110 of the Act)

(Source: Amended at 30 Ill. Reg. 1439, effective January 23, 2006)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

340.1317                      New Section                      29 Ill. Reg. 13429; September 2, 2005

- 15) Summary and purpose of the amendment: Section 340.1120 (Application for License) is being amended to change the license application fee from a fee based on the licensed capacity of the facility to a flat fee of \$995. The rulemaking reflects P.A. 93-841, which amended the Nursing Home Care Act to establish the \$995 fee.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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

217/782-2043  
e-mail: [rules@idph.state.il.us](mailto:rules@idph.state.il.us)

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

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 340  
ILLINOIS VETERANS' HOMES CODE

SUBPART A: GENERAL PROVISIONS

Section	
340.1000	Definitions
340.1010	Incorporated and Referenced Materials
340.1110	General Requirements
340.1115	Federal Veterans' Regulations
340.1120	Application for License
340.1125	Alzheimer's Special Care Disclosure
340.1130	Criteria for Adverse Licensure Actions
340.1140	Denial of Initial License
340.1150	Revocation or Denial of Renewal of License
340.1160	Inspections, Surveys, Evaluations, and Consultations
340.1170	Presentation of Findings by the Department
340.1190	Ownership Disclosure
340.1200	Monitor and Receivership
340.1210	Determination of a Violation
340.1220	Determination of the Level of a Violation
340.1230	Plans of Correction and Reports of Correction
340.1240	Calculation of Penalties
340.1245	Conditions for Assessment of Penalties
340.1250	Reduction or Waiver of Penalties
340.1255	Supported Congregate Living Arrangement Demonstration
340.1260	Waivers

SUBPART B: POLICIES AND FACILITY RECORDS

Section	
340.1300	Facility Policies
340.1310	Admission and Discharge Policies
340.1320	Disaster Preparedness
340.1330	Serious Incidents and Accidents
340.1335	Infection Control

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- 340.1340 Facility Record Requirements
- 340.1350 Personnel Policies
- 340.1360 Initial Health Evaluation for Employees
- 340.1370 Administrator
- 340.1375 Personnel Requirements
- 340.1376 Registry of Certified Nursing Assistants
- 340.1377 Health Care Worker Background Check
- 340.1378 Resident Attendants
- 340.1380 Contacting Local Law Enforcement

## SUBPART C: RESIDENT RIGHTS

## Section

- 340.1400 Implementation of Resident Rights and Facility Responsibilities
- 340.1410 General
- 340.1420 Contract Between Resident and Facility
- 340.1430 Residents' Advisory Council
- 340.1440 Abuse and Neglect
- 340.1450 Communication and Visitation
- 340.1460 Resident's Funds
- 340.1470 Transfer or Discharge
- 340.1480 Complaint Procedures
- 340.1490 Private Right of Action

## SUBPART D: HEALTH SERVICES

## Section

- 340.1500 Medical Care Policies
- 340.1505 Medical, Nursing and Restorative Services
- 340.1510 Communicable Disease Policies
- 340.1520 Tuberculin Skin Test Procedures
- 340.1530 Physician Services
- 340.1535 Dental Programs
- 340.1540 Life-Sustaining Treatments
- 340.1550 Obstetrical and Gynecological Care
- 340.1560 Nursing Personnel
- 340.1570 Personal Care
- 340.1580 Restraints
- 340.1590 Nonemergency Use of Physical Restraints
- 340.1600 Emergency Use of Physical Restraints

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- 340.1610 Unnecessary, Psychotropic, and Antipsychotic Drugs
- 340.1620 Medication Administration (Repealed)
- 340.1630 Self-Administration of Medication (Renumbered)
- 340.1640 Vaccinations
- 340.1645 Language Assistance Services

## SUBPART E: MEDICATIONS

## Section

- 340.1650 Medication Policies and Procedures
- 340.1655 Compliance with Licensed Prescriber's Orders
- 340.1660 Administration of Medication
- 340.1665 Control of Medication
- 340.1670 Labeling and Storage of Medication
- 340.1675 Self-Administration of Medication

## SUBPART F: RESIDENT LIVING SERVICES

## Section

- 340.1700 Recreational and Activity Programs
- 340.1710 Social Services
- 340.1720 Work Programs
- 340.1730 Volunteer Program

## SUBPART G: RESIDENT RECORDS

## Section

- 340.1800 Resident Record Requirements
- 340.1810 Content of Medical Records
- 340.1820 Records Pertaining to Resident's Property
- 340.1830 Retention, Transfer, and Inspection of Records
- 340.1840 Confidentiality of Resident's Records

## SUBPART H: FOOD SERVICE

## Section

- 340.1900 Food Service Staff
- 340.1910 Diet Orders
- 340.1920 Meal Planning
- 340.1930 Therapeutic Diets (Repealed)

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- 340.1940 Menus and Food Records
- 340.1950 Food Preparation and Service
- 340.1960 Kitchen Equipment, Utensils and Supplies

SUBPART I: PHYSICAL PLANT SERVICES,  
FURNISHINGS, EQUIPMENT AND SUPPLIES

## Section

- 340.2000 Maintenance
- 340.2010 Water Supply, Sewage Disposal and Plumbing
- 340.2020 Housekeeping
- 340.2030 Laundry Services
- 340.2040 Furnishings
- 340.2050 Equipment and Supplies

340.TABLE A Heat Index Table/Apparent Temperature

340.TABLE B Guidelines for the Use of Various Drugs

**AUTHORITY:** Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

**SOURCE:** Emergency rule adopted at 18 Ill. Reg. 10391, effective June 21, 1994, for a maximum of 150 days; emergency rule expired November 18, 1994; adopted at 19 Ill. Reg. 5679, effective April 3, 1995; emergency amendment at 20 Ill. Reg. 496, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10045, effective July 15, 1996; amended at 20 Ill. Reg. 12013, effective September 10, 1996; amended at 22 Ill. Reg. 3959, effective February 13, 1998; amended at 22 Ill. Reg. 7162, effective April 15, 1998; amended at 23 Ill. Reg. 1038, effective January 15, 1999; amended at 23 Ill. Reg. 7931, effective July 15, 1999; amended at 24 Ill. Reg. 17225, effective November 1, 2000; amended at 25 Ill. Reg. 4869, effective April 1, 2001; amended at 26 Ill. Reg. 4870, effective April 1, 2002; amended at 26 Ill. Reg. 10589, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2222, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; amended at 27 Ill. Reg. 5903, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14230, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15904, effective September 25, 2003; amended at 27 Ill. Reg. 18148, effective November 15, 2003; amended at 28 Ill. Reg. 11209, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11931, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15208, effective September 23, 2005, for the remainder of the maximum 150 days; amended at 29 Ill. Reg. 12924, effective August 2, 2005; amended at 30 Ill. Reg. 1452, effective January 23, 2006.

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## SUBPART A: GENERAL PROVISIONS

**Section 340.1120 Application for License**

- a) Application for a license to establish or operate a facility shall be made in writing and submitted, with other such information as the Department may require, on forms provided by the Department.
- b) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when a new license is issued to operate the facility; or when operation is discontinued; or when operation is moved to a new location; or when the licensee (if an individual) dies; or when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be.
- c) *All license applications shall be accompanied with an application fee of \$995. ~~The fee for an annual license shall be based on the licensed capacity of the facility and shall be determined as follows: 0-49 licensed beds, a flat fee of \$500; 50-99 licensed beds, a flat fee of \$750; and for any facility with 100 or more licensed beds, a fee of \$1,000 plus \$10 per licensed bed.~~ The fee for a 2-year license shall be double the fee for the annual license. (Section 3-103(2) of the Act)*
- d) *The Department may issue licenses or renewals for periods of not less than six months nor more than 18 months for facilities with annual licenses and not less than 18 months nor more than 30 months for facilities with 2-year licenses in order to distribute the expiration dates of such licenses throughout the calendar year. Fees for such licenses shall be prorated on the basis of the portion of a year for which they are issued. (Section 3-110 of the Act)*
- e) The licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110(b) of the Act for the last 24 consecutive months.
- f) *A renewal application shall not be approved unless the applicant has provided to the Department an accurate disclosure document in accordance with the Alzheimer's Special Care Disclosure Act [220 ILCS 4] and Section 340.1125 of this Part, if applicable. (Section 3-115 of the Act)*

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(Source: Amended at 30 Ill. Reg. 1452, effective January 23, 2006)

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- 1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 350
- 3) Section Number: 350.120                      Adopted Action: Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective date of rulemaking: January 23, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notices of Proposal was Published in Illinois Register: 29 Ill. Reg. 1818; February 4, 2005
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Difference between proposal and final version: Various typographical, grammatical and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
350.330	Amendment	29 Ill. Reg. 13460; September 2, 2005
350.625	Amendment	29 Ill. Reg. 13460; September 2, 2005
350.630	Amendment	29 Ill. Reg. 13460; September 2, 2005
350.635	New Section	29 Ill. Reg. 13460; September 2, 2005
350.636	New Section	29 Ill. Reg. 13460; September 2, 2005
350.637	New Section	29 Ill. Reg. 13460; September 2, 2005

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15) Summary and purpose of Rulemaking: This rulemaking deletes a per bed license fee. There will be no fee for locations licensed under this Part. Public Act 93-841 amended Section 3-103 of the Nursing Home Care Act to exempt facilities that pay a fee or assessment pursuant to Article V-C of the Illinois Public Aid Code from the licensure fee. Article V-C imposes an assessment on each developmentally disabled care provider in an amount equal to 6% of its adjusted gross developmentally disabled care revenue for the prior State fiscal year.

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

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

217/782-2043  
e-mail: [rules@idph.state.il.us](mailto:rules@idph.state.il.us)

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

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## NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIES

## PART 350

## INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse Licensure Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties

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350.290	Quarterly List of Violators (Repealed)
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.315	Supported Congregate Living Arrangement Demonstration
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

## SUBPART B: ADMINISTRATION

Section	
350.510	Administrator

## SUBPART C: POLICIES

Section	
350.610	Management Policies
350.620	Resident Care Policies
350.625	Determination of Need Screening
350.630	Admission and Discharge Policies
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.681	Health Care Worker Background Check
350.682	Resident Attendants
350.683	Registry of Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Serious Incidents and Accidents
350.750	Contacting Local Law Enforcement
350.760	Infection Control

## SUBPART D: PERSONNEL

Section	
350.810	Personnel
350.820	Consultation Services

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350.830 Personnel Policies (Repealed)

## SUBPART E: RESIDENT LIVING SERVICES

## Section

350.1010 Service Programs  
350.1020 Psychological Services  
350.1030 Social Services  
350.1040 Speech Pathology and Audiology Services  
350.1050 Recreational and Activities Services  
350.1055 Volunteer Program  
350.1060 Training and Habilitation Services  
350.1070 Training and Habilitation Staff  
350.1080 Restraints  
350.1082 Nonemergency Use of Physical Restraints  
350.1084 Emergency Use of Physical Restraints  
350.1086 Unnecessary, Psychotropic, and Antipsychotic Drugs  
350.1088 Language Assistance Services

## SUBPART F: HEALTH SERVICES

## Section

350.1210 Health Services  
350.1220 Physician Services  
350.1223 Communicable Disease Policies  
350.1225 Tuberculin Skin Test Procedures  
350.1230 Nursing Services  
350.1235 Life-Sustaining Treatments  
350.1240 Dental Services  
350.1250 Physical and Occupational Therapy Services  
350.1260 Vaccinations

## SUBPART G: MEDICATIONS

## Section

350.1410 Medication Policies and Procedures  
350.1420 Compliance with Licensed Prescriber's Orders  
350.1430 Administration of Medication  
350.1440 Labeling and Storage of Medications  
350.1450 Control of Medications

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## SUBPART H: RESIDENT AND FACILITY RECORDS

## Section

- 350.1610 Resident Record Requirements
- 350.1620 Content of Medical Records
- 350.1630 Confidentiality of Resident's Records
- 350.1640 Records Pertaining to Residents' Property
- 350.1650 Retention and Transfer of Resident Records
- 350.1660 Other Resident Record Requirements
- 350.1670 Staff Responsibility for Medical Records
- 350.1680 Retention of Facility Records
- 350.1690 Other Facility Record Requirements

## SUBPART I: FOOD SERVICE

## Section

- 350.1810 Director of Food Services
- 350.1820 Dietary Staff in Addition to Director of Food Services
- 350.1830 Hygiene of Dietary Staff
- 350.1840 Diet Orders
- 350.1850 Meal Planning
- 350.1860 Therapeutic Diets (Repealed)
- 350.1870 Scheduling Meals
- 350.1880 Menus and Food Records
- 350.1890 Food Preparation and Service
- 350.1900 Food Handling Sanitation
- 350.1910 Kitchen Equipment, Utensils, and Supplies

## SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

## Section

- 350.2010 Maintenance
- 350.2020 Housekeeping
- 350.2030 Laundry Services

## SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

## Section

- 350.2210 Furnishings

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350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

- 350.2410 Codes
- 350.2420 Water Supply
- 350.2430 Sewage Disposal
- 350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

- 350.2610 Applicability of These Standards
- 350.2620 Codes and Standards
- 350.2630 Preparation of Drawings and Specifications
- 350.2640 Site
- 350.2650 Administration and Public Areas
- 350.2660 Nursing Unit
- 350.2670 Dining, Living, Activities Rooms
- 350.2680 Therapy and Personal Care
- 350.2690 Service Departments
- 350.2700 General Building Requirements
- 350.2710 Structural
- 350.2720 Mechanical Systems
- 350.2730 Plumbing Systems
- 350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

- 350.2910 Applicability
- 350.2920 Codes and Standards
- 350.2930 Preparation of Drawings and Specifications
- 350.2940 Site
- 350.2950 Administration and Public Areas
- 350.2960 Nursing Unit
- 350.2970 Living, Dining, Activities Rooms

## DEPARTMENT OF PUBLIC HEALTH

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350.2980	Treatment and Personal Care
350.2990	Service Department
350.3000	General Building Requirements
350.3010	Structural
350.3020	Mechanical Systems
350.3030	Plumbing Systems
350.3040	Electrical Requirements

## SUBPART O: RESIDENT'S RIGHTS

Section	
350.3210	General
350.3220	Medical and Personal Care Program
350.3230	Restraints (Repealed)
350.3240	Abuse and Neglect
350.3250	Communication and Visitation
350.3260	Resident's Funds
350.3270	Residents' Advisory Council
350.3280	Contract With Facility
350.3290	Private Right of Action
350.3300	Transfer or Discharge
350.3310	Complaint Procedures
350.3320	Confidentiality
350.3330	Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR  
THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

Section	
350.3710	Applicability of Other Provisions of this Part
350.3720	Administration
350.3730	Admission and Discharge Policies
350.3740	Personnel
350.3750	Consultation Services and Nursing Services
350.3760	Medication Policies
350.3770	Food Services
350.3780	Codes and Standards
350.3790	Administration and Public Areas
350.3800	Bedrooms
350.3810	Nurses Station

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350.3820	Bath and Toilet Rooms
350.3830	Utility Rooms
350.3840	Living, Dining, Activity Rooms
350.3850	Therapy and Personal Care
350.3860	Kitchen
350.3870	Laundry Room
350.3880	General Building Requirements
350.3890	Corridors
350.3900	Special Care Room
350.3910	Exit Facilities and Subdivision of Floor Areas
350.3920	Stairways, Vertical Openings and Doorways
350.3930	Hazardous Areas and Combustible Storage
350.3940	Mechanical Systems
350.3950	Heating, Cooling, and Ventilating Systems
350.3960	Plumbing Systems
350.3970	Electrical Systems
350.3980	Fire Alarm and Detection System
350.3990	Emergency Electrical System
350.4000	Fire Protection
350.4010	Construction Types
350.4020	Equivalencies
350.4030	New Construction Requirements

## SUBPART Q: DAY CARE PROGRAMS

## Section

350.4210	Day Care in Long-Term Care Facilities
350.APPENDIX A	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
350.APPENDIX B	Federal Requirements Regarding Residents' Rights (Repealed)
350.APPENDIX C	Seismic Zone Map
350.APPENDIX D	Forms For Day Care in Long-Term Care Facilities
350.APPENDIX E	Guidelines for the Use of Various Drugs
350.TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled

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- 350.TABLE D Food Service Sanitation Rules, 77 Illinois Admin. Code 750, 1983  
Applicable for New Intermediate Care Facilities for the Developmentally  
Disabled of 16 Beds or Less
- 350.TABLE E Construction Types and Sprinkler Requirements for New Intermediate  
Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or  
Less
- 350.TABLE F Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective September 18, 1998; amended at 23 Ill. Reg. 1052, effective January 15, 1999; amended at 23 Ill. Reg. 7970, effective July 15, 1999; amended at 24 Ill. Reg. 17254, effective November 1, 2000; amended at 25 Ill. Reg. 4879, effective April 1, 2001; amended at 25 Ill. Reg. 6499, effective May 15, 2001; amended at 26 Ill. Reg. 4878, effective April 1, 2002; amended at 26 Ill. Reg. 10611, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2238, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5489, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5924, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14237, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15924, effective September 25, 2003; amended at 27 Ill. Reg. 18160, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3552, effective November 15, 2003; amended at 28 Ill. Reg. 7653, effective May 24, 2004; amended at 28 Ill. Reg. 11217, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11971, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15247, effective September 23, 2005, for the remainder of the maximum 150 days; amended at 29 Ill. Reg. 12954, effective August 2, 2005; amended at 30 Ill. Reg. 1460, effective January 23, 2006.

## SUBPART A: GENERAL PROVISIONS

**Section 350.120 Application for License**

- a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate an intermediate care facility or skilled nursing facility shall submit application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed. The application form and other required information shall be submitted and approved prior to surveys of the physical plant or review of building plans and specifications.

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- b) An application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act [20 ILCS 3960].
- c) *Application* for a license to establish or *operate* an intermediate care *facility* for persons with developmental disabilities *shall be made* in writing and submitted, with other such information as the Department may require, *on forms* provided by the Department. (Section 3-103(1) of the Act)
- ~~d) *All license applications shall be accompanied with an application fee. The fee for an annual license shall be based on the licensed capacity of the facility and shall be determined as follows: 0-49 licensed beds, a flat fee of \$500; 50-99 licensed beds, a flat fee of \$750; and for any facility with 100 or more licensed beds, a fee of \$1,000 plus \$10 per licensed bed. The fee for a 2-year license shall be double the fee for the annual license. (Section 3-103(2) of the Act)*~~
- d)e) *The application shall be under oath and the submission of false or misleading information shall be a Class A misdemeanor. The application shall contain the following information:*
- 1) *The name and address of the applicant if an individual, and if a firm, partnership, or association, of every member thereof, and in the case of a corporation, the name and address thereof and of its officers and its registered agent, and in the case of a unit of local government, the name and address of its chief executive officer;*
  - 2) *The name and location of the facility for which a license is sought;*
  - 3) *The name of the person or persons under whose management or supervision the facility will be conducted;*
  - 4) *The number and type of residents for which maintenance, personal care, or nursing is to be provided; and*
  - 5) *Such information relating to the number, experience, and training of the employees of the facility, any management agreements for the operation of the facility, and of the moral character of the applicant and employees as the Department may deem necessary. (Section 3-103(2) of the Act)*
- e)f) Ownership Change or Discontinuation

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

- 1) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the facility is sold or leased; when operation is discontinued; when operation is moved to a new location; when the licensee (if an individual) dies; when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be.
- 2) A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases.

*dg) Each initial application shall be accompanied by a financial statement setting forth the financial condition of the applicant and by a statement from the unit of local government having zoning jurisdiction over the facility's location stating that the location of the facility is not in violation of a zoning ordinance. An initial application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act. After the application is approved, the applicant shall advise the Department every six months of any changes in the information originally provided in the application. (Section 3-103(3) of the Act)*

*g)h) The Department may issue licenses or renewals for periods of not less than six months nor more than 18 months for facilities with annual licenses and not less than 18 months nor more than 30 months for facilities with 2-year licenses in order to distribute the expiration dates of such licenses throughout the calendar year. The fees for such licenses shall be pro-rated on the basis of the portion of the year for which they are issued. (Section 3-110 of the Act)*

(Source: Amended at 30 Ill. Reg. 1460, effective January 23, 2006)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

390.637                      New Section                      29 Ill. Reg. 13501; September 2, 2005

- 15) Summary and Purpose of Rulemaking: This rulemaking deletes a per-bed license fee. There will be no fee for locations licensed under this Part. Public Act 93-841 amended Section 3-103 of the Nursing Home Care Act to exempt facilities that pay a fee or assessment pursuant to Article V-C of the Illinois Public Aid Code from the licensure fee. Article V-C imposes an assessment on each developmentally disabled care provider in an amount equal to 6% of its adjusted gross developmentally disabled care revenue for the prior State fiscal year.

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

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

217/782-2043  
e-mail: [rules@idph.state.il.us](mailto:rules@idph.state.il.us)

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 390  
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	Licensee
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse Licensure Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to be Made Available to the Public by the Department
390.230	Information to Be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.271	Presentation of Findings
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties
390.288	Reduction or Waiver of Penalties

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

390.290	Quarterly List of Violators (Repealed)
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.315	Supported Congregate Living Arrangement Demonstration
390.320	Waivers
390.330	Definitions
390.340	Incorporated and Referenced Materials

## SUBPART B: ADMINISTRATION

Section	
390.500	Administrator

## SUBPART C: POLICIES

Section	
390.610	Management Policies
390.620	Resident Care Policies
390.630	Admission and Discharge Policies
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.681	Health Care Worker Background Check
390.682	Resident Attendants
390.683	Registry of Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Serious Incidents and Accidents
390.750	Contacting Local Law Enforcement
390.760	Infection Control

## SUBPART D: PERSONNEL

Section	
390.810	General
390.820	Categories of Personnel
390.830	Consultation Services

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

## SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

## Section

390.1010	Service Programs
390.1020	Medical Services
390.1025	Life-Sustaining Treatments
390.1030	Physician Services
390.1035	Tuberculin Skin Test Procedures
390.1040	Nursing Services
390.1050	Dental Care Services
390.1060	Physical and Occupational Therapy Services
390.1070	Psychological Services
390.1080	Social Services
390.1090	Speech Pathology and Audiology Services
390.1100	Recreational and Activity Services
390.1110	Educational Services
390.1120	Work Activity and Prevocational Training Services
390.1130	Communicable Disease Policies
390.1140	Vaccinations
390.1150	Language Assistance Services

## SUBPART F: RESTRAINTS AND BEHAVIOR MANAGEMENT

## Section

390.1310	Restraints
390.1312	Nonemergency Use of Physical Restraints
390.1314	Emergency Use of Physical Restraints
390.1316	Unnecessary, Psychotropic, and Antipsychotic Drugs
390.1320	Behavior Management
390.1330	Behavior Emergencies (Repealed)

## SUBPART G: MEDICATIONS

## Section

390.1410	Medication Policies and Procedures
390.1420	Compliance with Licensed Prescriber's Orders
390.1430	Administration of Medication
390.1440	Labeling and Storage of Medications
390.1450	Control of Medications

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

- 390.1610 Resident Record Requirements
- 390.1620 Content of Medical Records
- 390.1630 Confidentiality of Resident's Records
- 390.1640 Records Pertaining to Residents' Property
- 390.1650 Retention and Transfer of Resident Records
- 390.1660 Other Resident Record Requirements
- 390.1670 Staff Responsibility for Medical Records
- 390.1680 Retention of Facility Records
- 390.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

- 390.1810 Director of Food Services
- 390.1820 Dietary Staff in Addition to Director of Food Services
- 390.1830 Hygiene of Dietary Staff
- 390.1840 Diet Orders
- 390.1850 Meal Planning
- 390.1860 Infant and Therapeutic Diets
- 390.1870 Scheduling Meals
- 390.1880 Menus and Food Records
- 390.1890 Food Preparation and Service
- 390.1900 Preparation of Infant Formula
- 390.1910 Food Handling Sanitation
- 390.1920 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section

- 390.2010 Maintenance
- 390.2020 Housekeeping
- 390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

390.2210	Furnishings
390.2220	Equipment and Supplies
390.2230	Sterilization of Supplies and Equipment

## SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section	
390.2410	Codes
390.2420	Water Supply
390.2430	Sewage Disposal
390.2440	Plumbing

## SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section	
390.2610	Applicability of these Standards
390.2620	Codes and Standards
390.2630	Preparation of Drawings and Specifications
390.2640	Site
390.2650	Administration and Public Areas
390.2660	Nursing Unit
390.2670	Dining, Play, Activity/Program Rooms
390.2680	Therapy and Personal Care
390.2690	Service Departments
390.2700	General Building Requirements
390.2710	Structural
390.2720	Mechanical Systems
390.2730	Plumbing Systems
390.2740	Electrical Systems

## SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section	
390.2910	Applicability
390.2920	Codes and Standards
390.2930	Preparation of Drawings and Specifications
390.2940	Site
390.2950	Administration and Public Areas
390.2960	Nursing Unit
390.2970	Play, Dining, Activity/Program Rooms

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

390.2980	Treatment and Personal Care
390.2990	Service Department
390.3000	General Building Requirements
390.3010	Structural
390.3020	Mechanical Systems
390.3030	Plumbing Systems
390.3040	Electrical Requirements

## SUBPART O: RESIDENT'S RIGHTS

Section	
390.3210	General
390.3220	Medical and Personal Care Program
390.3230	Restraints (Repealed)
390.3240	Abuse and Neglect
390.3250	Communication and Visitation
390.3260	Resident's Funds
390.3270	Residents' Advisory Council
390.3280	Contract With Facility
390.3290	Private Right of Action
390.3300	Transfer or Discharge
390.3310	Complaint Procedures
390.3320	Confidentiality
390.3330	Facility Implementation

## SUBPART P: DAY CARE PROGRAMS

Section	
390.3510	Day Care in Long-Term Care Facilities
390.APPENDIX A	Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age (Repealed)
390.APPENDIX B	Forms for Day Care in Long-Term Care Facilities
390.APPENDIX C	Guidelines for the Use of Various Drugs
390.TABLE A	Infant Feeding
390.TABLE B	Daily Nutritional Requirements By Age Group
390.TABLE C	Sound Transmissions Limitations
390.TABLE D	Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age

## DEPARTMENT OF PUBLIC HEALTH

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390.TABLE E	Sprinkler Requirements
390.TABLE F	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill. Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective October 15, 1994; amended at 19 Ill. Reg. 11525, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 535, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10106, effective July 15, 1996; amended at 20 Ill. Reg. 12101, effective September 10, 1996; amended at 22 Ill. Reg. 4062, effective February 13, 1998; amended at 22 Ill. Reg. 7188, effective April 15, 1998; amended at 22 Ill. Reg. 16576, effective September 18, 1998; amended at 23 Ill. Reg. 1069, effective January 15, 1999; amended at 23 Ill. Reg. 8021, effective July 15, 1999; amended at 24 Ill. Reg. 17283, effective November 1, 2000; amended at 25 Ill. Reg. 4890, effective April 1, 2001; amended at 26 Ill. Reg. 4890, effective April 1, 2002; amended at 26 Ill. Reg. 10645, effective July 1, 2002; emergency amendment at 27 Ill. Reg.

## DEPARTMENT OF PUBLIC HEALTH

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2258, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5509, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5947, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14250, effective August 15, 2003, for a maximum of 150 days; emergency expired January 12, 2004; amended at 27 Ill. Reg. 15949, effective September 25, 2003; amended at 27 Ill. Reg. 18204, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3565, effective November 15, 2003; amended at 28 Ill. Reg. 11231, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 12025, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15301, effective September 23, 2005, for the remainder of the maximum 150 days; amended at 29 Ill. Reg. 12988, effective August 2, 2005; amended at 30 Ill. Reg. 1473, effective January 23, 2006.

## SUBPART A: GENERAL PROVISIONS

**Section 390.120 Application for License**

- a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate an intermediate care facility or skilled nursing facility shall submit application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed. The application form and other required information shall be submitted and approved prior to surveys of the physical plant or review of building plans and specifications.
- b) An application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act [20 ILCS 3960].
- c) *Application* for a license to establish or *operate* an intermediate care facility or skilled nursing *facility shall be made* in writing and submitted, with other such information as the Department may require, *on forms* provided by the Department. (Section 3-103(1) of the Act)
- d) ~~All license applications shall be accompanied with an application fee. The fee for an annual license shall be based on the licensed capacity of the facility and shall be determined as follows: 0-49 licensed beds, a flat fee of \$500; 50-99 licensed beds, a flat fee of \$750; and for any facility with 100 or more licensed beds, a fee of \$1,000 plus \$10 per licensed bed. The fee for a 2-year license shall be double the fee for the annual license. (Section 3-103(2) of the Act)~~

## DEPARTMENT OF PUBLIC HEALTH

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d)e) *The application shall be under oath and the submission of false or misleading information shall be a Class A misdemeanor. The application shall contain the following information:*

- 1) *The name and address of the applicant if an individual, and if a firm, partnership, or association, of every member thereof, and in the case of a corporation, the name and address thereof and of its officers and its registered agent, and in the case of a unit of local government, the name and address of its chief executive officer;*
- 2) *The name and location of the facility for which a license is sought;*
- 3) *The name of the person or persons under whose management or supervision the facility will be conducted;*
- 4) *The number and type of residents for which maintenance, personal care, or nursing is to be provided; and*
- 5) *Such information relating to the number, experience, and training of the employees of the facility, any management agreements for the operation of the facility, and of the moral character of the applicant and employees as the Department may deem necessary. (Section 3-103(2) of the Act)*

e)f) **Ownership Change or Discontinuation**

- 1) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the facility is sold or leased; when operation is discontinued; when operation is moved to a new location; when the licensee (if an individual) dies; when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be.
- 2) A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases.

f)g) *Each initial application shall be accompanied by a financial statement setting*

## DEPARTMENT OF PUBLIC HEALTH

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*forth the financial condition of the applicant and by a statement from the unit of local government having zoning jurisdiction over the facility's location stating that the location of the facility is not in violation of a zoning ordinance. An initial application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act. After the application is approved, the applicant shall advise the Department every six months of any changes in the information originally provided in the application. (Section 3-103(3) of the Act)*

| *g)h) The Department may issue licenses or renewals for periods of not less than six months nor more than 18 months for facilities with annual licenses and not less than 18 months for facilities with 2-year licenses in order for the Department to distribute the expiration dates of such licenses throughout the calendar year. The fees for such licenses shall be pro-rated on the basis of the portion of the year for which they are issued. (Section 3-110 of the Act)*

(Source: Amended at 30 Ill. Reg. 1473, effective January 23, 2006)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Pyrotechnic Distributor and Operator Licensing Rules
- 2) Code Citation: 41 Ill. Adm. Code 230
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
230.10	New Section
230.20	New Section
230.30	New Section
230.40	New Section
230.50	New Section
230.60	New Section
230.70	New Section
230.80	New Section
230.90	New Section
230.100	New Section
230.110	New Section
230.120	New Section
230.130	New Section
230.140	New Section
230.150	New Section
230.160	New Section
230.170	New Section
230.180	New Section
230.190	New Section
230.200	New Section
230.210	New Section
230.220	New Section
230.230	New Section
230.240	New Section
230.250	New Section
230.260	New Section
230.270	New Section
230.APPENDIX A.	New Section
230.APPENDIX B.	New Section
- 4) Statutory Authority: Authorized by and implementing Section 4.1 of the Fireworks Use Act [425 ILCS 35/4.1] and Section 30 of the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/30].
- 5) Effective Date of Rules: January 23, 2006

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF EMERGENCY RULES

- 6) If this emergency rule will expire before the end of the 150-day period, please specify the date on which it will expire? The emergency rule will not expire before the end of the 150-day period.
- 7) Date filed with the Index Department: January 23, 2006
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Office of the Illinois State Fire Marshal, 1035 Stevenson Drive, Springfield, IL. 62703.
- 9) Reason for the Emergency: The rules are necessary because the effective date of the statute is January 1, 2006, and the statute will control the pyrotechnic displays planned for 2006.
- 10) Complete Description of Subjects and Issues involved: The issues involved are the proper licensing of professional and consumer operators to conduct pyrotechnic displays and flame effect display in an outdoor setting in a safe manner so there is no danger to the audience attending the event. The subjects involved are the use of explosives and flammable gases in pyrotechnic displays of a theatrical nature in an outdoor setting.
- 11) Are there any proposed amendments to this Part Pending? No
- 12) Statement of Statewide Policy Objectives: The subjects involved in this rulemaking are the display, storage, use and permitting of pyrotechnic displays and flame effect displays. The issues involve the safe handling and operation of pyrotechnic and flame effect displays.
- 13) Information and questions regarding these emergency rules shall be directed to:

Misty Matykiewicz  
Director of the Fire Prevention Division  
Office of the State Fire Marshal  
1035 Stevenson Dr.  
Springfield, IL 62703-4259

Facsimile: 217-782-1062

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF EMERGENCY RULES

TITLE 41: FIRE PROTECTION  
CHAPTER I: STATE FIRE MARSHALPART 230  
PYROTECHNIC DISTRIBUTOR AND OPERATOR LICENSING RULES

## Section

- 230.10 Scope  
EMERGENCY
- 230.20 Definitions  
EMERGENCY
- 230.30 General Requirements for Pyrotechnic Displays  
EMERGENCY
- 230.40 Compliance Standards  
EMERGENCY
- 230.50 Qualifications for Distributor License  
EMERGENCY
- 230.60 Qualifications for Outdoor Professional License  
EMERGENCY
- 230.70 Qualifications for Proximate Audience License  
EMERGENCY
- 230.80 Qualifications for Flame Effect License  
EMERGENCY
- 230.90 Application for License  
EMERGENCY
- 230.100 Proximate Audience and Flame Effect Licensing Review Committee  
EMERGENCY
- 230.110 Written Examination for Proximate Audience License and/or Flame Effect License  
EMERGENCY
- 230.120 Use of Assistants  
EMERGENCY
- 230.130 License Renewal  
EMERGENCY
- 230.140 Fees  
EMERGENCY
- 230.150 Possession of License  
EMERGENCY
- 230.160 Notification to Office  
EMERGENCY

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF EMERGENCY RULES

- 230.170 Replacement and Duplicate License  
EMERGENCY
- 230.180 Report of Theft or Loss of Fireworks  
EMERGENCY
- 230.190 Reporting of Professional, Proximate Audience and Flame Effect Displays  
EMERGENCY
- 230.200 Report of Injury or Property Damage  
EMERGENCY
- 230.210 Inspections  
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**AUTHORITY:** Implementing and authorized by the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227] and Sections 4.1 of the Fireworks Use Act [425 ILCS 35/4.1].

**SOURCE:** Adopted by emergency rulemaking at 30 Ill. Reg. 1485, effective January 23, 2006.

**Section 230.10 Scope**  
**EMERGENCY**

This Part implements the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227] and applies to all individuals that distribute display fireworks or conduct pyrotechnic displays, or are responsible for the safety, setup, discharge and supervision of a pyrotechnic display in this State. This Part is intended to supplement the requirements of any federal, State or local law and regulations governing the distribution or sale of fireworks, including the safety, setup, discharge and supervision of pyrotechnic displays, but shall be construed, wherever possible, to avoid

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conflicting or duplicative requirements. In the event of a conflict between this Part and the laws and rules enforced by agencies of the federal government, including the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Occupational Safety and Health Administration, the laws and rules enforced by agencies of the federal government shall control; provided that provisions of this Part shall not be deemed to be in conflict on the basis that they are more specific than, more stringent than, or impose requirements for which no like requirements are contained in, laws and rules enforced by agencies of the federal government. Further, should there be a conflict between this Part and the laws and rules enforced by the local governmental agency, this Part shall control, provided that provisions of this Part are more specific than, more stringent than, or impose requirements for which no like requirements are contained in, laws and rules enforced by the local governmental agency.

**Section 230.20 Definitions  
EMERGENCY**

For purposes of this Part, the term:

*"1.3G fireworks" means fireworks that are used for professional outdoor displays and classified as fireworks UN0333, UN0334 or UN0335 by the United States Department of Transportation at 49 CFR 172.101. [225 ILCS 227/5] The United States Department of Transportation assigns the following division numbers to the above-referenced fireworks identification numbers: UN0333 (1.1G), UN0334 (1.2G), and UN0335 (1.3G). 49 CFR 172.101.*

"Act" means the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227].

"Applicant" means the individual applying for the license.

"Assistant" means an on-site individual who is at least 18 years of age and who, under the supervision of the lead operator, assists with the safety, setup and discharge of a pyrotechnic display.

*"BATFE" means the federal Bureau of Alcohol, Tobacco, Firearms and Explosives. [225 ILCS 227/5]*

*"Consumer fireworks" means fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 CFR Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation*

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*under 49 CFR 172.101. "Consumer fireworks" does not include a substance or article exempted under the Fireworks Use Act. [225 ILCS 227/5] The United States Department of Transportation assigns the following division numbers to the above-referenced fireworks identification numbers: UN0336 (1.4G), and UN0337 (1.4S). 49 CFR 172.101.*

*"Display fireworks" means any substance or article defined as a Division 1.3G explosive or special effects fireworks. [225 ILCS 227/5]*

*"Facility" means an area being used for the conducting of a pyrotechnic display business, but does not include residential premises except for the portion of any residential premises that is actually used in the conduct of a pyrotechnic display business. [225 ILCS 227/5]*

*"Flame effect" means the detonation, ignition, or deflagration of flammable gases, liquids or special materials to produce a thermal, physical, visual or audible effect before the public, invitees, or licensees, regardless of whether admission is charged in accordance with NFPA 160. [225 ILCS 227/5]*

"Flame effect license" means a license issued to a qualified lead pyrotechnic operator for flame effect displays. A license may be limited to a certain type of display, effect or location.

"IDNR" means the Illinois Department of Natural Resources.

"Illinois display report" means the report filed by the lead operator with the Office providing certain information with respect to the pyrotechnic display or flame effect show.

"Lead pyrotechnic operator" means the on-site individual, who is at least 21 years of age, *with overall responsibility for safety, setup, discharge, and supervision of the pyrotechnic display.* [225 ILCS 227/5]

"License" means the license issued by the Office pursuant to the Act and this Part.

"Licensee" means the individual licensed in accordance with the Act and this Part.

"NFPA" means the National Fire Protection Association, a nationally recognized standards-making organization, located at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471.

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*"Office" means the Office of the State Fire Marshal. [225 ILCS 227/5]*

"Officer" means:

if the business is a sole proprietorship, the owner of the business or any person exercising managerial control; or

if the business is a partnership, any partner who has at least 10% ownership interest or any partner who exercises managerial control; or

if the business is a corporation, any officer or director of the corporation or any person who has at least 10% ownership interest in such corporation or who exercises managerial control.

"Outdoor professional display" means an outdoor pyrotechnic display that uses 1.3G fireworks and is at least 75' from the audience in accordance with NFPA 1123.

"Outdoor professional license" means the license issued to a qualified lead pyrotechnic operator for 1.3G fireworks.

"Proscenium curtain" means the curtain, covering the opening of the stage, which is constructed and mounted in a manner which intercepts hot gases, flames and smoke and which prevents flame from a fire on the stage from becoming visible from the auditorium side.

"Proximate audience display" means a display of special effects fireworks that occurs within a building or structure, or occurs outside before an audience closer than 75' to the pyrotechnic or flame devices.

"Proximate audience license" means a license issued to a qualified lead pyrotechnic operator for proximate audience displays. Such license may be limited to a certain type of display, effect or location.

*"Pyrotechnic display" or "display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce a visual or audible effect of an exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged. [225 ILCS 227/5]*

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*"Pyrotechnic Distributor" or "distributor" means any person, company, association, group of persons, or corporation who distributes display fireworks for sale in the State of Illinois or provides them as part of a pyrotechnic display service in the State of Illinois or provides only pyrotechnic services. [225 ILCS 227/5]*

*"Special effects fireworks" means pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such and must be identified as "intended for indoor use". "Special effects fireworks" are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 CFR 172.101. [225 ILCS 227/5]*  
The United States Department of Transportation assigns the following division numbers to the above-referenced pyrotechnic article identification numbers: UN0431 (1.4G), and UN0432 (1.4S). 49 CFR 172.101

"Supervision" means direction and management of the activities of personnel in the safety, setup and display of a pyrotechnic display.

**Section 230.30 General Requirements for Pyrotechnic Displays**  
**EMERGENCY**

- a) All pyrotechnic displays require a permit issued by the appropriate local governmental authority in accordance with the Fireworks Use Act [425 ILCS 35].
- b) All pyrotechnic displays require the services of a licensed pyrotechnic distributor and a licensed lead operator in accordance with this Part.
- c) A licensed lead pyrotechnic operator shall be present during any pyrotechnic display and shall personally supervise all assistants, including all phases of the pyrotechnic or flame effect display.
- d) The fire chief of the local jurisdiction or his/her designee must inspect each display site to ensure that the site is safe to conduct a display.

**Section 230.40 Compliance Standards**  
**EMERGENCY**

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- a) All pyrotechnic displays, flame effect displays, and storage of such displays shall be conducted in accordance with the edition of the following copyrighted standards and recommended practices:
  - 1) NFPA 1123 (2000), Code for Fireworks Display;
  - 2) NFPA 1126 (2001), Use of Pyrotechnics Before a Proximate Audience, subject to the modifications identified in Section 230.250; or
  - 3) NFPA 160 (2001), Standard for Flame Effects Before an Audience, subject to the modifications identified in Section 230.260.
- b) Storage of display fireworks (1.3G and above) shall comply with the storage requirements set forth by BATFE at 27 CFR 555.1 et seq., or by IDNR pursuant to Article 3 of the Illinois Explosives Act [225 ILCS 210]. Should there be a conflict between the requirements established by BATFE and by IDNR, those requirements that are more specific, more stringent, or impose requirements for which no like requirements are contained in the other agency's requirements shall control.
- c) In addition to the preceding standards, all indoor pyrotechnic displays must meet the requirements of the Fireworks Use Act [425 ILCS 35] and may only be held in *buildings having an automatic sprinkler system* protecting the seating area and stage, or having an automatic sprinkler system protecting the stage that is equipped with a proscenium curtain, as required by NFPA Life Safety Code (2000), that will automatically deploy in the event of a fire. In no event may an effect be downstage of the curtain. [425 ILCS 35/2.1]
- d) The standards incorporated by reference in this Section include the Section specified only; no further amendments or editions are included.

**Section 230.50 Qualifications for Distributor License  
EMERGENCY**

- a) Except as provided herein, no license shall be granted to an applicant that has not reached the age of 21 and met the requirements of the Act (in particular Section 35) and paid the required application fee.
- b) The applicant must have a current license from the BATFE or proof from the BATFE that a license is in the process of being renewed. In the event the

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applicant distributes only flame effect pyrotechnic displays, the applicant must submit an affidavit, signed under penalties of perjury, identifying the full extent of pyrotechnic services the applicant provides, and all materials used therein. With respect to these pyrotechnic services, the applicant shall acknowledge that he or she does not transport, receive, distribute, possess, store, or acquire for use any material that requires a BATFE license.

- c) The applicant must have been issued an identification number and hazardous material registration number by the United States Department of Transportation. In the event the applicant distributes only flame effect pyrotechnic displays, and/or the applicant never transports materials in quantities that require registration with the United States Department of Transportation, the applicant must submit an affidavit, signed under penalties of perjury. In this affidavit, the applicant shall identify all materials he/she uses in the display services provided, the quantity of each material transported for these displays, and an acknowledgement that the applicant never transports materials in quantities that require registration with the United States Department of Transportation. In the event a flame effect pyrotechnic distributor transports materials in quantities that require registration, the applicant must have been issued an identification number and hazardous material registration number by the United States Department of Transportation. In the event the applicant never transports materials in quantities that require registration with the United States Department of Transportation, but takes possession of such materials at the display site, the applicant must maintain a file of all documentation concerning the transportation of such materials, and provide copies of such documents to OSFM upon request.
- d) At least 1 officer of a pyrotechnic distributor must be a licensed lead pyrotechnic operator for the type of display services provided.
- e) The applicant must provide proof of successful completion of the IDNR training program for pyrotechnic displays, including a current IDNR individual explosive license number. In the event the applicant distributes only flame effect displays, the applicant must provide proof of successful completion of the flame effect written examination administered by the Office in accordance with Section 230.110.
- f) *An out-of-state person hired for or engaged in a pyrotechnic display must have a pyrotechnic distributor license issued by the Office. [225 ILCS 227/10]*

**Section 230.60 Qualifications for Outdoor Professional License**

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**EMERGENCY**

- a) No license shall be granted to an applicant that has not reached the age of 21 and met the requirements of the Act and paid the required application fee.
- b) The applicant must have a current license from the BATFE or proof from the BATFE that a license is in the process of being renewed, or a Letter of Clearance from the BATFE.
- c) The applicant must provide proof of successful completion of IDNR training program for pyrotechnic displays, including a current IDNR individual explosive license number.

**Section 230.70 Qualifications for Proximate Audience License****EMERGENCY**

- a) No license shall be granted to an applicant that has not reached the age of 21 and met the requirements of the Act and paid the required application fee.
- b) The applicant must have a current license from the BATFE or proof from the BATFE that a license is in the process of being renewed, or a Letter of Clearance from the BATFE.
- c) The applicant must provide proof of successful completion of the IDNR training program for pyrotechnic displays, including a current IDNR individual explosive license number.
- d) An applicant for a Proximate Audience license must achieve a passing score of 80% on a written examination administered by the Office in accordance with Section 230.110.
- e) The applicant must submit evidence of experience that must include active participation in the safe performance of at least 10 proximate audience displays. The applicant must have performed the duties of a lead operator in at least 2 of these displays (either pursuant to a license from another state or under the supervision of a lead operator).
- f) Acceptable documentation of experience includes:

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- 1) A copy of a display permit from an issuing authority that lists the applicant as an operator or assistant, including a letter from the issuing authority documenting that there were no injuries or property damage sustained from the display; or
  - 2) A copy of the Illinois Display Report (see Section 230.190).
- g) Due to the special nature of proximate audience displays, the Office may issue either a proximate audience license or a limited proximate audience license that will license the individual to conduct only certain types of displays or effects or limit the show to a certain venue.

**Section 230.80 Qualifications for Flame Effect License  
EMERGENCY**

- a) No license shall be granted to an applicant that has not reached the age of 21 and met the requirements of the Act and paid the required application fee.
- b) An applicant for a flame effect license must achieve a passing score of 80% on a written examination administered by the Office in accordance with Section 230.110.
- c) The applicant must submit evidence of experience, which must include active participation as a lead operator or assistant in the safe performance of at least 10 flame effect displays. The applicant must have performed the duties of a lead operator in at least 2 of these flame effect displays (either pursuant to a license from another state or under the supervision of a lead operator).
- d) Acceptable documentation of experience includes:
  - 1) A copy of a display permit from an issuing authority that lists the applicant as an operator or assistant, including a letter from the issuing authority documenting that there were no injuries or property damage sustained from the flame effect display; or
  - 2) A copy of the Illinois Display Report (see Section 230.190).
- e) Due to the special nature of a flame effect display, the Office may issue a flame effect license or a limited flame effect license that will license the individual to conduct only certain types of effects or conduct shows limited to a certain venue.

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**Section 230.90 Application for License  
EMERGENCY**

- a) All applications for a pyrotechnic distributor license shall be signed and submitted on forms provided by the Office and shall include the following information:
- 1) The name and address of the business. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.
  - 2) The names and personal addresses of all officers of the business, including a copy of each officer's driver's license.
  - 3) The applicable license fee identified in Section 230.140.
  - 4) A Certificate of Insurance showing proof of not less than *\$1,000,000 in product liability insurance, \$1,000,000 in general liability insurance and proof of worker's compensation insurance*. Such insurance coverage shall provide for 30 days minimum coverage prior to written notice of cancellation to the Office. Such insurance coverage shall be an occurrence based policy, and it shall cover all periods of time when pyrotechnic materials, including flame effect materials, are in the insured's actual or constructive possession, including those times when the materials are being stored, transported, handled, used, discharged and displayed. [225 ILCS 227/35]
  - 5) A copy of the current license issued by the BATFE or proof from the BATFE that a license is in the process of being renewed. In the event the applicant distributes only flame effect pyrotechnic displays, the applicant shall submit a sworn affidavit as set forth in Section 230.50(b).
  - 6) The identification number and hazardous material registration number issued by the United States Department of Transportation. In the event the applicant distributes only flame effect pyrotechnic displays, and the applicant never transports materials in quantities that require registration with the United States Department of Transportation, the applicant shall submit a sworn affidavit as set forth in Section 230.50(c).
  - 7) Proof that the applicant met the requirements of Section 230.50.

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- 8) If providing display services, the name of the officer that is licensed for those types of services.
  - 9) A fingerprint card in the form and manner required by the Department of the State Police, and a fee specified by the Department of State Police for processing fingerprint cards as set forth in Section 230.270.
- b) The pyrotechnic distributor shall submit to the Office the applications of its employees applying for a lead pyrotechnic operator license. All applications for the license shall be signed by the applicant and submitted on forms provided by the Office and must be accompanied by the following additional information:
- 1) A copy of the applicant's driver's license or other government issued identification that includes the date of birth and photograph.
  - 2) A photograph (1¼" X 1½") taken within the preceding 2 years.
  - 3) A copy of the current license issued by BATFE or proof from the BATFE that a license is in the process of being renewed, or a Letter of Clearance. This document is required for both the outdoor display and proximate audience licenses.
  - 4) In the event the applicant participates in only flame effect pyrotechnic displays, the applicant shall submit an affidavit, signed under penalties of perjury, acknowledging that he/she only participates in the safety, setup, discharge, and supervision of flame effect pyrotechnic displays. Said affidavit shall acknowledge that, with regard to the services provided, the applicant does not transport, receive, distribute, possess, store, or acquire for use any material that requires a BATFE license.
  - 5) The applicable license fee identified in Section 230.140.
  - 6) Proof that the applicant met the requirements of Section 230.60(c), 230.70(c) or 230.80(b), whichever is applicable for the respective license.
  - 7) References from at least 3 individuals who can verify the experience reported or any training received by the applicant. All references must include the name, address, phone number, and the name of the agency or organization represented by the person submitting the reference.

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- 8) A fingerprint card in the form and manner required by the Department of the State Police, and a fee specified by the Department of State Police for processing fingerprint cards as set forth in Section 230.270.
- c) Upon receipt and review of the application, the Office shall issue the appropriate license or shall notify the applicant of the reason for the denial of the license.
- d) Depending on an applicant's professional qualifications, as evidenced by information and documents submitted with his/her application for a license, and on the nature and extent of an applicant's planned participation in permitted pyrotechnic displays, the Office may, within its sole discretion, issue a temporary license to an individual during the application process. Said temporary license shall expire upon receipt of the appropriate license or notification of denial of the license.

**Section 230.100 Proximate Audience and Flame Effect Licensing Review Committee  
EMERGENCY**

The State Fire Marshal shall appoint a review committee to review the experience and qualifications of an applicant for a proximate audience or flame effect license, and recommend the type of license to be issued.

- a) The committee shall consist of the following 3 members:
  - 1) The State Fire Marshal or his designee, as chair;
  - 2) One representative from a fire department that has experience in permitting proximate audience and flame effect displays within its jurisdiction; and
  - 3) One representative from a company that has experience in setting up and firing proximate audience and flame effect displays.
- b) Members shall serve without salary, but may receive reimbursement for reasonable expenses from the Office for appropriations for such purposes, in accordance with 80 Ill. Adm. Code 2800.
- c) All members shall have one vote.

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- d) Members shall serve a term of 2 years.
- e) Upon the expiration of a member's term of office, the State Fire Marshal shall reappoint that member, or appoint a successor who is a representative of the same interests, as identified in subsection (a).
- f) The State Fire Marshal may, at any time, remove any of the respective appointees for inefficiency or neglect of duty in office. In such instances, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests. Upon the death or incapacity of a member, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests.
- g) The committee shall meet each calendar quarter to review applications and at additional times as the committee deems necessary. The committee does not need to meet if there are no applications to review.

**Section 230.110 Written Examination for Proximate Audience License and/or Flame Effect License****EMERGENCY**

- a) An applicant for a proximate audience or flame effect license must have completed a written examination administered by the Office and achieved a passing score of at least 80%.
- b) The written examination is designed to demonstrate the applicant's knowledge of the Act, this Part, and NFPA 1126 and/or NFPA 160 standards relating to safe practices for the storage, use, handling, discharge and display of fireworks and flame effects.
- c) The examinations are administered by the Office at times scheduled during each calendar year. Contact the Office to obtain the examination schedule. There is a \$25 fee for taking the examination.
- d) Persons failing to achieve a passing score of at least 80% are eligible to retake the examination after 30 days.

**Section 230.120 Use of Assistants****EMERGENCY**

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No person may act as an assistant at any pyrotechnic display or flame effect display that has not reached the age of 18 and met the requirements of Section 35 of the Act.

**Section 230.130 License Renewal  
EMERGENCY**

- a) A license issued pursuant to this Part is valid for 3 years from the date of issuance.
- b) Outdoor professional, proximate audience and flame effect licensees may renew their license during the 60-day period preceding and 60-day period following the expiration date by submitting a renewal application on forms provided by the Office, together with the required fee. Said renewal applications shall be submitted by the Distributor for whom the licensee is employed.
- c) Any license that is not renewed within 60 days following its expiration will be cancelled. Except as set forth in subsection (g), any requests after that date to renew or restore will be treated as a new application.
- d) The extended renewal periods under subsections (b) and (g) do not allow a licensee to engage in any conduct or activities for which a license is required during the 60-day period after the license's expiration date.
- e) In addition, a licensee seeking to renew his/her outdoor professional, proximate audience or flame effect license must include with the renewal application evidence that the licensee participated in at least:
  - 1) 2 pyrotechnic displays as a lead operator for an outdoor professional display license;
  - 2) 6 proximate audience displays for a proximate audience license; or
  - 3) 6 flame effect displays for a flame effect license.
- f) Licensees must provide evidence of satisfactory completion of at least 6 hours of continuing education in their respective area of licensure to ensure continued qualification of the licensee. Continuing education may be conducted by a federal or state agency, by an independent organization that has experience in the subject matter, or by the Distributor.

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- g) *Renewal and reinstatement fees shall be waived for persons who did not renew while on active duty in the military and who file for renewal or restoration within one year after discharge from the service. Said licensees must satisfy all other requirements of this Section in order to renew a license. Proof of service discharge date will be required to receive a waiver of fees. [225 ILCS 227/50(b)]*

**Section 230.140 Fees  
EMERGENCY**

The following license fees shall be paid to the Office for administration of the Act and are non-refundable:

Pyrotechnic Distributor License and each renewal	\$500
Outdoor Professional License and each renewal	\$100
Proximate Audience License, Limited Proximate Audience License and each renewal	\$300
Flame Effect License, Limited Flame Effect License and each renewal	\$300
Replacement license (lost, stolen, or destroyed) or duplicate license (worn, damaged, or address change)	\$25

**Section 230.150 Possession of License  
EMERGENCY**

The lead operator must be in possession of, and be able to produce, his/her license upon request at all times during delivery, set-up, and performance of the display.

**Section 230.160 Notification to Office  
EMERGENCY**

- a) The licensee shall notify the Office in writing within 5 business days of the following events:
- 1) After discovering that his/her license has been lost, stolen or destroyed.

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- 2) BATFE license has expired, or BATFE has terminated, suspended or revoked his/her license or Letter of Clearance. A copy of any written notice of termination, suspension or revocation shall be sent to the Office.
  - 3) IDNR license has expired, or the IDNR has terminated, suspended or revoked his/her license. A copy of any written notice of termination, suspension or revocation shall be sent to the Office.
  - 4) United States Department of Transportation has changed the licensee's identification number. Proof of the licensee's new identification number shall be sent to the Office.
  - 5) United States Department of Transportation has changed the licensee's Hazardous Materials Registration Number. Proof of the licensee's new registration number shall be sent to the Office.
  - 6) The licensee's insurance company or the licensee has changed any of its insurance coverage. A new Certificate of Insurance showing proof of not less than *\$1,000,000 in product liability insurance, \$1,000,000 in general liability insurance and proof of worker's compensation insurance* shall be sent to the Office. Such insurance coverage shall provide for 30 days minimum coverage prior to written notice of cancellation to the Office, and comply with Section 230.90(a)(4). [225 ILCS 227/35]
  - 7) A Distributor licensee has changed its officers. A sworn statement listing all of its current officers' names and personal addresses, including copies of each officer's driver's license, shall be sent to the Office.
  - 8) A Distributor licensee no longer employs a lead operator. The Distributor licensee shall provide the Office with the full name and last known address of said lead operator.
- b) The Licensee shall notify the Office in writing within 10 days of a change in his/her address or name. Proof that the change in address or name had been done in accordance with the law shall be sent to the Office.

**Section 230.170 Replacement and Duplicate License  
EMERGENCY**

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- a) At any time a license has been lost, stolen or destroyed, the licensee shall notify the Office as required in Section 230.160. Upon receipt of the written notification and the replacement license fee, the Office will issue a replacement license.
- b) At any time a license becomes worn or damaged to the extent that it is illegible in any respect, or the licensee changes his/her address or name, the license must be returned to the Office. Upon receipt of the original license, proof of any changes in information to be made to said license as required in Section 230.160, and the duplicate license fee, the Office will issue a duplicate license.

**Section 230.180 Report of Theft or Loss of Fireworks  
EMERGENCY**

- a) A licensee shall report the theft or loss of fireworks to local law enforcement, IDNR, and BATFE immediately and to the Office, by telephone, within 8 hours after discovery. The Office may be reached at 217-785-0960 during normal working hours and at the Illinois Emergency Management Agency dispatch number, 1-800-782-7860, outside normal working hours.
- b) Within 24 hours after discovery of the loss or theft, the Office must be provided written notice that includes a complete description of the fireworks, including the manufacturer, brand name, any manufacturer marking, and quantity, and a description of the circumstances surrounding the theft or loss. The written notice shall also identify local law enforcement agencies contacted by the licensee and shall be executed under penalties of perjury.

**Section 230.190 Reporting of Professional, Proximate Audience, and Flame Effect Displays  
EMERGENCY**

- a) Each licensee shall file an Illinois Display Report with the Office within 30 days following any pyrotechnic display in which he/she acted as the lead operator. The report shall be filed on forms provided by the Office and include the names and signatures of all lead operators and assistants.
- b) The licensee shall maintain a copy of the Illinois Display Report and also record and maintain with the report the manufacturer or type, quantity and description of the fireworks.
- c) Licensee shall keep the record for a minimum of 4 years from the date of the display.

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- d) The Office may require other information from the licensee relating to displays.

**Section 230.200 Report of Injury or Property Damage  
EMERGENCY**

- a) The licensee shall notify the Office within 8 hours after the following incident:
- 1) A fire;
  - 2) An injury to any person resulting from the display; or
  - 3) Damage to property in excess of \$500, in the aggregate, resulting from the display.
- b) The Office may be reached at 217-785-0960 during normal working hours and at the Illinois Emergency Management Agency dispatch number, 1-800-782-7860, outside normal working hours.
- c) The licensee shall submit a written report to the Office within 3 days following a fireworks display conducted by the licensee if any of the following occurred:
- 1) Any of the incidents identified in subsection (a); or
  - 2) Whenever an unsafe or defective pyrotechnic product or equipment was used or observed.
- d) The Office may require other information from the licensee relating to fireworks displays.

**Section 230.210 Inspections  
EMERGENCY**

- a) A licensee shall make all records required pursuant to Sections 230.180, 230.190 and 230.200 available to authorized representatives of the Office or the local governmental agency having jurisdiction.
- b) A licensee shall permit the display site and licensee's facility to be inspected at all reasonable times by representatives of the Office or the local governmental agency.

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**Section 230.220 Immediate Suspension  
EMERGENCY**

- a) The Office shall issue an order immediately suspending the license whenever the Office finds, based upon reasonable belief from on-site observation, record inspection by Office personnel, information received from law enforcement personnel or information received from the public, that a licensee:
  - 1) Permitted a person to act as an assistant that did not meet the requirements of Section 230.120; or
  - 2) Violated the Act, this Part or compliance standard that may cause death or serious injury.
- b) The Office shall serve its order of immediate suspension of a license under this Section by personal service. Such order shall also be sent by certified mail to the licensee's last known address.
- c) The Office shall serve with the order of immediate suspension a notice containing the information set forth in Section 230.220 of this Part.

**Section 230.230 Administrative Actions  
EMERGENCY**

The failure to comply with the Act and this Part by any licensee may subject the licensee to administrative action, including, but not limited to, revocation, suspension, probation, or refusal to issue or renew a license.

**Section 230.240 Appeal of an Administrative Action  
EMERGENCY**

- a) Any person aggrieved by a decision, order or ruling of the Office may, as a matter of right, appeal such action.
- b) All appeal requests shall:
  - 1) Be in writing;

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- 2) Contain an address and telephone number where the appellant may be notified of the time and place of the hearing; and
- 3) Set forth the reasons why the action of the Office should be reversed or modified.
- c) Appeals from a decision, order or ruling of the State Fire Marshal or his designees shall be instituted by filing a written request for a hearing, no later than 10 days following receipt of the notice of the action. Requests will be deemed to be timely if they are postmarked no later than the time period allowed.
- d) The appeal request shall be mailed to:

Office of the State Fire Marshal  
1035 Stevenson Drive  
Springfield, Illinois 62703-4259

**Section 230.250 Modifications to NFPA 1126  
EMERGENCY**

NFPA 1126 (2001), Use of Pyrotechnics Before a Proximate Audience, is modified to include the following additional requirements:

- a) Definitions for use in this Section:  
  
"Loading" refers to preparing or mixing for use pyrotechnic material.  
  
"Mixing room" means the room within the facility used for mixing or loading of pyrotechnic materials. Such room shall be secure and shall be proximate to the display area.
- b) The following are additions to the requirements of Chapter 3 (Storage of Pyrotechnic Materials and Devices):
  - 1) At any time pyrotechnic materials are stored within the facility, they must be stored in the on-site storage magazine that must be, at minimum, a Type 3 Storage "Day Box" which complies with the requirements set forth by BATFE and/or the IDNR for Type 3 magazines. Such magazine shall be located in the mixing room.

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- 2) All pyrotechnic material in the lead operator's possession, when not in use or being loaded, must be stored in the magazine.
  - 3) The mixing room shall be placarded with a "1.4g" DOT Standard placard and a "No Smoking" placard that is 8½" x 11" with 1" lettering.
  - 4) The mixing room shall have at least one approved 2½ gallon pressurized water fire extinguisher located within 10' of the mixing room and the door shall be locked when not attended. The lead operator shall have a key to the room.
  - 5) The mixing room shall not have carpeting on the floor.
- c) In addition to the requirements of Chapter 6.1 (General Fire Protection), at least 4 pressurized water or pump extinguishers shall be readily available for use (with the manufacturer's instructions).
- d) The following are additions to the requirements of Chapter 6.2 (Firing Prerequisites):
- 1) At no time shall the path of a rocket or grid rocket pass directly over an audience in its travel.
  - 2) All temporary suspended truss components, whether supported from the ground or from a building's ceiling, shall have either a steel aircraft cable 3/8" galvanized wire rope safety backup protecting standard polyester spansets (polyester roundslings) or use GACflex™ wire rope soft sling to attach truss to the chain motor.
- e) Section 6.3.6 of Chapter 6.3 (Firing Safeguards) is deleted in its entirety and replaced with the following:
- 1) Warning signal lights must be used to indicate the impending firing of a concussion special effect. The warning signal lights shall be located at least 25' from the concussion effect but within a distance to warn working personnel and other individuals of the impending concussion effect firing.
  - 2) Warning signs shall be posted backstage and on-stage by the warning light to indicate the purpose of the warning signal lights.

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- f) In addition to the requirements of Chapter 6.3 (Firing Safeguards), prior to commencement of the live entertainment, an announcement to the patrons of the licensed premises must be made to inform the patrons of the locations of exits and fire escapes at the licensed premises.
- g) Section 6.5.7 of Chapter 6.5 (Safety Precautions) is deleted in its entirety and replaced with the following:

The lead operator and assistants shall wear safety glasses and clothing made of cotton during the preparation and loading of the pyrotechnic devices.

**Section 230.260 Modifications to NFPA 160  
EMERGENCY**

NFPA 160 (2001), Flame Effects Before an Audience, is modified to include the following additional requirements:

- a) Definitions for use in this Section:
  - "Armed" means confirmation of ignition source.
  - "Arming" means the key is in the on position, sending a signal to the FSU to light pilot for flame verification.
  - "Enable" means the system has power, safety valve open, accumulator charging/propane lines charging.
  - "ESSV" means Electronic Solenoid Safety Valve.
  - "FSU" means the Flame Safety Unit, a UL-Approved device to confirm an ignition source.
  - "Fuel tank" means the tank containing propane.
  - "Torch" means a gas flame effect no higher than 8" continuously burning, Group I effect.
- b) The following are additions to the requirements of Chapter 5 (Use of Flame Effects).

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- 1) There shall be a horizontal clearance of at least 10' between the effect and any overhead obstructions.
  - 2) There shall be a horizontal clearance of at least 10' from any spotlight operator.
  - 3) All temporary suspended truss components, whether supported from the ground or from a building's ceiling, shall have either a steel aircraft cable 3/8" galvanized wire rope safety backup protecting standard polyester spansets (polyester roundslings) or use GACflex™ wire rope soft sling to attach truss to the chain motor.
- c) The following Sections of Chapter 7 (System Components, Flame Effects Control Systems and Design) are deleted in their entirety and replaced as follows:
- 7.1.1. All flame effect control systems to be designed and installed to prevent accidental firing and unintentional release of fuel. All firing systems must have at least one key safety interlock and that key should be with the Flame Operator when the unit is not in use.
  - 7.3.2.2. The amount of fuels that are supplied to the flame effects shall be limited to that amount necessary for operation.
  - 7.3.3. All flame effect control systems shall be manually and automatically enabled according to a prescribed sequence of operations outlined in the plan, which prepares the flame effect for subsequent arming and firing.
  - 7.3.4. All flame effects shall be manually or automatically armed prior to any attempt to fire. The arming of the effect shall be manually and automatically monitored and confirmed until the effect is fired.
- d) The following are additions to the requirements of Chapter 7 (System Components, Flame Effects Control Systems and Design):
- 1) The maximum fuel tank size allowed inside a building or facility is 20 lb.
  - 2) Hoses shall be located and protected to minimize exposure to physical damage or exposure to abnormally high temperatures, such as temperatures that might result from exposure to convection or radiation

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form heating equipment. Hoses shall be free from cuts or defects. Identified cuts or defects shall not be repaired. Defective or cut hoses shall be replaced. Hose that is exposed to moisture shall be constructed of noncorrosive materials or shall be protected against external corrosion.

- 3) The hose, at no time, shall extend through the audience or seating area.
  - 4) The hose shall not extend from one room to another or pass through any partitions, walls, ceilings, or floors.
  - 5) If more than one such cylinder is located in a room, the cylinders shall be separated by at least 20'.
  - 6) All hoses and connectors shall be listed for their intended use and compatible with the products they contain.
  - 7) Any accumulators or hose shall be purged of all fuel prior to removal from its location.
  - 8) Appendices A and B are added to provide for the minimum layout of propane flame effect devices.
  - 9) All flame effect displays allowed before an audience are limited to Group V or Group VI control systems.
- e) The following are additions to the requirements of Chapter 9 (Fire Protection Provisions):
- 1) At least 4 pressurized water or pump extinguishers shall be readily available for use (with the manufacturer's instructions).
  - 2) Prior to commencement of the live entertainment, an announcement to the patrons of the licensed premises must be made to inform the patrons of the locations of exits and fire escapes at the licensed premises.

**Section 230.270 Criminal History Investigation  
EMERGENCY**

- a) The applicant shall submit with his or her application, through electronic means certified by the Department of State Police, *a fingerprint card in the form and*

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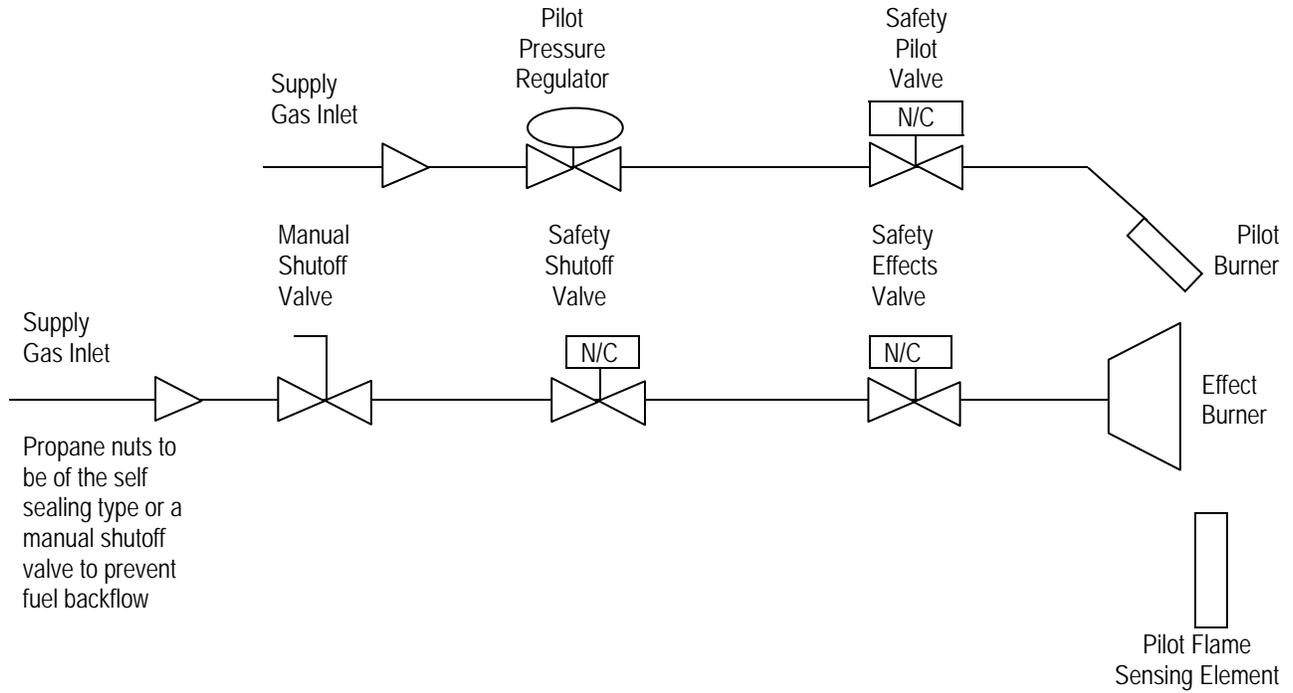
*manner required by the Department of State Police to enable the Department of State Police to conduct a criminal history check on the applicant. [225 ILCS 227/40]*

- b) Each applicant submitting a fingerprint card for a criminal history investigation shall submit, *in addition to the license fee, a fee specified by the Department of State Police for processing fingerprint cards, which may be made payable to the State Police Services Fund and shall be remitted to the Department of State Police for deposit into that Fund. [225 ILCS 227/40]*

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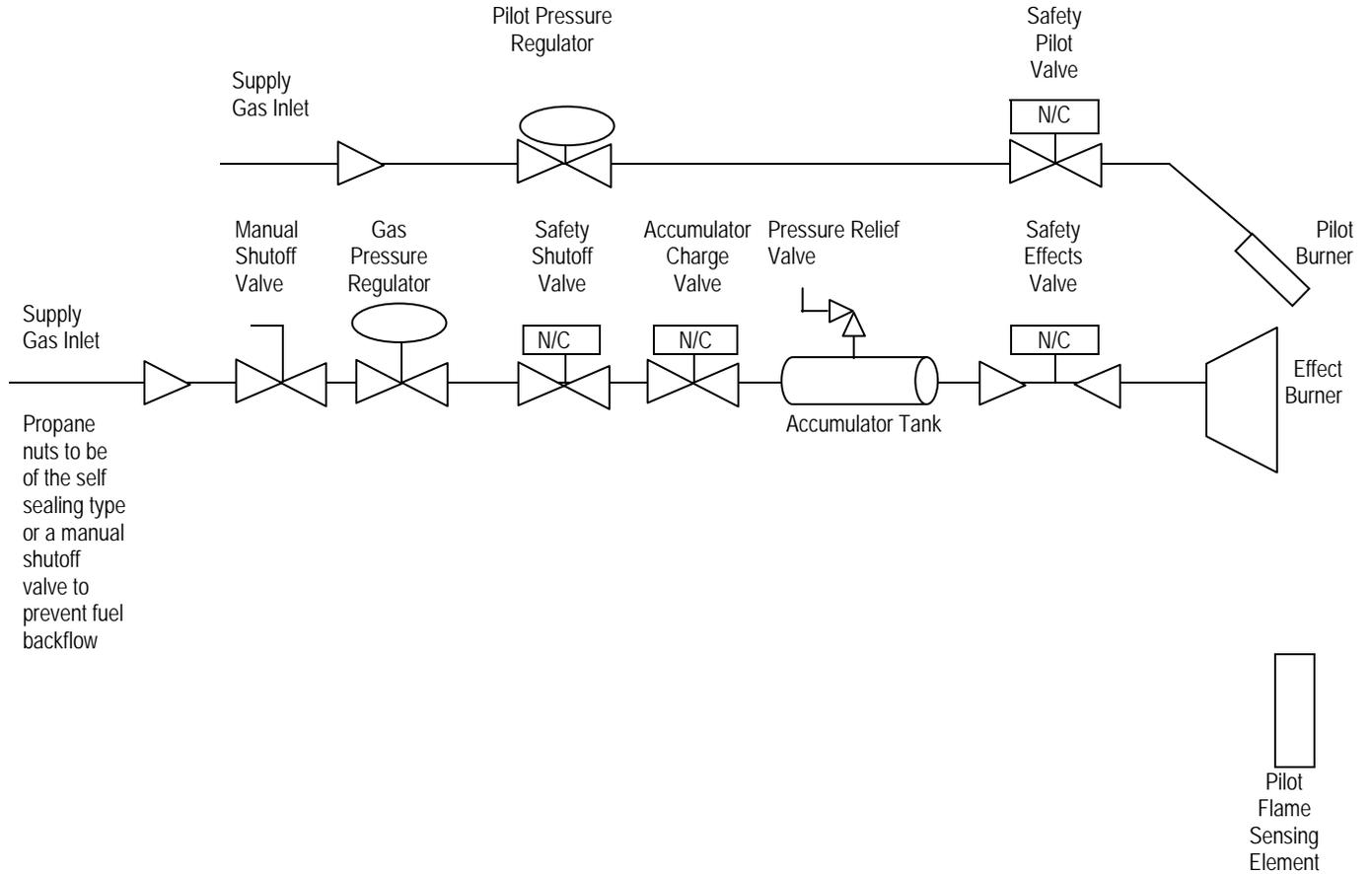
**Section 230.APPENDIX A Propane Flow Diagram: Standard with No Accumulator EMERGENCY**



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**Section 230.APPENDIX B Propane Flow Diagram: Standard with Accumulator EMERGENCY**



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- 1) Heading of the Part: Pyrotechnic and Consumer Display Permitting Rules
- 2) Code Citation: 41 Ill. Adm. Code 235
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
235.10	New Section
235.20	New Section
235.30	New Section
235.40	New Section
235.50	New Section
235.60	New Section
235.70	New Section
235.80	New Section
235.90	New Section
235.100	New Section
235.110	New Section
235.120	New Section
235.130	New Section
235.140	New Section
235.150	New Section
235.160	New Section
235.170	New Section
235.180	New Section
- 4) Statutory Authority: Authorized by and implementing Section 4.1 of the Fireworks Use Act [425 ILCS 35/4.1] and Section 30 of the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/30].
- 5) Effective Date of Rules: January 23, 2006
- 6) If this emergency rule will expire before the end of the 150-day period, please specify the date on which it will expire? The emergency rule will not expire before the end of the 150-day period.
- 7) Date filed with the Index Department: January 23, 2006
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Office of the Illinois State Fire Marshal, 1035 Stevenson Drive, Springfield, IL. 62703.

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- 9) Reason for the Emergency: The rules are necessary because the effective date of the statute is January 1, 2006, and the statute will control the pyrotechnic displays planned for 2006.
- 10) Complete Description of Subjects and Issues involved: The issues involved are the proper procedures for conducting a pyrotechnic display and flame effect display in an indoor setting in a safe manner so there is no danger to the audience attending the event. The subjects involved are the use of explosives and flammable gases in pyrotechnic displays of a theatrical nature in an indoor setting.
- 11) Are there any proposed amendments to this Part Pending? No
- 12) Statement of Statewide Policy Objective: The subjects involved in this rulemaking are the display, storage, use and permitting of pyrotechnic displays and flame effect displays. The issues involve the safe handling and operation of pyrotechnic and flame effect displays.
- 13) Information and questions regarding these emergency rules shall be directed to:

Misty Matykiewicz  
Director of the Fire Prevention Division  
Office of the State Fire Marshal  
1035 Stevenson Dr.  
Springfield, IL 62703-4259

Facsimile: 217-782-1062

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

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TITLE 41: FIRE PROTECTION  
CHAPTER I: STATE FIRE MARSHALPART 235  
PYROTECHNIC AND CONSUMER DISPLAY PERMITTING RULES

## Section

235.10	Scope
EMERGENCY	
235.20	Definitions
EMERGENCY	
235.30	General Requirements for All Pyrotechnic Displays and Consumer Fireworks Displays
EMERGENCY	
235.40	Pyrotechnic Display Permit Requirements
EMERGENCY	
235.50	1.3G Fireworks Professional Display Compliance Standards
EMERGENCY	
235.60	Indoor Special Effects Fireworks and Flame Effect Professional Display Compliance Standards
EMERGENCY	
235.70	Possession of License by Lead Operator
EMERGENCY	
235.80	Consumer Operator Training
EMERGENCY	
235.90	Consumer Fireworks Display Permit Requirements
EMERGENCY	
235.100	Consumer Fireworks Display Compliance Standards
EMERGENCY	
235.110	Consumer Distributors and Retailers
EMERGENCY	
235.120	Approval of Records
EMERGENCY	
235.130	List of Approved Consumer Fireworks
EMERGENCY	
235.140	Consumer Fireworks Review Committee
EMERGENCY	
235.150	Record of Permits Issued
EMERGENCY	
235.160	Report of Fire, Injury, or Property Damage

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## EMERGENCY

235.170 Report of Theft or Loss of Fireworks

## EMERGENCY

235.180 Local Authority

## EMERGENCY

**AUTHORITY:** Implementing and authorized by Section 4.1 of the Fireworks Use Act [425 ILCS 35/4.1] and Section 30 of the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/30].

**SOURCE:** Adopted by emergency rulemaking at 30 Ill. Reg. 1515, effective January 23, 2006.

**Section 235.10 Scope****EMERGENCY**

This Part implements the pyrotechnic display permitting requirements and applies to all pyrotechnic and flame effect displays in this State. This Part is intended to supplement the requirements of any federal, State or local law and regulations governing the safety, setup, discharge and supervision of pyrotechnic displays, but shall be construed, wherever possible, to avoid conflicting or duplicative requirements. In the event of a conflict between this Part and the laws and rules enforced by agencies of the federal government, including the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Occupational Safety and Health Administration, the laws and rules enforced by agencies of the federal government shall control; provided that provisions of this Part shall not be deemed to be in conflict on the basis that they are more specific than, more stringent than or impose requirements for which no like requirements are contained in laws and rules enforced by the federal government. Further, should there be a conflict between this Part and the laws and rules enforced by the local governmental agency, this Part shall control, provided that provisions of this Part are more specific than or more stringent than or impose requirements for which no like requirements are contained in laws and rules enforced by local governments.

**Section 235.20 Definitions****EMERGENCY**

For purposes of this Part, the term:

*"1.3G fireworks" means those fireworks used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 CFR 172.101. [425 ILCS 35/1] The United States Department of Transportation assigns the following division*

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numbers to the above-referenced fireworks identification numbers: UN0333 (1.1G), UN0334 (1.2G), and UN0335 (1.3G). 49 CFR 172.101.

"Act" means the Fireworks Use Act [425 ILCS 35].

"Applicant" means the individual that is applying for a pyrotechnic or consumer display permit.

"Assistant" means an on-site individual who is at least 18 years of age and who, under the supervision of the lead operator, assists with the safety, setup and discharge of a pyrotechnic display.

"Certificate of training" means the consumer operator has successfully completed training on the safe handling of consumer fireworks from a training program approved by the Office of the State Fire Marshal.

*"Consumer distributor" means any person who distributes, offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois to another distributor or directly to any retailer or person for resale. [425 ILCS 35/1]*

*"Consumer fireworks" means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 CFR Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 CFR 172.101. "Consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; hand-held wire sparklers; showers of sparks; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times. [425 ILCS 35/1] The United States Department of Transportation assigns the following division numbers to the above-referenced fireworks identification numbers: UN0336 (1.4G), and UN0337 (1.4S). 49 CFR 172.101.*

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*"Consumer fireworks display" or "consumer display" means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect. [425 ILCS 35/1]*

*"Consumer operator" means an adult individual who is responsible for the safety, setup, and discharge of the consumer fireworks display and who has completed the training required in Section 2.2 of this Act. [425 ILCS 35/1]*

*"Consumer retailer" means any person who offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois directly to any person with a consumer display permit. [425 ILCS 35/1]*

*"Display fireworks" means any substance or article defined as a Division 1.3G explosive or special effects fireworks or as further defined in the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/30]. [425 ILCS 35/1]*

*"Flame effect" means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged, in accordance with National Fire Protection Association 160 guidelines, and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/30]. [425 ILCS 35/1]*

*"Lead pyrotechnic operator" means an individual who is responsible for the safety, setup, and discharge of the pyrotechnic display, who is responsible for the supervision of personnel, and who is licensed pursuant to the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/30]. [425 ILCS 35/1]*

"License" means the license issued by the Office pursuant to the Pyrotechnic Distributor and Operating Licensing Rules, 41 Ill. Adm. Code 230.

"Local governmental authority" means the appropriate city, village, incorporated town, township or county government.

"NFPA" means the National Fire Protection Association, a nationally recognized standards-making organization, located at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471.

"Office" means the Office of the State Fire Marshal.

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"Officer" means: if the business is a sole proprietorship, the owner of the business or any person exercising managerial control; or if the business is a partnership, any partner who has at least 10% ownership interest or any partner who exercises managerial control; or if the business is a corporation, any officer or director of the corporation or any person who has at least 10% ownership interest in such corporation or who exercises managerial control.

*"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, or commercial entity.*

"Proscenium Curtain" means the curtain, covering the opening of the stage, which is constructed and mounted in a manner which intercepts hot gases, flames and smoke and which prevents flame from a fire on the stage from becoming visible from the auditorium side.

*"Pyrotechnic display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of an exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged, and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/30]. [425 ILCS 35/1]*

*"Pyrotechnic Distributor" or "distributor" means any person, company, association, group of persons, or corporation who distributes display fireworks for sale in the State of Illinois or provides them as part of a pyrotechnic display service in the State of Illinois or provides only pyrotechnic display services. [425 ILCS 35/1]*

"Pyrotechnic Distributor and Operator Licensing Rules" means 41 Ill. Adm. Code 230, promulgated pursuant to the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/30].

*"Special effects fireworks" means pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such and must be identified as "intended for indoor use". "Special effects fireworks" are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 CFR 172.101. [425 ILCS 35/1]*  
The United States Department of Transportation assigns the following division

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numbers to the above-referenced pyrotechnic article identification numbers: UN0431 (1.4G), and UN0432 (1.4S). 49 CFR. 172.101.

**Section 235.30 General Requirements for All Pyrotechnic Displays and Consumer Fireworks Displays  
EMERGENCY**

- a) All pyrotechnic displays and consumer fireworks displays require a permit issued by the appropriate local governmental authority in accordance with the Act and this Part.
- b) All pyrotechnic displays require the services of a licensed pyrotechnic distributor and a licensed lead pyrotechnic operator in accordance with this Part.
- c) A licensed lead pyrotechnic operator shall be present during any pyrotechnic display and shall personally supervise all assistants, including all phases of the pyrotechnic display.
- d) All consumer fireworks displays must be personally supervised by a consumer operator.
- e) The fire chief of the local jurisdiction or his/her designee must inspect and approve the display site for all pyrotechnic displays and consumer fireworks displays to ensure that the site is safe to conduct a display.

**Section 235.40 Pyrotechnic Display Permit Requirements  
EMERGENCY**

- a) The local governmental authority may issue a pyrotechnic display permit to any adult applicant that meets the following minimum requirements:
  - 1) Proof of License. The issuing local governmental authority must verify that the pyrotechnic display services are provided by a licensed pyrotechnic distributor and that the individual responsible for the set-up and firing of the display is a licensed lead pyrotechnic operator.
  - 2) Proof of Insurance. The local governmental authority issuing the permit shall require *proof of liability insurance in a sum not less than \$1,000,000* [425 ILCS 35/2.1]. Such insurance shall be carried with an insurer authorized to do business in Illinois and insure the applicant against

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liabilities, judgments, costs, damages, and expenses that may accrue against, be charged to or be recovered from the applicant on the reason of damage to property or injury to or death of any person arising from the pyrotechnic display or flame effect display. Such insurance coverage shall be an occurrence based policy, and it shall cover all periods of time when pyrotechnic materials, including flame effect materials, are in the insured's actual or constructive possession, including those times when the materials are being stored, transported, handled, used, discharged and displayed.

- 3) Fire Chief Approval. The fire chief of the local jurisdiction or his/her designee must have inspected the site and determined that the display can be performed in full compliance with Sections 235.50 and 235.60 herein.
- b) Time Frame to Apply. The applicant must submit a written application for a permit *at least 15 days in advance of the date of the pyrotechnic display, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display will occur.* [425 ILCS 35/2.1]
- c) No permit required. *No permit shall be required for supervised public displays by State or County Fair Associations.* [425 ILCS 35/2.1]
- d) Age of Assistants. The issuing local governmental authority must verify that all assistants will be at least 18 years of age.
- e) Identification and Signatures Required on the Permit. Each pyrotechnic display permit must identify the lead pyrotechnic operator and must contain the signature of the issuing officer for the local governmental authority and the fire chief. [425 ILCS 35/2.1]
- f) *No permit granted hereunder shall be transferable.* [425 ILCS 35/2.1]

**Section 235.50 1.3G Fireworks Professional Display Compliance Standards  
EMERGENCY**

All 1.3G fireworks displays and storage shall be conducted in accordance with NFPA 1123 (2000), Code for Fireworks Display. Storage of display fireworks (1.3G and above) shall comply with the storage requirements set forth by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives at 27 CFR 555.1 et seq., or by the Illinois Department of Natural Resources pursuant to Article 3 of the Illinois Explosive Act [225 ILCS 210]. Should there be a conflict between the requirements established by the Bureau of Alcohol, Tobacco, Firearms and

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Explosives and by the Illinois Department of Natural Resources, those requirements that are more specific, more stringent, or impose requirements for which no like requirements are contained in the other agency's requirements shall control.

**Section 235.60 Indoor Special Effects Fireworks and Flame Effect Professional Display Compliance Standards  
EMERGENCY**

- a) All indoor special effects and/or flame effect displays and storage shall be conducted in accordance with:
  - 1) NFPA 1126 (2001), Use of Pyrotechnics Before a Proximate Audience, as modified by Section 230.250 of the Pyrotechnic Distributor and Operator Licensing Rules (41 Ill. Adm. Code 230.250); and/or
  - 2) NFPA 160 (2001), Standard for Flame Effects Before an Audience, as modified by Section 230.260 of the Pyrotechnic Distributor and Operator Licensing Rules (41 Ill. Adm. Code 230.260).
- b) The building in which the display will occur must meet one of the following requirements:
  - 1) The building must be protected throughout, including both the seating area and stage, by an automatic sprinkler system; or
  - 2) The stage must be protected by an automatic sprinkler system and have a proscenium curtain, as required by NFPA Life Safety Code (2000), that will automatically deploy in the event of a fire. No special effects fireworks devise and/or flame effect device may be set up on the stage forward of the curtain (on the audience side of the curtain).
- c) At any time pyrotechnic materials are on-site, they must be stored in the on-site storage magazine that must be, at minimum, a Type 3 Storage "Day Box" which complies with the requirements set forth by the Bureau of Alcohol, Tobacco, Firearms and Explosives and/or the Illinois Department of Natural Resources for Type 3 magazines.
- d) Each local governmental authority that intends to approve permits for indoor special effects displays or indoor flame effect displays must have at least one inspector who is knowledgeable about NFPA 160 and 1123, and has received

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training from the Office in the safe set-up of special fireworks and/or flame effect devices and the inspection of such displays.

- e) At least one inspector from the local jurisdiction must be present during the actual display in a building that meets the requirements of subsection (b)(1). A minimum of one inspector and one member of the local fire service must be present during the actual display in a building that meets the requirements of subsection (b)(2). During the event, the inspector shall be in the immediate area of the lead pyrotechnic operator, and the member of the local fire service shall be downstage (on the audience side of the proscenium curtain). In the event the show is of a repetitive nature and will last more than 3 days, continued stand-by of the inspector and the member of the local fire service is at the fire chief's discretion. In the event the performance of the display is modified as far as the location or timing of the effects or the materials and/or products being used, then the inspector must be present during the initial 3 days of the modified performance.
- f) Each inspector or member of the local fire service assigned in subsection (e) must have working knowledge of the supplemental fixed or portable fire fighting equipment located at the display area and have a radio for direct communication in an emergency. They shall also be knowledgeable about crowd management, and how to evacuate the building.

**Section 235.70 Possession of License by Lead Pyrotechnic Operator  
EMERGENCY**

The lead pyrotechnic operator must be in possession and be able to produce his/her license (see 41 Ill. Adm. Code 230) upon request at all times during the delivery, set-up, and the performance of the display.

**Section 235.80 Consumer Operator Training  
EMERGENCY**

- a) The Office shall develop consumer fireworks training materials and related documents which are designed to instruct a person about the standards relating to safe practices for the storage, use, handling, discharge and display of consumer fireworks.
- b) The Office shall offer training classes periodically during the year, depending on demand, to individuals who a local governmental authority designates its

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Consumer Fireworks Trainer. The Office has the authority to charge a reasonable fee for this training and the materials and documents related thereto. Upon completion of the class, the Consumer Fireworks Trainer will receive a certificate, valid for two years, which permits him/her to conduct consumer fireworks training classes in his/her jurisdiction. The Consumer Fireworks Trainer will also receive training materials and related documents from the Office to use when training consumer operators.

- c) Local governmental authorities may only offer consumer fireworks training classes if its Consumer Fireworks Trainer has a valid training certificate from the Office.
- d) All consumer operators must successfully complete a consumer fireworks training class approved by the Office. [425 ILCS 35/2.2] The local governmental authority from which a consumer operator seeks a Consumer Operator Display Permit shall offer this class. The local governmental authority may charge a fee for such a class, not to exceed the reasonable costs of providing the class. Upon completion of the class, the consumer operator will receive a certificate of completion that is valid for one year.

**Section 235.90 Consumer Fireworks Display Permit Requirements  
EMERGENCY**

- a) The local governmental authority may issue a consumer fireworks display permit to any competent adult applicant that meets the following minimum requirements:
  - 1) Certificate of Training. The applicant must provide the issuing local governmental authority his/her certificate of training as evidence of successful completion of a consumer fireworks training class, which has been approved by the Office.
  - 2) Fire Chief Approval. The fire chief of the local jurisdiction or his/her designee must have inspected the site and determined that the display can be performed in full compliance with Section 235.100.
- b) Time Frame to Apply. The applicant must submit a written application for a permit *at least 15 days in advance of the date of the display, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display will occur.* [425 ILCS 35/3.1]

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- c) *No permit granted hereunder shall be transferable to another individual.* [425 ILCS 35/2.2]
- d) Signatures Required on the Permit. Each consumer display permit must contain the signature of the issuing officer for the local governmental authority and the fire chief.

**Section 235.100 Consumer Fireworks Display Compliance Standards  
EMERGENCY**

All outdoor consumer displays shall be conducted in accordance with the following minimum requirements:

- a) The location that the consumer fireworks display will be detonated must be at least 200 feet in all directions from any spectators, buildings, structures, or property lines, and must be free of any overhead obstructions.
- b) A fire extinguisher or water hose must be present while consumer fireworks are being prepared for firing or fired.

**Section 235.110 Consumer Distributors and Retailers  
EMERGENCY**

- a) Prior to distributing, selling, transferring or providing free of charge any consumer fireworks, consumer distributors and consumer retailers shall require an individual to provide proof that he/she has been issued a permit in accordance with Section 235.90 herein, or that he/she has registered with the Office as a consumer distributor or consumer retailer in accordance with this Section.
- b) All consumer distributors and consumer retailers must register with the Office before distributing, selling, transferring or providing free of charge consumer fireworks in the State of Illinois. The applicant shall register on forms provided by the Office and shall include:
  - 1) The name and address of the business. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.
  - 2) The names, telephone numbers, and personal addresses of all owners or officers of the registering business, including a copy of each person's

## OFFICE OF THE STATE FIRE MARSHAL

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driver's license or other governmental identification that includes the date of birth and photograph.

- 3) If the business operates under an assumed name, a copy of the assumed name certificate.
  - 4) The address of each location from which consumer fireworks will be distributed or retailed.
  - 5) Proof of payment of taxes to the Illinois Department of Revenue.
  - 6) The fee of \$50 (A check made out to the Office of the Illinois State Fire Marshal).
- c) The Office shall issue a registration to transfer, provide, distribute and/or sell consumer fireworks or shall notify the applicant of the reason for the denial of such registration.
  - d) Such registration shall permit the consumer distributor or consumer retailer to transfer, provide, distribute and/or sell consumer fireworks in Illinois for the calendar year in which registered.
  - e) The registrant shall notify the Office in writing within 10 business days of the change in any of the information it provided to the Office to obtain registration. Proof that a change in name or address has been done in accordance with the law shall be sent to the Office, including copies of new assumed name certificates. In the event a business has changed its officers, a sworn statement listing all of the current officers' names and personal addresses, including copies of each officer's driver's license, shall be sent to the Office.
  - f) *No person may sell to a single individual a quantity of consumer fireworks exceeding 499 pounds without prior approval by the Office. [425 ILCS 35/2.3]* Requests for such approval shall be submitted on forms provided by the Office.

**Section 235.120 Approval of Records  
EMERGENCY**

All applications, permits, and site inspection records shall be on forms approved by the Office.

**Section 235.130 List of Approved Consumer Fireworks**

## OFFICE OF THE STATE FIRE MARSHAL

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**EMERGENCY**

The Office shall maintain a list of approved consumer fireworks. The list shall be updated annually or as new consumer fireworks items are submitted to the Office for approval by consumer distributors.

**Section 235.140 Consumer Fireworks Review Committee****EMERGENCY**

The State Fire Marshal shall appoint a review committee to review and approve the consumer fireworks that are permitted to be distributed and sold in the State.

- a) The committee shall consist of the following 5 members:
  - 1) The State Fire Marshal or his designee, as chair;
  - 2) One representative from the Illinois Fire Chief's Association;
  - 3) One representative from a fire department that has experience in pyrotechnic displays;
  - 4) One representative from a company that distributes consumer fireworks in the State; and
  - 5) One representative from a company that distributes display fireworks in the State.
- b) Members shall serve without salary, but may receive reimbursement for reasonable expenses from the Office for appropriations for such purposes, in accordance with 80 Ill. Adm. Code 2800.
- c) All members shall have one vote and serve a term of 2 years.

**Section 235.150 Record of Permits Issued****EMERGENCY**

The local governmental authority shall maintain a copy of each display permit issued for a minimum of 4 years from the date of the display. Any reports of fire, injury, property damage, theft or loss of fireworks that are submitted to the local governmental authority shall be maintained with the copy of the display permit.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF EMERGENCY RULES

**Section 235.160 Report of Fire, Injury, or Property Damage  
EMERGENCY**

- a) Permit holders shall notify the local governmental authority issuing the permit within 24 hours after the following incident:
  - 1) A fire;
  - 2) An injury to any person resulting from the display; or
  - 3) Damage to property in excess of \$500, in the aggregate, resulting from the display.
- b) The local governmental authority issuing the permit shall notify the Office of any fire, injury to any person, or damage to property in excess of \$500 that resulted from the pyrotechnic or consumer display. This notification shall be made by telephone or in writing within 3 days after learning of the incident.

**Section 235.170 Report of Theft or Loss of Fireworks  
EMERGENCY**

- a) Licensed pyrotechnic distributors and licensed lead pyrotechnic operators shall report the theft or loss of fireworks to local law enforcement in accordance with Section 230.180 of the Pyrotechnic Distributor and Operator Licensing Rules (41 Ill. Adm. Code 230.180), IDNR and BATFE.
- b) Consumer distributors and consumer retailers shall report the theft or loss of fireworks in excess of \$150 to local law enforcement immediately. Within 24 hours after discovery of the theft or loss, consumer distributors and consumer retailers shall provide the Office with written notice that includes a complete description of the fireworks, including manufacturer, brand name, any manufacturer marking and quantity, and a description of the circumstances surrounding the theft or loss. The written notice shall also identify the local law enforcement agencies contacted and shall be executed under penalties of perjury.
- c) Consumer operators shall immediately report the theft or loss of fireworks in excess of \$150 to local law enforcement and to the local governmental authority that issued the operator a consumer display permit. Within three days of

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notification, the local governmental authority that issued the consumer display permit shall notify the Office in writing of the theft or loss.

**Section 235.180 Local Authority  
EMERGENCY**

Nothing in this Part shall prohibit the local governmental authority:

- a) from adopting rules or standards that are more stringent than this Part; or
- b) from refusing to issue a permit for any reason.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of the Part: Standard Procurement

Code Citation: 44 Ill. Adm. Code 1

Section Numbers: 1.2036

Date Originally Published in the Illinois Register: 12/16/05  
29 Ill. Reg. 20540

At its meeting on January 18, 2006, the Joint Committee on Administrative Rules objected to the emergency rules of the Department of Central Management Services titled Standard Procurement (44 Ill. Adm. Code 1; 29 Ill. Reg. 20540) because, while CMS describes this rule as applying to contacts for information technology (IT) related personal services, nothing in the emergency rule limits its application to these contacts, as opposed to any State contracts that involve multiple vendors. The emergency rule needs to better reflect CMS' intent. Additionally, JCAR objects to CMS' use of emergency rulemaking in this instance. While CMS used emergency rulemaking because an underlying labor agreement was applicable after 12/31/05, CMS has known for several months that this deadline was approaching. CMS would not have had to use emergency rulemaking if amendments to this Part had been proposed in a timely manner.

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 ASSEMBLYSTATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of the Part: State (of Illinois) Employees' Deferred Compensation Plan

Code Citation: 80 Ill. Adm. Code 2700

Section Numbers:

2700.110	2700.120	2700.200	2700.320
2700.400	2700.410	2700.415	2700.420
2700.430	2700.435	2700.440	2700.450
2700.610	2700.620	2700.630	2700.640
2700.660	2700.680	2700.690	2700.700
2700.710	2700.720	2700.730	2700.735
2700.745	2700.750	2700.760	2700.800
2700.850	2700.860	2700.870	2700.920

Date Originally Published in the Illinois Register: 12/9/05  
29 Ill. Reg. 20050

At its meeting on January 18, 2006, the Joint Committee on Administrative Rules objected to the Department of Central Management Services' use of emergency rulemaking to amend State (of Illinois) Deferred Compensation Plan (80 Ill. Adm. 2700; 29 Ill. Reg. 20050) because any situation warranting emergency action was agency created. The federal retirement and tax law changes prompting this rulemaking were enacted in 2001.

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 PROPOSED RULEMAKING

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION-  
DIVISION OF INSURANCE

Heading of the Part: Health Maintenance Organization

Code Citation: 50 Ill. Adm. Code 5421

Section Numbers: 5421.50(e)

Date Originally Published in the Illinois Register: 3/4/05  
29 Ill. Reg. 3057

At its meeting on January 18, 2006, the Joint Committee on Administrative Rules objected to Section 5421.50(e) of the above cited rulemaking because the Department lacks statutory authority to require a contractual provision that bars individual health care providers from seeking monetary recovery for services from HMO enrollees in the event an HMO becomes insolvent.

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

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

## STATE BOARD OF EDUCATION

Heading of the Part: The "Grow Your Own" Teacher Education Initiative

Code Citation: 23 Ill. Adm. Code 60

Section Numbers: 60.10            60.20            60.30            60.40  
60.50            60.60            60.70            60.80  
60.90            60.100

Date Originally Published in the Illinois Register: 10/14/05  
29 Ill. Reg. 15367

At its meeting on January 18, 2006, the Joint Committee on Administrative Rules objected to the State Board of Education's failure to adopt its rules titled The "Grow Your Own" Teacher Education Initiative (23 Ill. Adm. Code 60; 29 Ill. Reg. 15367) in a timely manner. Section 30 of the Grow Our Own Teacher Education Act establishes an FY 05 deadline for awarding planning grants to consortia that will prepare teachers to teach in hard-to-staff schools and positions. SBE will not be awarding those grants until FY06.

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

POLLUTION CONTROL BOARD

Heading of the Part: Petroleum Underground Storage Tanks (Releases Reported September 23, 1994, Through June 23, 2002)

Code Citation: 35 Ill. Adm. Code 732

Section Numbers: 732.606

Date Originally Published in the Illinois Register: 3/11/05  
29 Ill. Reg. 3538

At its meeting on January 18, 2006, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that the Pollution Control Board add to the issues it is addressing in its dockets R04-22B and R04-23B the costs that are ineligible for payment from the Underground Storage Tank Fund stated in 35 Ill. Adm. Code 732.606(ddd) and (eee) of its rulemakings titled Petroleum Underground Storage Tanks (Releases Reported September 23, 1994, Through June 23, 2002) (35 Ill. Adm. Code 732; 29 Ill. Reg. 3538) and Petroleum Underground Storage Tanks (Releases Reported On Or After June 24, 2002) (35 Ill. Adm. Code 734; 29 Ill. Reg. 3705).

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

POLLUTION CONTROL BOARD

Heading of the Part: Petroleum Underground Storage Tanks (Releases Reported On Or After June 24, 2002)

Code Citation: 35 Ill. Adm. Code 734

Section Numbers: 734.630

Date Originally Published in the Illinois Register: 3/11/05  
29 Ill. Reg. 3705

At its meeting on January 18, 2006, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that the Pollution Control Board add to the issues it is addressing in its dockets R04-22B and R04-23B the costs that are ineligible for payment from the Underground Storage Tank Fund stated in 35 Ill. Adm. Code 734.630(aaa) and (bbb) of its rulemakings titled Petroleum Underground Storage Tanks (Releases Reported September 23, 1994, Through June 23, 2002) (35 Ill. Adm. Code 732; 29 Ill. Reg. 3538) and Petroleum Underground Storage Tanks (Releases Reported On Or After June 24, 2002) (35 Ill. Adm. Code 734; 29 Ill. Reg. 3705).

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

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

## DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code

Code Citation: 77 Ill. Adm. Code 300

Section Numbers: 300.330      300.615      300.620  
300.625      300.626      300.627

Date Originally Published in the Illinois Register: 9/2/05  
29 Ill. Reg. 13346

At its meeting on January 18, 2006, the Joint Committee on Administrative Rules objected to the Department of Public Health's rulemaking titled Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300; 29 Ill. Reg. 13346) based on the incompleteness of the rulemaking and recommended that DPH modify it to: (1) request criminal history record information in accordance with the Uniform Conviction Information Act (UCIA) on current residents, as well as prospective residents, on an incremental basis; (2) provide a method in which UCIA checks occur incrementally; e.g., 1/4 of current residents by March 1, 2006, 1/4 by September 1, 2006, 1/4 by March 1, 2007 and 1/4 by September 1, 2007; (3) require facilities to initiate a fingerprint-based criminal history record check as prescribed by the Illinois State Police if the results of the initial criminal history record check are inconclusive; and (4) if the risk assessment determines that an identified offender need not have his or her own room, and the facility wants to not segregate the individual, require the facility to request a waiver of the segregation requirement from the Director of the Department.

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

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

## DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Sheltered Care Facilities Code

Code Citation: 77 Ill. Adm. Code 330

Section Numbers: 330.330      330.715      330.720  
330.725      330.726      330.727

Date Originally Published in the Illinois Register: 9/2/05  
29 Ill. Reg. 13389

At its meeting on January 18, 2006, the Joint Committee on Administrative Rules objected to the Department of Public Health's rulemaking titled Sheltered Care Facilities Code (77 Ill. Adm. Code 330; 29 Ill. Reg. 13389) based on the incompleteness of the rulemaking and recommended that DPH modify it to: (1) request criminal history record information in accordance with the Uniform Conviction Information Act (UCIA) on current residents, as well as prospective residents, on an incremental basis; (2) provide a method in which UCIA checks occur incrementally; e.g., 1/4 of current residents by March 1, 2006, 1/4 by September 1, 2006, 1/4 by March 1, 2007 and 1/4 by September 1, 2007; (3) require facilities to initiate a fingerprint-based criminal history record check as prescribed by the Illinois State Police if the results of the initial criminal history record check are inconclusive; and (4) if the risk assessment determines that an identified offender need not have his or her own room, and the facility wants to not segregate the individual, require the facility to request a waiver of the segregation requirement from the Director of the Department.

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

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

## DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Illinois Veterans' Homes Code

Code Citation: 77 Ill. Adm. Code 340

Section Numbers: 340.1000      340.1305      340.1310  
340.1315      340.1316      340.1317

Date Originally Published in the Illinois Register: 9/2/05  
29 Ill. Reg. 13429

At its meeting on January 18, 2006, the Joint Committee on Administrative Rules objected to the Department of Public Health's rulemaking titled Illinois Veterans' Homes Code (77 Ill. Adm. Code 340; 29 Ill. Reg. 13429) based on the incompleteness of the rulemaking and recommended that DPH modify it to: (1) request criminal history record information in accordance with the Uniform Conviction Information Act (UCIA) on current residents, as well as prospective residents, on an incremental basis; (2) provide a method in which UCIA checks occur incrementally; e.g., 1/4 of current residents by March 1, 2006, 1/4 by September 1, 2006, 1/4 by March 1, 2007 and 1/4 by September 1, 2007; (3) require facilities to initiate a fingerprint-based criminal history record check as prescribed by the Illinois State Police if the results of the initial criminal history record check are inconclusive; and (4) if the risk assessment determines that an identified offender need not have his or her own room, and the facility wants to not segregate the individual, require the facility to request a waiver of the segregation requirement from the Director of the Department.

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

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

## DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code

Code Citation: 77 Ill. Adm. Code 350

Section Numbers: 350.330      350.625      350.630  
350.635      350.636      350.637

Date Originally Published in the Illinois Register: 9/2/05  
29 Ill. Reg. 13460

At its meeting on January 18, 2006, the Joint Committee on Administrative Rules objected to the Department of Public Health's rulemaking titled Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350; 29 Ill. Reg. 13460) based on the incompleteness of the rulemaking and recommended that DPH modify it to: (1) request criminal history record information in accordance with the Uniform Conviction Information Act (UCIA) on current residents, as well as prospective residents, on an incremental basis; (2) provide a method in which UCIA checks occur incrementally; e.g., 1/4 of current residents by March 1, 2006, 1/4 by September 1, 2006, 1/4 by March 1, 2007 and 1/4 by September 1, 2007; (3) require facilities to initiate a fingerprint-based criminal history record check as prescribed by the Illinois State Police if the results of the initial criminal history record check are inconclusive; and (4) if the risk assessment determines that an identified offender need not have his or her own room, and the facility wants to not segregate the individual, require the facility to request a waiver of the segregation requirement from the Director of the Department.

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

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

## DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Long-Term Care for Under Age 22 Facilities Code

Code Citation: 77 Ill. Adm. Code 390

Section Numbers: 390.330      390.625      390.630  
390.635      390.636      390.637

Date Originally Published in the Illinois Register: 9/2/05  
29 Ill. Reg. 13501

At its meeting on January 18, 2006, the Joint Committee on Administrative Rules objected to the Department of Public Health's rulemaking titled Long Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390; 29 Ill. Reg. 13501) based on the incompleteness of the rulemaking and recommended that DPH modify it to: (1) request criminal history record information in accordance with the Uniform Conviction Information Act (UCIA) on current residents, as well as prospective residents, on an incremental basis; (2) provide a method in which UCIA checks occur incrementally; e.g., 1/4 of current residents by March 1, 2006, 1/4 by September 1, 2006, 1/4 by March 1, 2007 and 1/4 by September 1, 2007; (3) require facilities to initiate a fingerprint-based criminal history record check as prescribed by the Illinois State Police if the results of the initial criminal history record check are inconclusive; and (4) if the risk assessment determines that an identified offender need not have his or her own room, and the facility wants to not segregate the individual, require the facility to request a waiver of the segregation requirement from the Director of the Department.

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 17, 2006 through January 23, 2006 and have been scheduled for review by the Committee at its February 14, 2006 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
3/3/06	<u>Department of Human Services</u> , Child Care (89 Ill. Adm. Code 50)	8/26/05 29 Ill. Reg. 13156	2/14/06
3/4/06	<u>State Board of Education</u> , Early Childhood Block Grant (Repealer) (23 Ill. Adm. Code 235)	11/4/05 29 Ill. Reg. 17902	2/14/06

2006-02

**EXECUTIVE ORDER  
AUTHORIZING THE ILLINOIS NAVAL MILITIA**

**WHEREAS**, the Illinois Naval Militia, originally created by the Illinois General Assembly in 1893 was an authorized component of the Illinois State Military Department for ninety-five years, during which time the Illinois Naval Militia provided support to the State of Illinois. The Illinois Naval Militia ceased operations in 1988; and

**WHEREAS**, a State Naval Militia consisting of trained members of the United States Navy Reserve and/or United State Marine Corps Reserve, who by voluntary membership in the State Naval Militia create a pool of trained military maritime specialists within the State to assist in response to natural or manmade disasters, would provide the State with a valuable and ready resource; and

**WHEREAS**, the aftermath of September 11, Hurricane Katrina, and other natural or man-made disasters demonstrate the value of a State Naval Militia;

**THEREFORE**, I, Rod R. Blagojevich, pursuant to the powers vested in me by Article V, Sections 8 and 11 of the Illinois Constitution, I hereby order the following:

**I. AUTHORIZATION**

I hereby authorize the creation of the Illinois Naval Militia within the Department of Military Affairs.

**II. EFFECTIVE DATE**

This Executive Order shall be in full force and effect upon its filing with the Secretary of State.

Issued by Governor: January 19, 2006

Filed with Secretary of State: January 19, 2006

## PROCLAMATIONS

**2006-10****REVEREND M. EARLE SARDON**

WHEREAS, while risking his life in combat during the Second World War to secure liberty for millions who lost their freedom, Rev. M. Earle Sardon pledged to help secure freedom for his own countrymen when he returned home; and

WHEREAS, true to his word, Rev. Sardon dedicated himself to helping the disenfranchised. In 1946, he helped establish the first civil rights organization in Chicago called the Negro Labor Relations League, which waged nonviolent campaigns against businesses that only employed white Americans; and

WHEREAS, thanks to the relentless efforts of Rev. Sardon and the Negro Labor Relations League, many businesses opened employment to African Americans for jobs such as driver salesmen at beer, bread, cake, cookie, and pie companies, tellers and office staff at banks, ushers at sporting events, and money transport drivers; and

WHEREAS, as a community activist, Rev. Sardon was a leader during the Civil Rights Movement. Beginning in 1961, he joined the distinguished Dr. Martin Luther King, Jr. in Georgia, Washington, D.C., and Chicago in his efforts to secure freedom for masses of people; and

WHEREAS, in 1978, Rev. Sardon began a general campaign under the banner of Crusaders of Justice to help the poor and underprivileged. Staff and volunteers have collected and distributed clothing, as well as prepared and distributed meals to the elderly, disabled, and homeless, and provided other vital and essential services for thousands of men, women, and children in need; and

WHEREAS, over the years, Rev. Sardon has also been a vocal advocate for religious freedom and served in a number of public capacities, including as a board member of the Illinois Citizens Utility Board and Director of the Chicago AmeriCorps\*VISTA program site; and

WHEREAS, although Rev. E. Earle Sardon has spent most of his life serving the African American community and working to expand opportunities and improve living conditions for African Americans, as well as others, he has not received the appreciation that he so justly deserves for all his accomplishments and achievements:

THEREFORE, I Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize and commend Rev. M. Earle Sardon for his tireless commitment and dedication to racial equality and social justice, and encourage all citizens to join in acknowledging this great man and faithful public servant.

Issued by the Governor on January 19, 2006.

Filed with the Secretary of State January 19, 2006.

**2006-11****NATIONAL WOMEN'S HEART WEEK**

WHEREAS, heart disease claims the lives of nearly 500,000 women in the United States every year, at a rate of about one death per minute, and is the leading cause of death among

## PROCLAMATIONS

women. In Illinois alone, 15,796 women died in 2002 due to diseases of the heart; and

WHEREAS, the majority of women are not aware of their risk factors for a heart attack, nor are they even aware of the signs and symptoms of a heart attack. Risk factors for a heart attack include tobacco use, high blood cholesterol, high blood pressure, physical inactivity, diabetes and obesity; and

WHEREAS, signs and symptoms of a heart attack include uncomfortable pressure, squeezing, fullness or pain in the center of the chest that lasts more than a few minutes, or goes away and comes back; pain or discomfort in one or both arms, the back, neck, jaw or stomach; shortness of breath along with, or before, chest discomfort; and cold sweat, nausea or lightheadedness; and

WHEREAS, heart disease is a serious problem that unnecessarily affects far too many Americans. Consequently, it is critical that Americans are also more attentive of certain habits that will both greatly improve their health and significantly reduce the risks of heart disease, such as exercising regularly; and

WHEREAS, in addition to reducing the risks of heart disease, exercising regularly also helps us keep in shape, relieve stress, and reduce the risks of diabetes. Consequently, the Women's Heart Foundation is kicking off a nationwide 10,000 Steps Challenge during their 12<sup>th</sup> Annual Women's Heart Week to promote exercise; and

WHEREAS, just walking 10,000 steps a day can significantly improve our health and quality of life. This year, National Women's Heart Week is from February 1-7:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 1-7, 2006 as **NATIONAL WOMEN'S HEART WEEK** in Illinois in support of the wonderful campaign by the Women's Heart Foundation, and to encourage all citizens, especially women, to exercise regularly.

Issued by the Governor on January 23, 2006.

Filed with the Secretary of State January 23, 2006.

**2006-12****LAND SURVEYORS' MONTH**

WHEREAS, the profession of land surveying is one of the oldest technical services and essential for determining land and property rights, development, and construction; and

WHEREAS, land surveying is the art and science of establishing or reestablishing boundaries, corners, lines, and monuments of land and property based upon recorded documents, historical evidence, and present standards of practice; and

WHEREAS, land surveying also includes associated services such as written legal descriptions, utilization and analysis of survey data, subdivision planning and design, mapping, construction layout, and precision measurements of angle, elevation, length, area, and volume; and

WHEREAS, some of the most famous Americans have been land surveyors, including George Washington. Indeed, George Washington's skills as a land surveyor helped him

## PROCLAMATIONS

successfully plan and execute military campaigns and operations over terrain and on battlefields throughout New England and the mid-Atlantic states during the Revolutionary War; and

WHEREAS, another famous land surveyor from Illinois, Abraham Lincoln, saved the nation George Washington helped to forge. Incidentally, both President Lincoln and Washington were born during the month of February; and

WHEREAS, the month of February is also the anniversary of the Illinois Professional Land Surveyors Association. This year, they celebrate 78 years of representing the profession of land surveying:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2006 as **LAND SURVEYORS' MONTH** in Illinois to recognize land surveyors for their indispensable work, and to congratulate the Illinois Professional Land Surveyors Association for their years of service to the profession of land surveying.

Issued by the Governor on January 23, 2006.

Filed with the Secretary of State January 23, 2006.

**2006-13****SCHOOL SOCIAL WORK WEEK**

WHEREAS, every day, millions of parents entrust the education of their children to thousands of classroom teachers at hundreds of schools all across the state. Unfortunately, teaching is not easy when there are many distractions; and

WHEREAS, in addition to contending with personal and family problems that have always accompanied children, classroom teachers now have to compete with technology such as cell phones, computers, and television; and

WHEREAS, indeed, it is more difficult to engage children in the classroom today than ever before. That is why the role of school social workers is more important today than ever before; and

WHEREAS, school social workers have the critically important job of helping classroom teachers provide the best education possible. They do so by offering a number of services to children such as academic assistance, conflict resolution, crisis intervention, group counseling, and coordination of school and community health resources; and

WHEREAS, school social workers also serve as a link between schools and parents when classroom teachers have not been able to reach them through normal channels. In all, there are more than 2,200 school social workers in Illinois; and

WHEREAS, for the past 19 years, the Governor of the State of Illinois has proclaimed a week in March to commend and honor school social workers in our State:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 5-11, 2006 as **SCHOOL SOCIAL WORK WEEK** in Illinois in recognition of school social workers for their essential and vital support of classroom teachers and their commitment and dedication to the well-being of children.

Issued by the Governor on January 23, 2006.

Filed with the Secretary of State January 23, 2006.

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**2006-14  
MEDICAL ASSISTANTS WEEK**

WHEREAS, today, doctors in Illinois are under mounting pressure. Due to increasing medical liability rates, many doctors have been forced to leave our State; and

WHEREAS, last year, the legislature passed, and I approved, legislation that amends medical liability insurance rates and regulation, which will hopefully keep and attract more doctors here; and

WHEREAS, in the meantime, medical assistants are helping doctors in Illinois cover the vacuum of medical services left behind by their colleagues; and

WHEREAS, doctors are seeing three to four times the number of patients they would normally see because of the loss of their peers, and medical assistants provide the necessary support needed to keep the offices functioning and running smoothly; and

WHEREAS, patients are also receiving better care and treatment thanks to medical assistants, who improve their knowledge and skills through educational programs offered by professional organizations such as the Illinois Society of Medical Assistants:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois do hereby proclaim October 16-20, 2006 as **MEDICAL ASSISTANTS WEEK** in Illinois in recognition of medical assistants for their commitment and dedication to the medical profession and to the well-being of patients, especially during this trying time for them and doctors.

Issued by the Governor on January 23, 2006.

Filed with the Secretary of State January 23, 2006.

**2006-15  
RONALD REAGAN DAY**

WHEREAS, Ronald Reagan was born on February 6, 1911 in Tampico, Illinois. After attending high school in Dixon, Illinois, Reagan went on to earn a degree in economics and sociology from Eureka College, where he also played football and acted on stage; and

WHEREAS, Reagan began his professional career as a radio sports announcer, calling games for the University of Iowa, and later for the Chicago Cubs. In 1937, when in California to cover spring training for the Cubs, a screen test won him a seven-year acting contract with Warner Brothers Studio; and

WHEREAS, over the next two decades, Reagan appeared in more than 50 feature films. His clear voice, easy going manner, and athletic physique made him popular with audiences, which was undoubtedly one of the reasons he was selected to serve as president of the Screen Actors Guild in 1947; and

WHEREAS, it was during his tenure as president of the Screen Actors Guild that Reagan got his first taste of politics. In 1966, he ran for and was first elected Governor of California. He was reelected in 1970, and subsequently made several attempts to secure the Republican presidential nomination, finally succeeding in 1980; and

## PROCLAMATIONS

WHEREAS, Reagan went on to defeat incumbent President Jimmy Carter during the general election and was sworn in as the 40<sup>th</sup> President of the United States on January 20, 1981. His greatest achievements as president were in the area of foreign policy. After he was reelected in 1984, President Reagan improved relations with the Soviet Union and negotiated a treaty to eliminate intermediate range nuclear missiles; and

WHEREAS, in November of 1994, Reagan publicly announced that he had Alzheimer's disease. Nearly ten years later, on June 5, 2004, he passed away at the age of 93; and

WHEREAS, this year marks the 25<sup>th</sup> anniversary of President Reagan's first inauguration. Today, Americans remember him for his strong and confident leadership while he was president, which endeared him to millions of Americans and people around the world:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 6, 2006 as **RONALD REAGAN DAY** in Illinois in honor and remembrance of President Reagan on what would have been his 95<sup>th</sup> birthday.

Issued by the Governor on January 23, 2006.

Filed with the Secretary of State January 23, 2006.

# ILLINOIS ADMINISTRATIVE CODE

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