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RULES
OF GOVERNMENTAL
AGENCIES



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TABLE OF CONTENTS

May 18, 2007 Volume 31, Issue 20

PROPOSED RULES

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
Valuation of Life Insurance Policies Including the Use of Select Mortality Factors	
50 Ill. Adm. Code 1409	7202
Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits	
50 Ill. Adm. Code 1412	7210
Recognition of 2001 CSO Preferred Class Structure Mortality Tables for Use in Determining Minimum Reserve Liabilities	
50 Ill. Adm. Code 1413	7217
Security Valuation Reserve (Repealer)	
50 Ill. Adm. Code 1702	7223
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Medical Assistance Programs	
89 Ill. Adm. Code 120	7226
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS	
Homeowner Mortgage Revenue Bond Program	
47 Ill. Adm. Code 260	7228
PUBLIC HEALTH, DEPARTMENT OF	
Hospital Licensing Requirements	
77 Ill. Adm. Code 250	7240

ADOPTED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Electronic Commerce Security Act	
14 Ill. Adm. Code 105	7251
PUBLIC HEALTH, DEPARTMENT OF	
Ambulatory Surgical Treatment Center Licensing Requirements	
77 Ill. Adm. Code 205	7278
SECRETARY OF STATE	
Electronic Commerce Security Act	
14 Ill. Adm. Code 100	7284
Cancellation, Revocation or Suspension of Licenses or Permits	
92 Ill. Adm. Code 1040	7296
STATE POLICE, ILLINOIS	
Testing of Breath, Blood and Urine for Alcohol, other Drugs, and Intoxicating Compounds	
20 Ill. Adm. Code 1286	7305

EMERGENCY RULES

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Medical Assistance Programs	

89 Ill. Adm. Code 120	7323
PEREMPTORY RULES	
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310	7338
NOTICE OF CORRECTIONS TO NOTICE ONLY	
POLLUTION CONTROL BOARD	
Permits and General Provisions	
35 Ill. Adm. Code 201	7370
Definitions and General Provisions	
35 Ill. Adm. Code 211	7371
Nitrogen Oxides Emissions	
35 Ill. Adm. Code 217	7372
OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE	
ILLINOIS REGISTER	
REVENUE, DEPARTMENT OF	
2007 First Quarter Sales Tax Sunshine Index.....	7373
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	7377

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

2007 REGISTER SCHEDULE VOLUME #31

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 26, 2006	January 5, 2007
2	January 2, 2007	January 12, 2007
3	January 8, 2007	January 19, 2007
4	January 16, 2007	January 26, 2007
5	January 22, 2007	February 2, 2007
6	January 29, 2007	February 9, 2007
7	February 5, 2007	February 16, 2007
8	February 13, 2007	February 23, 2007
9	February 20, 2007	March 2, 2007
10	February 26, 2007	March 9, 2007
11	March 5, 2007	March 16, 2007
12	March 12, 2007	March 23, 2007
13	March 19, 2007	March 30, 2007
14	March 26, 2007	April 6, 2007
15	April 2, 2007	April 13, 2007
16	April 9, 2007	April 20, 2007
17	April 16, 2007	April 27, 2007
18	April 23, 2007	May 4, 2007
19	April 30, 2007	May 11, 2007
20	May 7, 2007	May 18, 2007
21	May 14, 2007	May 25, 2007
22	May 21, 2007	June 1, 2007
23	May 29, 2007	June 8, 2007

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 4, 2007	June 15, 2007
25	June 11, 2007	June 22, 2007
26	June 18, 2007	June 29, 2007
27	June 25, 2007	July 6, 2007
28	July 2, 2007	July 13, 2007
29	July 9, 2007	July 20, 2007
30	July 16, 2007	July 27, 2007
31	July 23, 2007	August 3, 2007
32	July 30, 2007	August 10, 2007
33	August 6, 2007	August 17, 2007
34	August 13, 2007	August 24, 2007
35	August 20, 2007	August 31, 2007
36	August 27, 2007	September 7, 2007
37	September 4, 2007	September 14, 2007
38	September 10, 2007	September 21, 2007
39	September 17, 2007	September 28, 2007
40	September 24, 2007	October 5, 2007
41	October 1, 2007	October 12, 2007
42	October 9, 2007	October 19, 2007
43	October 15, 2007	October 26, 2007
44	October 22, 2007	November 2, 2007
45	October 29, 2007	November 12, 2007
46	November 5, 2007	November 16, 2007
47	November 12, 2007	November 26, 2007
48	November 19, 2007	December 1, 2006
49	November 26, 2007	December 7, 2007
50	December 3, 2007	December 14, 2007
51	December 10, 2007	December 21, 2007
52	December 17, 2007	December 28, 2007

Editor's Note: The Secretary of State Index Department is providing this opportunity to notify you that the filing period for your Regulatory Agenda will occur from April 30, 2007 to July 2, 2007 as July 1, 2007 is a Sunday and the office is closed.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Valuation of Life Insurance Policies Including the Use of Select Mortality Factors
- 2) Code Citation: 50 Ill. Adm. Code 1409
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1409.30	Amendment
1409.80	New Section
- 4) Statutory Authority: Implementing Section 223 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/223 and 401]
- 5) A Complete Description of the Subjects and Issues Involved: In this same *Register*, the Division is promulgating a new regulation, 50 Ill. Adm. Code 1413, which will permit recognition of the 2001 CSO Preferred Class Structure Mortality Table. The amendments to Part 1409 will include a cross reference to the new preferred mortality tables that will be contained in Part 1413 and a definition will be added to this Part as well.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. Please see Section 1409.30 of this Part.
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Eve Blackwell-Lewis Senior Staff Attorney Department of Financial and Professional Regulation Division of Insurance 320 West Washington, 4 th Floor Springfield, Illinois 62767-0001 217/782-2867	or	Craig Cellini Rules Coordinator Department of Financial and Professional Regulation 320 West Washington 3 rd Floor Springfield, Illinois 62767-0001 217/785-0813
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13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will not affect small businesses, small municipalities or not for profit organizations.
- B) Reporting, bookkeeping or other procedures required for compliance: Following the adoption of these amendments, insurers will be permitted to use the 2001 CSO Preferred Class Structure Mortality Tables, pursuant to the requirements of 50 Ill. Adm. Code 1413.
- C) Types of professional skills necessary for compliance: Insurance/Actuarial

14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF [FINANCIAL AND PROFESSIONAL
REGULATION](#)~~INSURANCE~~

SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCE

PART 1409

VALUATION OF LIFE INSURANCE POLICIES
INCLUDING THE USE OF SELECT MORTALITY FACTORS

Section

1409.10	Purpose
1409.20	Applicability
1409.30	Definitions
1409.40	General Calculation Requirements for Basic Reserves and Deficiency Reserves
1409.50	Calculation of Minimum Valuation Standard for Policies with Guaranteed Nonlevel Premiums or Guaranteed Nonlevel Benefits (Other Than Universal Life Policies)
1409.60	Calculation of Minimum Valuation Standard for Flexible Premium and Fixed Premium Universal Life Insurance Policies That Contain Provisions Resulting in the Ability of a Policyowner to Keep a Policy in Force Over a Secondary Guarantee Period
1409.70	Use of 2001 CSO Mortality Table
1409.80	Use of 2001 CSO Preferred Class Structure Mortality Table
1409.APPENDIX A	1980 CSO Select Mortality Factors
1409.ILLUSTRATION A	Male Aggregate
1409.ILLUSTRATION B	Male Nonsmoker
1409.ILLUSTRATION C	Male Smoker
1409.ILLUSTRATION D	Female Aggregate
1409.ILLUSTRATION E	Female Nonsmoker
1409.ILLUSTRATION F	Female Smoker

AUTHORITY: Implementing Section 223 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/223 and 401].

SOURCE: Adopted at 20 Ill. Reg. 12359, effective September 3, 1996; amended at 23 Ill. Reg. 14306, effective January 1, 2000; amended at 28 Ill. Reg. 9262, effective July 1, 2004; amended at 31 Ill. Reg. _____, effective _____.

Section 1409.30 Definitions

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1980 CSO Valuation Tables means the Commissioner's 1980 Standard Ordinary Mortality Table (1980 CSO Table) without ten-year selection factors, incorporated into the 1980 amendments to the National Association of Insurance Commissioners (NAIC) Standard Valuation Law, and the smoker and nonsmoker variations of the 1980 CSO Table approved by the NAIC in December, 1983, as published in the 1984 Proceedings for the NAIC, Vol. 1, p. 31 and approved by the Director for use in determining the minimum standards of valuation pursuant to 50 Ill. Adm. Code 934. No later amendments or editions shall be included.

2001 CSO Mortality Table means that mortality table, consisting of separate rates of mortality for male and female lives found in 50 Ill. Adm. Code 1412. Appendix A, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. Unless the context indicates otherwise, the 2001 CSO Mortality Table includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.

2001 CSO Preferred Class Structure Mortality Table means mortality tables with separate rates of mortality for Super Preferred Nonsmokers, Preferred Nonsmokers, Residual Standard Nonsmokers, Preferred Smokers, and Residual Standard Smoker splits of the 2001 CSO Nonsmoker and Smoker approved by the NAIC in September 2006, as published in the 2006 Proceedings for the NAIC (3rd Quarter), Vol. III, p. 2219 and approved by the Director for use pursuant to 50 Ill. Adm. Code 1413. Unless the context indicates otherwise, the 2001 CSO Preferred Class Structure Mortality Table includes both the ultimate form of that table and the select and ultimate form of that table. It includes both the smoker and nonsmoker mortality tables. It includes both the male and female mortality tables and the gender composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality table.

Basic Reserves mean reserves calculated in accordance with Section 223(3)(b) of the Illinois Insurance Code [215 ILCS 5/223(3)(b)].

Contract Segmentation Method means the method of dividing the period from issue to mandatory expiration of a policy into successive segments, with the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

length of each segment being defined as the period from the end of the prior segment (from policy inception, for the first segment) to the end of the latest policy year as determined in the procedure set forth below in this definition. All calculations are made using the 1980 CSO valuation tables, and if elected, the optional minimum mortality standard for deficiency reserves found in subsection (b) of Section 1409.40 of this Part.

The length of a particular contract segment shall be set equal to the minimum of the value t for which G_t is greater than R_t (if G_t never exceeds R_t the segment length is deemed to be the number of years from the beginning of the segment to the mandatory expiration date of the policy), where G_t and R_t are defined as follows:

$$G_t = \frac{GP_{x+k+t}}{GP_{x+k+t-1}}$$

$$R_t = \frac{q_{x+k+t}}{q_{x+k+t-1}}$$

However, R_t may be increased or decreased by one percent in any policy year, at the company's option, but R_t shall not be less than one

where:

x = original issue age

k = the number of years from the date of issue to the beginning of the segment

t = 1, 2, ...; t is reset to 1 at the beginning of each segment

$GP_{x+k+t-1}$ = Guaranteed gross premium per thousand of face amount for year t of the segment, ignoring policy fees only if level for the premium paying period of the policy, for year t of the segment

$q_{x+k+t-1}$ = Valuation mortality rate for deficiency reserves in policy year $k+t$ but using the select mortality factors found in Section 1409.40(b)(3) if Section 1409.40(b)(4) is elected for deficiency reserves

However, if GP_{x+k+t} is greater than 0 and $GP_{x+k+t-1}$ is equal to 0, G_t shall be deemed to be 1000. If GP_{x+k+t} and $GP_{x+k+t-1}$

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

are both equal to 0, G_t shall be deemed to be 0

Deficiency Reserves mean the excess, if greater than zero, of:

Minimum reserves calculated in accordance with Section 223(3)(f) of the Illinois Insurance Code [215 ILCS 5/223(3)(f)], over

Basic reserves.

Guaranteed Gross Premiums mean the premiums under a policy of life insurance that are guaranteed and determined at issue.

Maximum Valuation Interest Rates mean the interest rates defined in Section 223(6)(b) of the Illinois Insurance Code [215 ILCS 5/223(6)(b)] that are to be used in determining the minimum standard for the valuation of life insurance policies.

Scheduled Gross Premium means the smallest illustrated gross premium at issue for other than universal life insurance policies. For universal life insurance policies, scheduled gross premium means the smallest specified premium described in subsection (a)(3) of Section 1409.60 of this Part, if any, or else the minimum premium described in subsection (a)(4) of Section 1409.60 of this Part.

Segmented Reserves mean reserves, calculated using segments produced by the contract segmentation method, equal to the present value of all future guaranteed benefits less the present value of all future net premiums to the mandatory expiration of a policy, where the net premiums within each segment are a uniform percentage of the respective guaranteed gross premiums within the segment. The uniform percentage for each segment is such that, at the beginning of the segment, the present value of the net premiums within the segment equals:

The present value of the death benefits within the segment, plus

The present value of any unusual guaranteed cash value (subsection (d) of Section 1409.50 of this Part) occurring at the end of the segment, less

Any unusual guaranteed cash value occurring at the start of the segment, plus

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

For the first segment only as measured from the actual issue date, the excess of the net level annual premium (which is equal to the present value, at the date of issue, of the benefits provided for in the first segment after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary within the first segment on which a premium falls due) over the net one year term premium for the benefits provided for in the first policy year. However, the net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy.

The length of each segment is determined by the Contract Segmentation Method.

The interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the sum of the lengths of all segments of the policy.

For both basic reserves and deficiency reserves computed by the segmented method, present values must include future benefits and net premiums in the current segment and in all subsequent segments.

Tabular Cost of Insurance means the net single premium at the beginning of a policy year for one-year term insurance in the amount of the guaranteed death benefit in that policy year.

Ten-year Select Factors mean the select factors adopted in the 1980 amendments to the NAIC Standard Valuation Law.

Unitary Reserves mean the present value of all future guaranteed benefits less the present value of all future modified net premiums, where:

Guaranteed benefits and modified net premiums are considered to the mandatory expiration of the policy; and

Modified net premiums are a uniform percentage of the respective guaranteed gross premiums, where the uniform percentage is such that, at

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

issue, the present value of the net premiums equals the present value of all death benefits and pure endowments, plus the excess of the net level annual premium equal to the present value, at the date of issue, of the benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary of the policy on which a premium falls due, over the net one year term premium for the benefits provided for in the first policy year. However, the net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy; and

Any negative terminal reserves are set to zero.

The interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the length from issue to the mandatory expiration of the policy.

Universal Life Insurance Policy means any individual life insurance policy under the provisions of which separately identified interest credits (other than in connection with dividend accumulations, premium deposit funds, or other supplementary accounts) and mortality or expense charges are made to the policy.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1409.80 Use of 2001 CSO Preferred Class Structure Mortality Table

The 2001 CSO Preferred Class Structure Mortality Tables may be used for calculations under the requirements of this Part as authorized and described in 50 Ill. Adm. Code 1413.

(Source: Added at 31 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits
- 2) Code Citation: 50 Ill. Adm. Code 1412
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1412.20	Amendment
1412.70	New Section
- 4) Statutory Authority: Implementing Sections 223(3)(a)(i) and 229.2(4c)(h)(vi) and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/223(3)(a)(i); 229.2(4c)(h)(vi); and 401]
- 5) A Complete Description of the Subjects and Issues Involved: In this same *Register*, the Division is promulgating a new regulation, 50 Ill. Adm. Code 1413, which will permit recognition of the 2001 CSO Preferred Class Structure Mortality Table. The amendments to Part 1412 will include a cross reference to the new preferred mortality tables that will be contained in Part 1413 and a definition will be added to this Part as well.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. Please see Section 1412.20 of this Part.
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Eve Blackwell-Lewis, Senior Staff Attorney
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3rd Floor
Springfield, Illinois 62767-0001

217/782-2867

217/785-0813

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will not affect small businesses, small municipalities or not for profit organizations.
- B) Reporting, bookkeeping or other procedures required for compliance: Following the adoption of these amendments, insurers will be permitted to use the 2001 CSO Preferred Class Structure Mortality Tables, pursuant to the requirements of 50 Ill. Adm. Code 1413.
- C) Types of professional skills necessary for compliance: Insurance/Actuarial

14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION ~~INSURANCE~~

SUBCHAPTER s: LEGAL RESERVE LIFE

PART 1412

RECOGNITION OF THE 2001 CSO MORTALITY TABLE
FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES
AND NONFORFEITURE BENEFITS

Section

1412.10	Purpose
1412.20	Definitions
1412.30	2001 CSO Mortality Table
1412.40	Conditions
1412.50	Applicability of the 2001 CSO Mortality Table to 50 Ill. Adm. Code 1409
1412.60	Gender-Blended Tables
<u>1412.70</u>	<u>Use of 2001 CSO Preferred Class Structure Mortality Table</u>
1412.APPENDIX A	2001 CSO Mortality Tables
1412.ILLUSTRATION A	Male Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION B	Male Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION C	Male Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION D	Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION E	Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION F	Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION G	Ultimate Age Nearest Birthday (Male/Female Composite/Nonsmoker/Smoker)
1412.ILLUSTRATION H	Male Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION I	Male Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION J	Male Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION K	Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION L	Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION M	Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION N	Ultimate Age Last Birthday (Male/Female Composite/Nonsmoker/Smoker)
1412.ILLUSTRATION O	Blended 80% Male, 20% Female Composite Select & Ultimate Age Nearest Birthday

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1412.ILLUSTRATION P	Blended 60% Male, 40% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION Q	Blended 50% Male, 50% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION R	Blended 40% Male, 60% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION S	Blended 20% Male, 80% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION T	Blended Composite Ultimate Age Nearest Birthday
1412.ILLUSTRATION U	Blended 80% Male, 20% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION V	Blended 60% Male, 40% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION W	Blended 50% Male, 50% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION X	Blended 40% Male, 60% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION Y	Blended 20% Male, 80% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION Z	Blended Nonsmoker Ultimate Age Nearest Birthday
1412.ILLUSTRATION AA	Blended 80% Male, 20% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION BB	Blended 60% Male, 40% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION CC	Blended 50% Male, 50% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION DD	Blended 40% Male, 60% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION EE	Blended 20% Male, 80% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION FF	Blended Smoker Ultimate Age Nearest Birthday
1412.ILLUSTRATION GG	Blended 80% Male, 20% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION HH	Blended 60% Male, 40% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION II	Blended 50% Male, 50% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION JJ	Blended 40% Male, 60% Female Composite Select & Ultimate Age Last Birthday

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1412.ILLUSTRATION KK	Blended 20% Male, 80% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION LL	Blended Composite Ultimate Age Last Birthday
1412.ILLUSTRATION MM	Blended 80% Male, 20% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION NN	Blended 60% Male, 40% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION OO	Blended 50% Male, 50% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION PP	Blended 40% Male, 60% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION QQ	Blended 20% Male, 80% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION RR	Blended Nonsmoker Ultimate Age Last Birthday
1412.ILLUSTRATION SS	Blended 80% Male, 20% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION TT	Blended 60% Male, 40% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION UU	Blended 50% Male, 50% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION VV	Blended 40% Male, 60% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION WW	Blended 20% Male, 80% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION XX	Blended Smoker Ultimate Age Last Birthday

AUTHORITY: Implementing Sections 223(3)(a)(i) and 229.2(4c)(h)(vi) and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/223(3)(a)(i); 229.2(4c)(h)(vi); and 401].

SOURCE: Adopted at 28 Ill. Reg. 9281, effective July 1, 2004; amended at 31 Ill. Reg. _____, effective _____.

Section 1412.20 Definitions

2001 CSO Mortality Table means that mortality table, consisting of separate rates of mortality for male and female lives found in Appendix A of this Part, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the National

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Association of Insurance Commissioners (NAIC) in December 2002. Unless the context indicates otherwise, the 2001 CSO Mortality Table includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.

2001 CSO Mortality Table (F) means that mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.

2001 CSO Mortality Table (M) means that mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.

2001 CSO Preferred Class Structure Mortality Table means mortality tables with separate rates of mortality for Super Preferred Nonsmokers, Preferred Nonsmokers, Residual Standard Nonsmokers, Preferred Smokers, and Residual Standard Smoker splits of the 2001 CSO Nonsmoker and Smoker approved by the NAIC in September 2006, as published in the 2006 Proceedings for the NAIC (3rd Quarter), Vol. III, p. 2219 and approved by the Director for use pursuant to 50 Ill. Adm. Code 1413. Unless the context indicates otherwise, the 2001 CSO Preferred Class Structure Mortality Table includes both the ultimate form of that table and the select and ultimate form of that table. It includes both the smoker and nonsmoker mortality tables. It includes both the male and female mortality tables and the gender composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality table.

Code means the Illinois Insurance Code [215 ILCS 5].

Composite mortality tables means mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.

Director means the Director of the Illinois Department of Insurance.

Smoker and nonsmoker mortality tables means mortality tables with separate rates of mortality for smokers and nonsmokers.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 1412.70 Use of 2001 CSO Preferred Class Structure Mortality Table

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

The 2001 CSO Preferred Class Structure Mortality Tables may be used for calculations under the requirements of this Part as authorized and described in 50 Ill. Adm. Code 1413.

(Source: Added at 31 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Recognition of 2001 CSO Preferred Class Structure Mortality Tables for Use in Determining Minimum Reserve Liabilities
- 2) Code Citation: 50 Ill. Adm. Code 1413
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1413.10	New Section
1413.20	New Section
1413.30	New Section
1413.40	New Section
1413.50	New Section
- 4) Statutory Authority: Implementing Section 223(3)(a)(i) and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/223(3)(a)(i) and 401]
- 5) A Complete Description of the Subjects and Issues Involved: The Division is promulgating this new regulation, which will permit recognition of the 2001 CSO Preferred Class Structure Table. Additionally, in this same Register the Division has submitted amendments to Part 1409 and 1412 that include a cross reference to the new preferred mortality tables referenced in this Part.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking? None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. Please see Section 1413.20 of this Part.
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Eve Blackwell-Lewis, Senior Staff Attorney
Department of Financial and
Professional Regulation
Division of Insurance
320 West Washington, 4th Floor or
Springfield, Illinois 62767-0001

217/782-2867

Craig Cellini, Rules Coordinator
Department of Financial and
Professional Regulation
320 West Washington
3rd Floor
Springfield, Illinois 62767-0001

217/785-0813

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will not affect small businesses, small municipalities or not for profit organizations.
- B) Reporting, bookkeeping or other procedures required for compliance: Following the adoption of this new Part, insurers will be permitted to use the 2001 CSO Preferred Class Structure Mortality Tables.
- C) Types of professional skills necessary for compliance: Insurance/Actuarial

- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCE

PART 1413

RECOGNITION OF 2001 CSO PREFERRED CLASS STRUCTURE MORTALITY
TABLES FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES

Section

1413.10	Purpose
1413.20	Definitions
1413.30	2001 CSO Preferred Class Structure Table
1413.40	Conditions
1413.50	Effective Date

AUTHORITY: Implementing Section 223(3)(a)(i) and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/223 and 401].

SOURCE: Adopted at 31 Ill. Reg. _____, effective _____.

Section 1413.10 Purpose

The purpose of this Part is to recognize, permit and prescribe the use of mortality tables that reflect differences in mortality between preferred and standard lives in determining minimum reserve liabilities in accordance with Section 223(3)(a)(i) of the Illinois Insurance Code [215 ILCS 5/223(3)(a)(i)] and for use under 50 Ill. Adm. Code 1409.40(a) and (b).

Section 1413.20 Definitions

2001 CSO Mortality Table means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in 50 Ill. Adm. Code 1412.Appendix A and supplemented by the 2001 CSO Preferred Class Structure Mortality Table defined below. Unless the context indicates otherwise, the 2001 CSO Mortality Table includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables. Mortality tables in the 2001 CSO Mortality Table include the following:

2001 CSO Mortality Table (F) means that mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.

2001 CSO Mortality Table (M) means that mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.

Composite mortality tables means mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.

Smoker and nonsmoker mortality tables means mortality tables with separate rates of mortality for smokers and nonsmokers.

2001 CSO Preferred Class Structure Mortality Table means mortality tables with separate rates of mortality for Super Preferred Nonsmokers, Preferred Nonsmokers, Residual Standard Nonsmokers, Preferred Smokers, and Residual Standard Smoker splits of the 2001 CSO Nonsmoker and Smoker approved by the NAIC in September 2006, as published in the 2006 Proceedings for the NAIC (3rd Quarter), Vol. III, p. 2219 and approved by the Director for use pursuant to this Part. Unless the context indicates otherwise, the 2001 CSO Preferred Class Structure Mortality Table includes both the ultimate form of that table and the select and ultimate form of that table. It includes both the smoker and nonsmoker mortality tables. It includes both the male and female mortality tables and the gender composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality table.

Code means the Illinois Insurance Code [215 ILCS 5].

Department means the Department of Financial and Professional Regulation.

Director means the Director of the Illinois Department of Financial and Professional Regulation-Division of Insurance.

Division means the Illinois Department of Financial and Professional Regulation-Division of Insurance.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

Statistical Agent means an entity with proven systems for protecting the confidentiality of individual insured and insurer information; demonstrated resources for and history of ongoing electronic communications and data transfer ensuring data integrity with insurers that are its members or subscribers; and a history of and means for aggregation of data and accurate promulgation of the experience modifications in a timely manner.

Section 1413.30 2001 CSO Preferred Class Structure Table

At the election of the company, for each calendar year of issue, for any one or more specified plans of insurance and subject to satisfying the conditions stated in this Part, the 2001 CSO Preferred Class Structure Mortality Table may be substituted in place of the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after January 1, 2007. No such election shall be made until the company demonstrates at least 20% of the business to be valued on this table is in one or more of the preferred classes. A table from the 2001 CSO Preferred Class Structure Mortality Table used in place of a 2001 CSO Mortality Table, pursuant to the requirements of this Part, will be treated as part of the 2001 CSO Mortality Table only for purposes of reserve valuation pursuant to the requirements of 50 Ill. Adm. Code 1412, "Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits".

Section 1413.40 Conditions

- a) For each plan of insurance with separate rates for preferred and standard nonsmoker lives, an insurer may use the Super Preferred Nonsmoker, Preferred Nonsmoker, and Residual Standard Nonsmoker Tables to substitute for the nonsmoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, except for business valued under the Residual Standard Nonsmoker Table, the appointed actuary shall certify that:
 - 1) The present value of death benefits over the next 10 years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.
 - 2) The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

- b) For each plan of insurance with separate rates for preferred and standard smoker lives, an insurer may use the Preferred Smoker and Residual Standard Smoker Tables to substitute for the smoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, for business valued under the Preferred Smoker Table, the appointed actuary shall certify that:
- 1) The present value of death benefits over the next 10 years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the preferred smoker valuation basis table corresponding to the valuation table being used for that class.
 - 2) The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the preferred smoker valuation basic table.
- c) Every authorized insurer using the 2001 CSO Preferred Class Structure Table shall annually file with the Director, no sooner than December 31, 2008, statistical reports showing mortality and such other information as the Director may deem necessary or expedient for the administration of the provisions of this Part.

Section 1413.50 Effective Date

The effective date for use of the 2001 CSO Preferred Class Structure Mortality Tables will be the latter of the date of adoption or the effective date of an NAIC Actuarial Guideline providing guidance relating to the selection of appropriate tables allowed by this Part.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

Professional Regulation Division of Insurance 320 West Washington, 4 th Floor Springfield, Illinois 62767-0001 217/782-2867	or	Professional Regulation 320 West Washington 3 rd Floor Springfield, Illinois 62767-0001 217/785-0813
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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This repealer will not affect small businesses; small municipalities or not for profit organizations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Division didn't not anticipate the need to repeal this Part.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION~~INSURANCE~~

SUBCHAPTER w: FRATERNAL BENEFIT SOCIETIES

PART 1702 (REPEALED)

SECURITY VALUATION RESERVE

Section
1702.10 Requirements In Filing Annual Statement

AUTHORITY: Implementing and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 1013).

SOURCE: Filed July 11, 1958; codified at 7 Ill. Reg. 1048; repealed at 31 Ill. Reg. _____, effective _____.

Section 1702.10 Requirements in Filing Annual Statement

- a) Every life insurance company, assessment legal reserve company and fraternal benefit society which is authorized to do business in this State shall include in its annual statement each year to be filed with the Illinois Department of Insurance, under liabilities, a Security Valuation Reserve on its bond and stock holdings calculated in accordance with the report of the Sub-Committee of the Committee on Valuation of Securities which was adopted by the National Association of Insurance Commissioners on December 5, 1951, as amended.
- b) The above mentioned Security Valuation Reserve is hereby prescribed by the Director of Insurance. The amount of the reserve should be shown in the annual statement as a Liability at line 25.1, page 3 in the Life and Fraternal blank.
- c) This Department will also require a statement to be filed with the annual statement showing the details of the calculations of this reserve and indicating, in the case of life companies, the amounts which have been included in the appropriate items on page 3 of the Life blank.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
120.540	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The proposed rulemaking, as provided in the federal waiver, allow HFS to expand eligibility for family planning and related reproductive healthcare to women who apply for the benefit rather than restricting eligibility to women losing eligibility for regular medical benefits. Eligible women are 19 to 44 years of age, have a family income below 200 percent of poverty and are not otherwise eligible for other healthcare programs offered by HFS. Under this expansion, the Department estimates approximately 45,000 more women, per year will enroll in Illinois Healthy Women.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
120.550	New Section	31 Ill. Reg. 5379; April 6, 2007
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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

217/557-7157

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page 7323:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Homeowner Mortgage Revenue Bond Program
- 2) Code Citation: 47 Ill. Adm. Code 260
- 3) Section Number: 260.103 Proposed Action: Amended
- 4) Statutory Authority: Authorized by Section 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805]
- 5) A Complete Description of the Subjects and Issues Involved: This amendment involves the administration of the homeowner mortgage revenue bond program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendment does not create, expand, or modify a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Richard B. Muller, Esq.
401 North Michigan Avenue
Suite 700
Chicago, Illinois 60611

- 13) Initial Regulatory Flexibility Analysis:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: No new requirements
 - C) Types of Professional skills necessary for compliance: No new requirements
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the most recent Regulatory Agenda because: the Illinois Housing Development Authority was not aware of and did not anticipate an amendment to the Internal Revenue Code of 1986, which necessitated the amendment to the rules for the homeowner mortgage revenue bond program.

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

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 260
HOMEOWNER MORTGAGE REVENUE BOND PROGRAM

SUBPART A: GENERAL RULES

Section	
260.101	Authority
260.102	Purposes and Objectives
260.103	Definitions
260.104	Borrowing by the Authority
260.105	Compliance with Federal Law
260.106	Standards
260.107	Forms for the Program
260.108	Fees and Charges of the Authority
260.109	Waiver (Repealed)
260.110	Amendment
260.111	Severability
260.112	Gender and Number
260.113	Titles and Captions
260.114	Calendar Days

SUBPART B: LENDER APPLICATION PROCESS

Section	
260.201	Invitations to Sell Mortgage Loans
260.202	Security for Allocation of Net Proceeds
260.203	Allocation of Net Proceeds for Purchase of Mortgage Loans loans
260.204	Notice of Acceptance
260.205	Commitments for Mortgage Loans

SUBPART C: HOMEBUILDER APPLICATION PROCESS

Section	
260.301	HomeBuilder Invitations
260.302	Reservation of Funds for Construction of Qualified Dwellings
260.303	Notice of Reservation of Funds

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

- 260.304 Real Estate Purchase Contracts
260.305 Transfer of Reserved Funds

SUBPART D: PURCHASE OF MORTGAGE LOANS

Section

- 260.401 Mortgage Loans
260.402 Yield on Mortgage Loans
260.403 Terms and Conditions of the Purchase of Mortgage Loans
260.404 Prepayment
260.405 Targeted Area Residences
260.406 Supplemental Mortgage Coverage
260.407 Special Hazard Insurance

SUBPART E: ADMINISTRATIVE RULES

Section

- 260.501 Restrictions on Return Realized by Lenders
260.502 Servicing of Mortgage Loans
260.503 Purchase of Authority Bonds
260.504 Equal Opportunity Lending
260.505 Inspection of Books and Records
260.506 Termination

AUTHORITY: Authorized by Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23].

SOURCE: Adopted at 18 Ill. Reg. 17229, effective November 16, 1994; amended at 22 Ill. Reg. 3851, effective February 4, 1998; emergency amendment at 31 Ill. Reg. 5883, effective March 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. _____, effective _____.

EDITOR'S NOTE: The federal agency referred to in this Part as the "VA" and "The United States Veterans' Administration" changed its name in 1989 to the United States Department of Veterans Affairs.

SUBPART A: GENERAL RULES

Section 260.103 Definitions

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Allocation": The amount of funds reserved to a Lender in a Series Program pursuant to a Lender Application and a Notice of Acceptance.

"Assistant Director": The Assistant Director of the Authority.

"Authority": The Illinois Housing Development Authority.

"Bonds": The Homeowner Mortgage Revenue Bonds issued by the Authority pursuant to the Act from time to time to finance the Program.

"Code": The Internal Revenue Code of 1986, as amended and supplemented, and the regulations promulgated by the Treasury Department thereunder.

"Commitment Fee": The fee that the Authority may require a prospective HomeBuilder to pay to the Authority at the time it files its HomeBuilder Application.

"Deputy Director": The Deputy Director of the Authority.

"Director": The Director of the Authority.

"Eligible Borrower": A person:

who is or will be a resident of the State within sixty days after the closing of his purchase of a Qualified Dwelling;

whose Household Income does not exceed the Maximum Income;

who intends to use the Qualified Dwelling being financed by a Mortgage Loan as his permanent residence within sixty (60) days after the closing of the Mortgage Loan;

who occupies or intends to occupy as a single household the Qualified Dwelling purchased or being purchased as a permanent residence; and

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

who at no time during the 3-year period ending on the date of closing of the Mortgage Loan had a present ownership interest in his principal residence.

An Eligible Borrower who purchases a Targeted Area Residence or a Qualified Rehabilitation Residence, or who qualifies under any other provision of the Code, is exempt from the 3-year requirement of this definitionsubsection. For purposes of this definitionsubsection, the Eligible Borrower's interest in the Qualified Dwelling financed under this Program shall not be taken into account.

A residence that is used as an investment property or a recreational home, or that is primarily intended to be used in a trade or business (including, without limitation, any residence of which more than fifteen percent (15%) of the total area is reasonably expected to be used primarily in a trade or business), does not satisfy the requirements of this subparagraph.

"FHA": The Federal Housing Administration.

"FHLMC": The Federal Home Loan Mortgage Corporation.

"FmHA": The Farmer's Home Administration.

"FNMA": The Federal National Mortgage Association.

"HomeBuilder": An individual or entity approved by the Authority that:

for the 12-month period preceding the date of its HomeBuilder Application for participation in a Series Program had insurance coverage for product liability, worker's compensation and builder's risk;

and had constructed at least two buildings in that same 12-month period or, in the alternative, had constructed at least four buildings in the 24-month period preceding the date of its HomeBuilder Application for participation in a Series Program.

"HomeBuilder Application": A prospective HomeBuilder's application to construct Qualified Dwellings for sale to Eligible Borrowers pursuant to the terms of a HomeBuilder Participation Agreement and other Program documents.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

"HomeBuilder Participation Agreement": The agreement between the Authority and a HomeBuilder pursuant to which the HomeBuilder agrees to construct new Qualified Dwellings for purchase by Eligible Borrowers, and the Authority agrees to purchase Mortgage Loans financing such newly constructed Qualified Dwellings, under the terms and conditions set forth therein.

"Household Income": The total annualized gross income of the Eligible Borrower(s), and any other person who is expected to live in the Qualified Dwelling and be secondarily liable on the Note, all persons residing or intending to reside as a single household in a Qualified Dwelling, from whatever source derived and before taxes or withholdings; provided that if a married person takes title to the Qualified Dwelling individually the income of the spouse shall also be included.

"Lender": A State-chartered bank, national banking association, mortgage banking association or institution, credit union, or State or federal savings and loan association:

that is located and qualified to do business in the State;

that is qualified to sell mortgages to FNMA and/or FHLMC (this requirement may be waived by the Director after determination that the assets of the Lender exceed \$500,000, that the percentage of mortgage delinquencies in the Lender's single family portfolio do not exceed 2.15 times the Statewide average as determined by the last quarterly pronouncement by the United States Federal Home Loan Bank Board and that the Lender has an asset-to-liability ratio of at least 1.01/1);

the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, or which deposits its funds in Illinois financial institutions whose deposits are insured by the Federal Deposit Insurance Corporation; and whose Lender Application has been accepted by the Director, Deputy Director or Assistant Director based upon the satisfaction of the requirements of the Series Program under which the Lender has submitted such Lender Application and a determination of financial suitability after consideration of the net assets, lending capacity, and experience of the potential Lender over the past twelve (12) months in residential mortgage

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

lending. The Authority may also be a Lender.

"Lender Application": A prospective Lender's application to sell Mortgage Loans to the Authority pursuant to the terms of a Mortgage Purchase Agreement and other Series Program documents.

"Maximum Income": Unless otherwise permitted by the Code, 115% of the median family income of either the metropolitan statistical area or primary metropolitan statistical area in which the Qualified Dwelling is located or the State, whichever is greater, as determined by the Internal Revenue Service.

"Members": The Members of the Authority.

"Mortgage": The mortgage, or other instrument in the nature of a mortgage, creating a first mortgage lien on a fee interest in real estate, together with all supplements, modifications or amendments to it.

"Mortgage Loan": A loan made by a Lender to an Eligible Borrower for the purchase of a Qualified Dwelling and secured by a Mortgage on such Qualified Dwelling. No Mortgage Loan shall be a replacement or refinancing of an existing mortgage loan except in the case of a Qualified Rehabilitation Loan or other temporary loans, as permitted by Section 143 of the Code.

"Mortgage Purchase Agreement": The agreement between the Authority and a Lender pursuant to which the Authority agrees to purchase Mortgage Loans from the Lender on the terms and conditions set forth therein and which establishes the requirements for Mortgage Loans to be purchased by the Authority.

"Net Proceeds": With respect to the proceeds of each series of Bonds, all moneys made available by the Authority for the purchase of Mortgage Loans.

"Notice of Acceptance": The Authority's notice to a Lender accepting its Lender Application.

"Notice of Reservation of Funds": The Authority's notice to a HomeBuilder accepting its Homebuilder Application and setting forth the amount of the HomeBuilder's Reservation.

"Part": This Part 260.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

"Prepayment": Any moneys, however derived, that are received or recovered by the Authority from any payment of, or with respect to, principal on any Mortgage Loan prior to scheduled payments of principal required under such Mortgage Loan.

"Private Mortgage Insurance": Insurance coverage paid for by the Eligible Borrower that insures the Authority against losses with respect to defaults on a Mortgage Loan according to the terms of the insurance policy. The Authority may provide Private Mortgage Insurance or its equivalent.

"Program": The Authority's single family mortgage purchase program that is funded with proceeds of Bonds issued after the date of the adoption of the Resolution.

"Property Value": The lesser of the purchase price or the appraised value of the Qualified Dwelling at the time of the origination of the Mortgage Loan secured by such Qualified Dwelling.

"Qualified Dwelling": A fee simple interest in real property:

that is located in the State;

upon which there is located a structure or structures designed for residential use;

that is a single family residence; a condominium unit meeting the requirements of the Mortgage Purchase Agreement; a one-, two-, three- or four-unit structure meeting the requirements of the Code; or factory-made housing that is permanently fixed to real property;

of which not more than fifteen percent (15%) of the total area is reasonably expected to be used primarily in a trade or business; and

that can reasonably be expected to become the principal residence of the Eligible Borrower within a reasonable time after financing is provided. For purposes of this subparagraph, a "reasonable time after financing is provided" shall be deemed to be a period within sixty (60) days after closing of the Mortgage Loan. This period may be extended if the

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

Authority determines that undue hardship to the Eligible Borrower or Lender or an unreasonable result will otherwise occur.

"Qualified Rehabilitation Loan": A Mortgage Loan for the purchase of a Qualified Rehabilitation Residence. An Eligible Borrower for a Qualified Rehabilitation Loan must be the first resident of the Qualified Rehabilitation Residence after the completion of the rehabilitation.

"Qualified Rehabilitation Residence": A qualified Dwelling for which there has been a qualified rehabilitation, as defined in Section 143 of the Code.

"Reservation": The amount of funds reserved to a Homebuilder in a Series Program pursuant to a HomeBuilder Application and a Notice of Reservation of Funds.

"Resolution": The Authority's Homeowner Mortgage Revenue Bonds General Resolution setting forth the general terms and conditions under which the Authority may issue, deliver and sell Bonds.

"Rules": The rules of the Authority, as amended and supplemented from time to time.

"Series Program": A mortgage purchase program authorized by a Series Resolution to become a part of the Program.

"Series Resolution": A resolution issued pursuant to the Resolution authorizing the Authority to conduct a Series Program and to issue Bonds to provide financing for the purchase of Mortgage Loans under such Series Program.

"Servicer": A Lender, or its designated servicer, that has been approved by the Director, Deputy Director or Assistant Director as a Servicer and that has executed a Servicing Agreement with the Authority. The Authority may also be a Servicer. A designated servicer other than the Authority must be:

a State-chartered bank, national banking association, mortgage banking association or institution, credit union or State or federal savings and loan association;

that is qualified to do business in the State;

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

that is qualified to sell mortgages to FNMA and/or FHLMC, unless such requirement is waived by the Director based upon a determination of financial suitability made by the Director after consideration of the net assets, servicing capacity, and experience of the potential Servicer over the past 12 months in residential mortgage servicing; and

the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, or that deposits its funds in Illinois financial institutions whose deposits are insured by the Federal Deposit Insurance Corporation.

"Servicing Agreement": The agreement between a Servicer and the Authority (except when the Authority is the Servicer) that sets forth the terms and conditions for the servicing of Mortgage Loans purchased by the Authority.

"Special Hazard Insurance": Insurance that provides protection with respect to loss on properties acquired in connection with the foreclosure of a defaulted Mortgage Loan by reason of damage to properties caused by certain hazards (including earthquakes, and to a limited extent, tidal waves and related water damage) not insured against under a standard hazard insurance policy required to be obtained by each Eligible Borrower, or a flood insurance policy if the property is in a federally designated flood area. The Authority may provide Special Hazard Insurance or its equivalent.

"Staff": The Director, Deputy Director, Assistant Director and employees of the Authority.

"State": The State of Illinois.

"Supplemental Mortgage Coverage": The coverage, if required by a Series Resolution, whether in the form of insurance, a letter of credit, a guarantee, pledged funds or other forms of coverage, of losses incurred from Mortgage Loan defaults under that Series Program. Supplemental Mortgage Coverage may supplement other mortgage insurance and may include any insurance or reserve fund funded by the Authority.

"VA": The United States Veterans' Administration.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 31 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
250.1110	New	October 13, 2006; 30 Ill. Reg. 16191
250.1120	New	October 13, 2006; 30 Ill. Reg. 16191
250.310	Amendment	March 9, 2007; 31 Ill. Reg. 3701

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761

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

- 13) Initial Regulatory Flexibility Analysis:

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

- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: the need for the rulemaking was not foreseen at the time the last Agendas were published.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section

- 250.110 Application for and Issuance of Permit to Establish a Hospital
- 250.120 Application for and Issuance of a License to Operate a Hospital
- 250.130 Administration by the Department
- 250.140 Hearings
- 250.150 Definitions
- 250.160 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section

- 250.210 The Governing Board
- 250.220 Accounting
- 250.230 Planning
- 250.240 Admission and Discharge
- 250.250 Visiting Rules
- 250.260 Patients' Rights
- 250.265 Language Assistance Services
- 250.270 Manuals of Procedure
- 250.280 Agreement with Designated Organ Procurement Agencies

SUBPART C: THE MEDICAL STAFF

Section

- 250.310 Organization
- 250.315 House Staff Members
- 250.320 Admission and Supervision of Patients
- 250.330 Orders for Medications and Treatments
- 250.340 Availability for Emergencies

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART D: PERSONNEL SERVICE

Section

250.410	Organization
250.420	Personnel Records
250.430	Duty Assignments
250.435	Health Care Worker Background Check
250.440	Education Programs
250.450	Personnel Health Requirements
250.460	Benefits

SUBPART E: LABORATORY

Section

250.510	Laboratory Services
250.520	Blood and Blood Components
250.525	Designated Blood Donor Program
250.530	Proficiency Survey Program (Repealed)
250.540	Laboratory Personnel (Repealed)
250.550	Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

Section

250.610	General Diagnostic Procedures and Treatments
250.620	Radioactive Isotopes
250.630	General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

Section

250.710	Classification of Emergency Services
250.720	General Requirements
250.725	Notification of Emergency Personnel
250.730	Community or Areawide Planning
250.740	Disaster and Mass Casualty Program
250.750	Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section

250.810	Applicability of Other Parts of These Requirements
250.820	General
250.830	Classifications of Restorative and Rehabilitation Services
250.840	General Requirements for all Classifications
250.850	Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860	Medical Direction
250.870	Nursing Care
250.880	Additional Allied Health Services

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section

250.910	Nursing Services
250.920	Organizational Plan
250.930	Role in hospital planning
250.940	Job descriptions
250.950	Nursing committees
250.960	Specialized nursing services
250.970	Nursing Care Plans
250.980	Nursing Records and Reports
250.990	Unusual Incidents
250.1000	Meetings
250.1010	Education Programs
250.1020	Licensure
250.1030	Policies and Procedures
250.1035	Domestic Violence Standards
250.1040	Patient Care Units
250.1050	Equipment for Bedside Care
250.1060	Drug Services on Patient Unit
250.1070	Care of Patients
250.1075	Use of Restraints
250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section

250.1210	Surgey
250.1220	Surgey Staff
250.1230	Policies & Procedures
250.1240	Surgical Privileges
250.1250	Surgical Emergency Care
250.1260	Operating Room Register and Records
250.1270	Surgical Patients
250.1280	Equipment
250.1290	Safety
250.1300	Operating Room
250.1305	Visitors in Operating Room
250.1310	Cleaning of Operating Room
250.1320	Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

Section

250.1410	Anesthesia Service
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SUBPART L: RECORDS AND REPORTS

Section

250.1510	Medical Records
250.1520	Reports

SUBPART M: FOOD SERVICE

Section

250.1610	Dietary Department Administration
250.1620	Facilities
250.1630	Menus and Nutritional Adequacy
250.1640	Diet Orders
250.1650	Frequency of Meals
250.1660	Therapeutic (Modified) Diets
250.1670	Food Preparation and Service
250.1680	Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section

250.1710	Housekeeping
250.1720	Garbage, Refuse and Solid Waste Handling and Disposal
250.1730	Insect and Rodent Control
250.1740	Laundry Service
250.1750	Soiled Linen
250.1760	Clean Linen

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section

250.1810	Applicability of other Parts of these regulations
250.1820	Maternity and Neonatal Service (Perinatal Service)
250.1830	General Requirements for All Maternity Departments
250.1840	Discharge of Newborn Infants from Hospital
250.1850	Rooming-In Care of Mother and Infant
250.1860	Special Programs
250.1870	Single Room Maternity Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE,
EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION,
PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section

250.1910	Maintenance
250.1920	Emergency electric service
250.1930	Water Supply
250.1940	Ventilation, Heating, Air Conditioning, and Air Changing Systems
250.1950	Grounds and Buildings Shall be Maintained
250.1960	Sewage, Garbage, Solid Waste Handling and Disposal
250.1970	Plumbing
250.1980	Fire and Safety

SUBPART Q: CHRONIC DISEASE HOSPITALS

Section

250.2010	Definition
250.2020	Requirements

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section

- 250.2110 Service Requirements
- 250.2120 Personnel Required
- 250.2130 Facilities for Services
- 250.2140 Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section

- 250.2210 Applicability of other Parts of these Regulations
- 250.2220 Establishment of a Psychiatric Service
- 250.2230 The Medical Staff
- 250.2240 Nursing Service
- 250.2250 Allied Health Personnel
- 250.2260 Staff and Personnel Development and Training
- 250.2270 Admission, Transfer and Discharge Procedures
- 250.2280 Care of Patients
- 250.2290 Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
- 250.2300 Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section

- 250.2410 Applicability of these Standards
- 250.2420 Submission of Plans for New Construction, Alterations or Additions to Existing Facility
- 250.2430 Preparation of Drawings and Specifications – Submission Requirements
- 250.2440 General Hospital Standards
- 250.2442 Fees
- 250.2443 Advisory Committee
- 250.2450 Details
- 250.2460 Finishes
- 250.2470 Structural
- 250.2480 Mechanical
- 250.2490 Plumbing and Other Piping Systems

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

250.2500 Electrical Requirements

SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section

250.2610 Applicability of these Standards
250.2620 Codes and Standards
250.2630 Existing General Hospital Standards
250.2640 Details
250.2650 Finishes
250.2660 Mechanical
250.2670 Plumbing and Other Piping Systems
250.2680 Electrical Requirements

SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

Section

250.2710 Special Care and/or Special Service Units
250.2720 Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section

250.2810 Applicability of Other Parts of These Requirements
250.2820 Establishment of an Alcoholism and Intoxication Treatment Service
250.2830 Classification and Definitions of Service and Programs
250.2840 General Requirements for all Hospital Alcoholism Program Classifications
250.2850 The Medical and Professional Staff
250.2860 Medical Records
250.2870 Referral
250.2880 Client Legal and Human Rights

250.APPENDIX A Codes and Standards (Repealed)

250.EXHIBIT A Codes (Repealed)
250.EXHIBIT B Standards (Repealed)
250.EXHIBIT C Addresses of Sources (Repealed)

250.ILLUSTRATION A Seismic Zone Map

250.TABLE A Measurements Essential for Level I, II, III Hospitals

250.TABLE B Sound Transmission Limitations in General Hospitals

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

250.TABLE C	Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
250.TABLE D	General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
250.TABLE E	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
250.TABLE F	General Pressure Relationships and Ventilation of Certain Hospital Areas
250.TABLE G	Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. _____, effective _____.

SUBPART C: THE MEDICAL STAFF

Section 250.330 Orders for Medications and Treatments

- a) No medication, treatment or diagnostic test shall be administered to a patient except on the written order of a member of the medical staff or a house staff member under the supervision of a member of the medical staff, with the exception of influenza and pneumococcal polysaccharide vaccines, which may be administered per medical staff-approved hospital policy after an assessment for contraindications. Verbal orders shall be signed before the member of the medical staff or the house staff member leaves the area. Telephone orders shall be used sparingly and countersigned as soon as practicable pursuant to a hospital policy approved by the medical staff.
- b) Members of the Medical Staff and house staff members shall give orders for medication and treatment only to the licensed, registered or certified professional persons who are authorized by law to administer or dispense the medication or treatment in the course of practicing their identified specific discipline.
- c) The medical directors of the laboratory, radiology or other diagnostic services may respectively authorize the performance of diagnostic tests and procedures at the request of other than members of the medical staff in accordance with policies approved by the medical staff and Board.
- d) The medical director of the physical therapy or rehabilitation department may authorize the provision of physical therapy or rehabilitation services or treatments at the request of other than members of the medical staff in accordance with policies approved by the medical staff and Board.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Electronic Commerce Security Act
- 2) Code Citation: 14 Ill. Adm. Code 105
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
105.10	New Section
105.20	New Section
105.30	New Section
105.40	New Section
105.50	New Section
105.60	New Section
105.200	New Section
105.210	New Section
105.220	New Section
105.230	New Section
105.240	New Section
- 4) Statutory Authority: Implementing and authorized by the Electronic Commerce Security Act [5 ILCS 175]
- 5) Effective Date of Rules: May 4, 2007
- 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 rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal was Published in the Illinois Register: May 12, 2006; 30 Ill. Reg. 8700
- 10) Has JCAR issued a Statement of Objection to the rulemaking? Yes
 - A) Statement of Objection: May 4, 2007; 31 Ill. Reg. 6693
 - B) Agency Response: Will be published in the *Illinois Register* May 25, 2007
 - C) Date Agency Response Submitted for Approval to JCAR: May 2, 2007

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- 11) Differences between proposal and final version: The Sections in this Part were reorganized to better reflect the Part's requirement. The table below sets out how the Sections changed. Also, in addition to technical and non-substantive changes, the following changes were made: Section 105.10 added definitions for "Director", "Local Registration Authority"; and "State Operational Authority"; deleted the definition of "Universal Resource Locator"; and revised the definitions of "Certification Authority", "Certificate Policy" and "Public Key Infrastructure". Section 105.20 was reordered to better clarify the roles of CMS, the State Policy Authority and the Local Registration Authority and incorporate the standards used in determining the security of electronic record and signature procedures; Section 105.30 was clarified to reflect how CMS develops and maintains its Certificate Policy and Certification Practice Statement; Sections 105.40 through 105.70 were changed to clarify citations and subsection labeling; Section 105.200 was relabeled and new subsections (b) and (c) were added; Section 105.220 added a new subsection (b); and Sections 105.230 and 105.240 changed to clarify cross references.

Section Number Changes

<u>Changed From:</u>	<u>Changed To:</u>
105.10	No Change
105.15	105.20
105.20	105.200
105.30	105.210(a)
105.40	105.210(a) and (b)
105.50	No Change
105.60	105.220
105.70	105.230
105.80	Deleted
105.90	105.40
105.100	Deleted
105.110	105.240
105.200	105.30
105.300	105.60

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The rules provide direction on the establishment and administration of a Public Key Infrastructure (PKI) system, which is the framework for creating a secure method for exchanging information based on public key cryptography. There are rules that provide for the Secretary of State to administer both internal state government and external business PKI systems. The CMS rule clarifies and establishes the role and authority of CMS to create and administer internal state government PKI systems and retain for Secretary of State the role of creation and administration of external PKI systems.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:
- Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706
- 217/785-1793
- 17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

TITLE 14: COMMERCE

SUBTITLE A: REGULATION OF BUSINESS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 105

ELECTRONIC COMMERCE SECURITY ACT

SUBPART A: GENERAL PROVISIONS

Section

105.10	Scope and Definitions
105.20	Roles of the Department, the State Policy Authority, the Local Registration Authority and Other State Agencies
105.30	Maintenance of the State Certificate Policy and Certification Practice Statement
105.40	Records Retention
105.50	Audit Requirements
105.60	Appeals

SUBPART B: CERTIFICATION OF SECURITY PROCEDURES

105.200	Certification of a Qualified Security Procedure for Electronic Records and Signature
105.210	Qualified Security Procedures
105.220	State PKI Procedures
105.230	Revocation or Suspension of Certification of a Security Procedure
105.240	Foreign Public Sector Certificate Authorities

AUTHORITY: Authorized by the Electronic Commerce Security Act [5 ILCS 175].

SOURCE: Adopted at 31 Ill. Reg. 7251, effective May 4, 2007.

SUBPART A: GENERAL PROVISIONS

Section 105.10 Scope and Definitions

- a) The purpose of this Part is to provide maximum flexibility to the implementation of digital signature technology, under the Electronic Commerce Security Act [5 ILCS 175], for State agencies and entities that do business with the State. The Department of Central Management Services serves as the single certification

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

authority that may issue certificates to State agencies and as the primary certification authority that may issue certificates to persons, including non-State agencies, conducting business or other transactions with State agencies.

- b) For the purposes of this Part, and unless the context expressly indicates otherwise, definitions are as follows:

"Act" means the Electronic Commerce Security Act [5 ILCS 175].

"Applicant" means a person conducting business or other transactions with a State agency that seeks certification of a security procedure by CMS, the State Certification Authority.

"Asymmetric Cryptosystem" means a computer-based system capable of generating and using a key pair consisting of a private key for creating a digital signature and a public key to verify the digital signature.

"Certificate" means a record that, at a minimum:

identifies the certification authority issuing it;

names or otherwise identifies its subscriber or a signature device or electronic agent under the control of the subscriber;

contains a public key that corresponds to a private key under the control of the subscriber;

specifies its operational period; and

is digitally signed by the certification authority issuing it.

"Certification" or "Certify" means validation of compliance with the requirements of Section 105.200 of this Part.

"Certification Authority" or "CA" means the person or entity that authorizes and causes the issuance of a certificate. For purposes of this Part, the Department of Central Management Services is the CA.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

"Certification Practice Statement" or "CPS" is a statement created by CMS, with the advice of the Policy Authority, that specifies the policies or practices that CMS employs in issuing, managing, suspending, and revoking certificates and providing access to them.

"Certificate Policy" or "CP" is a statement published by CMS, with the advice of the Policy Authority, that specifies the policies utilized in operation of the Public Key Infrastructure.

"Department" or "CMS" means the Department of Central Management Services.

"Digital Signature" means a type of electronic signature created by transforming an electronic record using a message digest function and encrypting the resulting transformation with an asymmetric cryptosystem using the signer's private key such that any person having the initial untransformed electronic record, the encrypted transformation, and the signer's corresponding public key can accurately determine whether the transformation was created using the private key that corresponds to the signer's public key and whether the initial electronic record has been altered since the transformation was made. A digital signature is a security procedure.

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

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

"Electronic Record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

"Electronic Signature" means a signature in electronic form attached to or logically associated with an electronic record.

"Foreign Public Sector CA" means a certification authority that is a public sector entity of any government other than the government of the United States, any of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, or any political subdivision thereof.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

"Key Pair" means, in an asymmetric cryptosystem, 2 mathematically related keys, referred to as a private key and a public key, having the properties that:

one key (the private key) can encrypt a message that only the other key (the public key) can decrypt; and

even knowing one key (the public key), it is computationally unfeasible to discover the other key (the private key).

"Local Registration Authority" or "LRA" is the entity appointed by CMS to authenticate for a CA the identification of applicants desiring to become subscribers under this Part.

"Message Digest Function" means an algorithm that maps or translates the sequence of bits comprising an electronic record into another, generally smaller, set of bits (the message digest) without requiring the use of any secret information, such as a key, so that an electronic record yields the same message digest every time the algorithm is executed using the electronic record as input, and it is computationally unfeasible that any 2 electronic records can be found or deliberately generated that would produce the same message digest using the algorithm unless the 2 electronic records are precisely identical.

"Non-State Agency" means a person other than a State agency that is a public sector entity of any government, including, without limitation, a unit of local government, school district or board of elections created by or pursuant to the statutes of the State of Illinois, or any officer, commissioner, administrative unit or corporate outgrowth of the public sector entity. A non-State agency shall be deemed to be a person conducting business or other transactions with a State agency for purposes of the Act and this Part if it seeks certification of a security procedure by CMS or is a foreign public sector CA that seeks recognition under Section 105.240 of this Part.

"Operational Authority" (see State Operational Authority).

"Operational Period" means the period that begins on the date and time a certificate is issued by a certification authority (or on a later date and time certain if stated in the certificate) and ends on the date and time it expires as noted in the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

certificate or is earlier revoked, but does not include any period during which the certificate is suspended.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited partnership, limited liability partnership, limited liability company, association, joint venture, government, governmental subdivision, governmental instrumentality, State agency, non-State agency, or any other legal or commercial entity.

"Policy Authority" (see State Policy Authority).

"Private Key" means the key of a key pair used to create a digital signature.

"Public Key" means the key of a key pair used to verify a digital signature.

"Public Key Infrastructure" or "PKI" means a structure of hardware, software, people, processes and policies for creating a secure method for exchanging information based on public key cryptography.

"Qualified Security Procedure" means a security procedure that meets the criteria established under Section 105.210.

"Record" means information that is inscribed, stored, or otherwise fixed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Registration Authority" or "RA" means CMS in its role of authenticating the identity of subscribers prior to the issuance of certificates, but does not issue or sign the certificates.

"Rekey" means the process of securely regenerating signing/verification and/or encryption/decryption keys.

"Revocation" or "Revoke" means a temporary, conditional, or permanent termination of a certification as provided under Section 105.230 of this Part.

"Security Procedure" means a methodology or procedure used for the purpose of verifying that an electronic record is that of a specific person or detecting error or alteration in the communication, content, or storage of an electronic record since a

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

specific point in time. A security procedure may require the use of algorithms or codes, identifying words or numbers, encryption, answer back or acknowledgment procedures, or similar security devices.

"Signature Device" means unique information, such as codes, algorithms, letters, numbers, private keys, or personal identification numbers (PINs), or a uniquely configured physical device that is required, alone or in conjunction with other information or devices, in order to create an electronic signature attributable to a specific person.

"Signed" or "Signature" includes any symbol executed or adopted, or any security procedure employed or adopted, using electronic means or otherwise, by or on behalf of a person with intent to authenticate a record.

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

"State Certification Authority" or "State CA" means the Department of Central Management Services in its role as the single certification authority that may issue certificates to State agencies and as a certification authority that may issue certificates to persons, including non-State agencies, conducting business or other transactions with State agencies.

"State Operational Authority" or "State OA" means the Department of Central Management Services in its role of interpreting certificate policies, with the advice of the Policy Authority, developing and managing the Certification Practice Statement, maintaining the PKI and providing for the issuance of digital certificates.

"State Policy Authority" or "Policy Authority" or "PA" is an internal intergovernmental committee of State employees representing various State agencies who are appointed by the Director. The PA is responsible for

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

recommending policies relating to the operation of the PKI operated by CMS and for advising CMS about the maintenance and enforcement of those policies.

"Subscriber" means a person who is the subject named or otherwise identified in a certificate, who controls a private key that corresponds to the public key listed in that certificate, and who is the person to whom digitally signed messages verified by reference to the certificate are to be attributed.

"Suspension" or "Suspend" means to temporarily suspend the operational period of a certificate for a specified time period or from a specified time forward.

"Trustworthy Manner" means through the use of computer hardware, software, and procedures that, in the context in which they are used:

can be shown to be reasonably resistant to penetration, compromise, and misuse;

provide a reasonable level of reliability and correct operation;

are reasonably suited to performing their intended functions or serving their intended purposes;

comply with applicable agreements between the parties, if any; and

adhere to generally accepted security procedures.

"Valid Certificate" means a certificate that a certification authority has issued and that the subscriber listed in the certificate has accepted.

"Verify a Digital Signature" means to use the public key listed in a valid certificate, along with the appropriate message digest function and asymmetric cryptosystem, to evaluate a digitally signed electronic record, so that the result of the process concludes that the digital signature was created using the private key corresponding to the public key listed in the certificate and the electronic record has not been altered since its digital signature was created.

Section 105.20 Roles of the Department, the State Policy Authority, the Local Registration Authority and Other State Agencies

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- a) Department of Central Management Services
- 1) State Certification Authority/Certification Authority
 - A) Under Section 25-105 of the Act, the Department has the exclusive authority to specify the policies and procedures for certifying the security of digital records and signatures used by State agencies and persons conducting business with State agencies. CMS performs two essential functions:
 - i) authenticating the identity of the person who will be named on a certificate (i.e., the subscriber) and verifying that the subscriber possesses the private key that corresponds to the public key to be listed on the certificate; and
 - ii) issuing and digitally signing the subscriber's certificate.
 - B) The Department issues a Certificate Policy (CP) and a Certification Practices Statement (CPS) that describe various policies and procedures relating to the issuance of certificates and the use of digital signatures.
 - 2) State Operational Authority

The Director of CMS, as chief administrative officer of the State OA, has delegated the responsibility of overseeing day-to-day operations to the State Operational Authority.
 - 3) Standards

In determining the security of electronic record and signature procedures, the Department relies on the Federal Information Processing Standards (FIPS) established by the Information Technology Laboratory of the National Institute of Standards and Technology (NIST), U.S. Department of Commerce, 100 Bureau Drive, Stop 1070, Gaithersburg MD 20899-1070, <http://www.itl.nist.gov/fipspubs/> (2007, no later amendments or editions included).
- b) State Policy Authority

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- 1) The PA will advise the Department on developing and maintaining the CP and CPS. The PA will include representatives of such State entities as the Comptroller's Office, State universities and agencies under the Governor and representatives of local government.
 - 2) The PA may review technologies and submit them for CMS consideration as a qualified security procedure to be certified by CMS.
- c) Local Registration Authority
- 1) CMS, as RA, is responsible for authenticating the identity of a subscriber before a certificate is issued. Under the CP and CPS, CMS may delegate RA functions and some CA functions to a Local Registration Authority (LRA). For purposes of the CP and CPS, an LRA is responsible for authenticating the identification of subscribers for a CA. For example, a State university may authenticate the identity of faculty, staff and students who have applied for a certificate.
 - 2) Qualification of LRAs
 - A) Initial Qualification. Each participating State agency, and other entities as determined by CMS, with the advice of the PA, may nominate one or more individuals to serve as LRAs for that entity. Prospective LRAs must return a completed LRA application form and a signed LRA agreement (wet signature or digitally signed) to CMS. Applicant individuals must submit to a Department of State Police criminal history background check. If the background check reveals that the applicant has been convicted of a criminal offense, the applicant is subject to disqualification at the discretion of CMS, with the advice of the PA.
 - B) Ongoing Qualification. If a qualified LRA is formally accused of a criminal offense, the applicant must, within 3 days after being charged, notify CMS, which will notify the PA. CMS will periodically conduct random criminal history background checks of LRAs to assure compliance with the ongoing reporting requirements of this subsection (c)(2)(B).

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- C) Disqualification. LRA privileges may be denied, suspended or revoked at the discretion of CMS, with the advice of the PA. Reasonable notice and opportunity for hearing under Section 105.60 shall be provided. Grounds for denial, suspension or revocation of LRA privileges include, but are not limited to:
- i) Conviction of a criminal offense.
 - ii) Failure to cooperate fully in any investigation by CMS.
 - iii) Failure to comply with the Act, this Part, the CP and the CPS.
 - iv) Separation from, or reassignment within, the sponsoring entity.
 - v) Refusal or inability to diligently complete the obligations of an LRA.
- d) Other State Agencies
Under the Act, other State agencies may act as a CA provided that their certification program is conducted in accordance with all the rules, procedures and policies specified by CMS. A State agency that assumes the role of CA can do so only with respect to its own employees and persons conducting business with that agency.

Section 105.30 Maintenance of the State Certificate Policy and Certification Practice Statement

- a) Creation and Maintenance
CMS, with the advice of the PA, develops and maintains a Certificate Policy and a Certification Practice Statement indicating how that policy is going to be implemented. The purpose of these documents is to outline, within the broad parameters established by this Part, the specific details of the PKI. How changes are made in either document depends on whether CMS, with advice of the PA, determines the proposed changes are minor or major. This Part will be amended as prescribed by the Illinois Administrative Procedure Act [5 ILCS 100] to reflect any changes in the CP or CPS that also require changes in this underlying rule.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- b) **Minor Changes**
Minor changes are those proposed changes to CP/CPS that, in the judgment of CMS, with the advice of the PA, will have no or minimal impact on subscribers or persons using certificates or lists of revoked certificates. Minor changes may be made without notice and with no change to CP or CPS version numbers.
- c) **Major Changes**
Major changes are those proposed changes to CP/CPS that, in the judgment of CMS, with the advice of the PA, may have significant impact on subscribers or persons using certificates or lists of revoked certificates. Major changes shall be subject to a review and comment period of 60 days.
- 1) CMS and the PA shall review all comments and shall respond individually to the persons providing the comments.
 - 2) After the 60-day review period is completed, CMS and the PA shall consider all comments received. CMS, with the advice of the PA, shall determine the new policies to be adopted, if any. New policies shall be incorporated in the CP or the CPS as appropriate, which shall be given new version numbers as appropriate. The new versions of the CP or the CPS shall be published on the CMS website, <http://www.illinois.gov/pki/>, and shall be made available in hard copy upon request.
 - 3) In order to allow persons to modify their procedures as needed, all changes made under this subsection (c) shall become effective 30 days after the corresponding new versions of the CP and/or CPS are published on the CMS website. It shall be the responsibility of subscribers and other persons to periodically check the CMS website to determine if new versions of the CP and/or CPS have been published.
 - 4) Use of or reliance upon a certificate more than 30 days after a new version of the CP and/or CPS has been published, regardless of when the certificate was issued, shall be deemed acceptance of the new policies reflected in the new versions of the CP and/or CPS.

Section 105.40 Records Retention

State records as defined under the State Records Act [5 ILCS 160] shall be retained in accordance with Section 5-13 of the Act and the State Records Act, as applicable.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

Section 105.50 Audit Requirements

- a) CMS shall submit to an annual PKI compliance audit to be performed by the Auditor General of Illinois or an independent auditor selected by the Department contracted specifically for the purpose of auditing the State's PKI operations.
- b) An independent auditor must demonstrate competence in the field of compliance audits and must regularly perform compliance audits as a primary responsibility, and shall attest that it has significant experience in the application of public key cryptographic technologies and computer security.
- c) The annual audit investigates the operations of CMS and RAs with respect to the State PKI to ensure their compliance with the CP and the CPS. Areas of focus for these audits include, but are not limited to:
 - 1) Identification & Authentication
 - A) Initial Registration
 - B) Routine Rekey
 - C) Rekey After Revocation
 - D) Revocation Request
 - 2) Operational Requirements
 - A) Certificate Application
 - B) Certificate Issuance
 - C) Certificate Acceptance
 - D) Key Recovery
 - E) Certificate Suspension/Revocation
 - F) Computer Security Audit Procedures

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- G Records Archival
 - H) CA Key Changeover
 - I) Compromise and Disaster Recovery
 - J) CA Termination
- 3) Physical, Procedural & Personnel Security
- A) Physical Security Controls
 - B) Procedural Controls
 - C) Personnel Security Controls
- 4) Technical Security Controls
- A) Key Pair Generation & Installation
 - B) Private Key Protection
 - C) Other Aspects of Key Pair Management
 - D) Activation Data
 - E) Computer Security Controls
 - F) Lifecycle Security Controls
 - G) Network Security Controls
 - H) Cryptographic Module Engineering Controls
- 5) Certificate & CRL Profiles
- A) Certificate Profile

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- B) CRL Profile
- 6) Specification Administration
 - A) Contact Information
 - B) Specification Change Procedures
 - C) Publication and Notification Procedures
 - D) Approval Procedures

Section 105.60 Appeals

Any person who is adversely affected by a decision of the Department in resolving a request for reconsideration under Section 105.20(c) or Section 105.200(d) may appeal that decision to the Director as provided under this Section.

- a) Director's Designee
The Director may designate any person qualified to be an administrative law judge for the Department to act in the Director's stead under this Section. Any person designated shall have all powers and duties of the Director under this Section, except for the power to designate a representative of the Department under subsection (c). Any person designated may be disqualified for bias or conflict of interest upon the motion of a party.
- b) Filing an Appeal
An appeal must be filed with the Director within 30 days from the date the CMS decision is received. A decision shall be deemed to be received on the date of actual receipt by the appellant or 2 days after the date of mailing, whichever is earlier.
 - 1) An appeal does not need to be in any particular form, but:
 - A) must be in writing, dated and signed by the appellant or the authorized officer or agent of the appellant;
 - B) must set forth specific facts showing why the decision of the Department appealed from is erroneous; and

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- C) may include any documentation that is material and relevant to the appeal.
- 2) An appeal may be filed by mail, in which case it shall be deemed to be filed on the date of the postmark stamped by the United States Postal Service on the envelope in which it was mailed.
 - 3) The appellant shall serve a copy of the appeal on all parties named in the appeal no later than the last date for filing the appeal.
 - 4) Upon motion of the appellant showing good cause, the Director may extend the time within which to file an appeal.
- c) Department Representative
CMS shall be the appellee to appeals under this Section, and shall be represented by the chief administrator of the State OA or a designee of that person or of the Director. The CMS representative for an appeal shall not be a person designated by the Director under subsection (a) with regard to the appeal.
- d) Preliminary Review
The Director shall review an appeal for timeliness and completeness as provided under subsection (b).
- 1) The Director shall dismiss the appeal if it is untimely and/or incomplete.
 - 2) The Director may allow the appellant to cure any defects and re-file the appeal within the time period established by the Director. A re-filed appeal shall be subject to preliminary review as provided under this subsection (d).
- e) Review of Merits
If an appeal is timely and complete, the Director may review the merits of the appeal on its face.
- 1) The Director shall review any documentation included with the appeal, and may conduct an investigation if warranted under the circumstances.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- A) An investigation may include, without limitation, requests for information from the parties and an informal conference with the parties. An informal conference shall be conducted and controlled by the Director. The parties shall not have the right at an informal conference to present evidence or argument or to ask questions of the Director or any other person in attendance, but shall have the right to be represented by counsel.
 - B) Any information obtained by the Director from an investigation shall not be evidence at a hearing under this Section, and shall not be considered by the Director when reaching a decision under subsection (n), unless the information is entered into evidence in the record at the hearing.
- 2) The Director may order any appropriate disposition provided under subsection (n) if the Director concludes after review under this subsection (e) that substantial justice was not done by the decision of CMS.
- f) Notice of Hearing
Unless the Director has ordered a disposition under subsection (e), the Director shall issue a notice of hearing to all parties no later than 30 days after the date the appeal was filed. The Director may extend the time for issuing the notice of hearing if warranted under the circumstances. The Director shall provide notice to all parties of any extension.
- 1) A notice of hearing shall be mailed to all parties no less than 10 days before the date of the hearing, but may be mailed less than 10 days before the date of the hearing if all parties agree on the record.
 - 2) The notice of hearing shall include the time and date of the hearing and shall identify the parties, the issues on appeal and the CMS decision appealed from.
 - 3) If the notice of hearing requires any parties to appear at the hearing in person, the notice of hearing shall include the place where the hearing shall be held.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- 4) If the notice of hearing requires any parties to appear at the hearing by telephone, the notice of hearing shall include instructions about how the parties should:
 - A) advise the Director of the telephone number where they may be called at the time of the hearing;
 - B) submit documents to the Director for consideration at the hearing; and
 - C) arrange the appearance of witnesses by telephone at the hearing.
- g) **Continuances**

A request for a continuance must be in writing and must set forth facts showing why the continuance would be granted. A continuance requested by fewer than all the parties shall be granted only for good cause shown. A continuance requested by all the parties shall be considered and granted or denied by the Director. The Director may enter a continuance on his or her own motion.
- h) **Burden of Proof**

The burden is on the appellant to prove by a preponderance of the evidence that the CMS decision appealed from is erroneous.
- i) **Withdrawal of Appeal**

An appellant may voluntarily withdraw an appeal at any time without penalty by filing a signed written notice with the Director. The appellant shall serve a copy of the notice of voluntary withdrawal on all other parties.
- j) **Manner of Hearing**

Hearings shall be conducted by telephone unless the Director requires the parties to appear in person.

 - 1) Parties scheduled to appear at a hearing by telephone must designate a telephone number for the Director to call at the time of the hearing, and must answer the Director's call to that telephone number at the time of the hearing. A party who does not comply with either of these requirements shall be deemed to have not appeared at the hearing.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- 2) Parties scheduled to appear at a hearing in person must appear at the place of the hearing on the date and time of the hearing as designated in the notice of hearing. A party who does not comply with this requirement shall be deemed to have not appeared at the hearing.
 - 3) Parties scheduled to appear at a hearing by telephone must provide the Director with all documents they want considered at the hearing at least 5 days before the hearing, and must provide copies of those documents to the other parties at least one day before the hearing.
 - 4) The Director may require some, but not all, parties to appear at a hearing in person. If the Director so requires, the other parties may, but are not required to, appear at the hearing in person.
 - 5) A party may request to appear in person at a hearing. If the Director grants the request, the other parties may appear at the hearing in person or by telephone as they choose, unless the Director requires them to appear in a particular manner.
 - 6) The Director may allow any witness to appear at any hearing in person or by telephone. The Director may require any witness to appear at any hearing in person, but in doing so the Director shall weigh the expense and inconvenience to the witness caused by testifying in person with the benefit to the Director of receiving the testimony in person.
 - 7) Hearings involving the in-person appearance of a person shall be conducted at the Department's offices in Springfield, Illinois, or at another location designated by the Director.
- k) **Failure to Appear**
Failure of the appellant to appear at a hearing as provided under subsection (j) shall result in dismissal of the appeal. Failure of any other party to appear at a hearing as provided under subsection (j) shall result in an appropriate sanction, including without limitation, imposition of a disposition under subsection (n) favorable to the appellant.
- l) **Conduct of Hearing**
All hearings are subject to the requirements of this Section and the Illinois Administrative Procedure Act [5 ILCS 100]. The Director shall conduct and

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

control the hearing, which shall be limited to the factual and legal issues presented on the appeal.

- 1) A record shall be kept of all proceedings before the Director.
 - 2) The Director shall have all powers and duties of an administrative law judge under Illinois law not inconsistent with this Section.
 - 3) All parties have the right to be represented by counsel, to present testimony and other evidence material relevant to the issues on appeal, and to ask questions of any person who testifies at the hearing.
 - 4) The Director may allow the parties to make opening and/or closing statements.
 - 5) The Director may ask questions of any person appearing at the hearing, may enter any material and/or relevant evidence into the record on his or her motion or the motion of a party, and shall ensure that all parties have a full and fair opportunity to be heard.
 - 6) The technical rules of evidence do not apply to hearings under this Section. The Director may accept any material evidence that is relevant to the issues on appeal. The Director shall determine the credibility of the witnesses and the evidence. The Director may accept hearsay as evidence, but, if hearsay is accepted, the hearsay nature of the evidence shall be considered when the Director weighs the evidence. The Director is not required to rule on any objection to the introduction of evidence, but any objection shall be noted and made part of the record.
 - 7) The Director may exclude any person from the hearing who becomes abusive or disruptive. The hearing shall continue without the participation of the excluded person, and the Director shall render a decision based on the evidence in the record.
- m) Post-Hearing Memoranda
The Director may allow or require the parties to submit post-hearing memoranda addressing any hearing issues identified by the Director.
- n) Decision of the Director

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

The Director shall issue a decision based on the preponderance of the credible evidence in the record, and may take the arguments of the parties into consideration.

- 1) The Director's decision shall include a statement of the issues presented, findings of fact and conclusions of law, and the Director's conclusions.
- 2) The Director shall enter a disposition of the appeal by remanding with instructions, revising, reversing or sustaining the CMS decision appealed from.
- 3) The Director's decision shall be the final administrative decision of the Department on the matter of the appeal.

SUBPART B: CERTIFICATION OF SECURITY PROCEDURES

Section 105.200 Certification of a Qualified Security Procedure for Electronic Records and Signature

- a) In order to obtain certification of a qualified security procedure in conformance with the CPS and CP, an applicant must make a request in writing to the Department of Central Management Services, Illinois Digital Certificate Authority, 201 W. Adams St., Springfield IL 62704-1874.
- b) The applicant must document procedures, policies and practices that delineate full and complete identification of security procedures. The documentation shall be submitted for review to CMS.
- c) An applicant's security procedure certified by CMS shall:
 - 1) adopt secure policies and procedures as designated by FIPS (see Section 105.20(a)(3)); and
 - 2) meet the criteria for acceptance of electronic signatures and records and the criteria for recognition of qualified security procedures as delineated in Section 105.210.
- d) An applicant may request reconsideration of a decision to deny certification of a security procedure, but the request must be submitted no later than 30 days after

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

the decision was issued. All requests for reconsideration must be submitted to CMS in writing. A person who is adversely affected by a CMS decision resolving a request for reconsideration may appeal that decision as provided under Section 105.60.

Section 105.210 Qualified Security Procedures

- a) A qualified security procedure is a security procedure for identifying a person that is capable of creating, in a trustworthy manner, an electronic signature that:
 - 1) is unique to the signer within the context in which it is used;
 - 2) can be used to objectively identify the person signing the electronic record;
 - 3) was reliably created by the identified person and that cannot be readily duplicated or compromised;
 - 4) is created and is linked to the electronic record to which it relates in a manner that, if the record or the signature is intentionally or unintentionally changed after being signed, the electronic signature is invalidated; and
 - 5) complies with this Part.
- b) The Department will accept as adequate a security procedure that meets the requirements of the Federal Information Processing Standards promulgated by NIST's Information Technology Laboratory, as incorporated by Section 105.20(a)(3).
- c) **Public Key Cryptography**
 - 1) The security structure known as public key cryptography is a qualified security procedure for purposes of this Section, provided that the digital signature is created consistently with this Part. Public key cryptography with a digital signature created consistent with this Part is a commercially reasonable standard and procedure that has been generally accepted in the security and scientific communities.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- 2) The Act requires that a digital signature be unique to the signer within the context in which it is used. A public key-based digital signature may be considered unique to the signer using it if:
 - A) the digital signature is created using an asymmetric algorithm;
 - B) the private key used to create the signature on the document is known only to the signer;
 - C) the digital signature can be verified by reference to the public key listed in the certificate;
 - D) the digital signature is created during the operational period of a valid certificate;
 - E) it is computationally infeasible to derive the private key from knowledge of the public key; and
 - F) the digital signature is created within the scope of any other restrictions specified or incorporated by reference in the certificate.
- 3) The Act requires that a digital signature can be used to objectively identify the person signing the electronic record. A public-key based digital signature is capable of objectively identifying the person signing the electronic record if:
 - A) the acceptor of the digitally signed document can verify the document was digitally signed by using the signer's public key and message digest function to decrypt the message; and
 - B) CMS, or a designated RA, through a process defined in the CP or CPS, authenticates the subscriber and the subscriber's public key and identifies the forms of identification required of the signer prior to issuing the certificate.
- 4) The Act requires that the digital signature be reliably created by an identified person and cannot be readily duplicated or compromised. The signer and all other persons that rightfully have access to signature devices assume a duty to exercise reasonable care to retain control and maintain

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

secrecy of the signature device and to protect it from any unauthorized access, disclosure, or use during the period when reliance on a signature created by the signature device is reasonable.

- 5) The Act requires that the digital signature be created, and be linked to the electronic record to which it relates, in a manner that, if the record or the signature is intentionally or unintentionally changed after being signed, the electronic signature is invalidated.

Section 105.220 State PKI Procedures

CMS shall:

- a) inform each applicant or subscriber that the subscriber it is bound by the CPS and CP;
- b) require each subscriber to enter into a subscriber agreement that governs each subscriber's performance with respect to use of and reliance on certificates issued by CMS. The subscriber agreement may be viewed at http://www.illinois.gov/pki/pki_subscriber.cfm;
- c) provide each applicant or subscriber with a copy of the CPS and CP, or the website (<http://www.illinois.gov/pki/>) where the CPS and CP can be obtained;
- d) include warranty disclaimers, liability limitations and indemnification provisions in the CPS or CP;
- e) inform each applicant or subscriber as to changes made to the CPS or CP on a timely basis;
- f) inform each subscriber as to his or her responsibility to maintain the confidentiality of his or her private key; and
- g) inform each applicant or subscriber as to his or her responsibility to maintain a private key in a trustworthy manner.

Section 105.230 Revocation or Suspension of Certification of a Security Procedure

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- a) CMS may revoke or suspend the certification of a security procedure for failure to comply with any requirement of this Part or the CPS or CP, for failure to remain qualified for certification, or for failure to comply with a lawful order of CMS.
- b) A person may request reconsideration of a decision to revoke or suspend the certification of a security procedure, but the request must be submitted no later than 30 days after the decision was issued. All requests for reconsideration must be submitted to CMS in writing. Reconsideration of a decision to revoke or suspend the certification of a security procedure is made by CMS. A person who is adversely affected by a CMS decision resolving a request for reconsideration under this Section may appeal that decision as provided under Section 105.60.

Section 105.240 Foreign Public Sector Certificate Authorities

- a) CMS may recognize a foreign public sector CA, provided that the foreign public sector CA is certified and/or licensed by the United States government and agrees to be bound by the Illinois CP and CPS and Illinois law.
- b) A foreign public sector CA shall provide to CMS a certified copy of its United States certificate and/or license. A certificate or license shall be valid in Illinois only during the time it is valid in the issuing jurisdiction.
- c) A foreign public sector CA shall provide written notification to CMS if its United States certification and/or license is revoked, lapsed or otherwise terminated. CMS shall be notified within 10 days after the revocation, lapse or termination occurs.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Ambulatory Surgical Treatment Center Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 205
- 3) Section Number: 205.320 Adopted Action: Amendment
- 4) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]
- 5) Effective Date of Rulemaking: May 7, 2007
- 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: October 13, 2006; 30 Ill. Reg. 16185
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The following changes were made in response to comments received during the First Notice or public comment period: None

The following changes were made in response to comments and suggestions of the JCAR: None

In addition, 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? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of the Rulemaking: Section 205.320 (Presence of Qualified Physician) was amended to clarify the requirement for the presence of a qualified physician at the facility. New language requires the qualified physician to be present until all patients are medically discharged and requires that the discharge criteria be defined by the facility's qualified consulting committee. The existing language requires the qualified physician to be present during the operative and post-operative periods for all patients. The terms "qualified physician" and "qualified consulting committee" are defined in Section 205.110 of the rules.
- 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 b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 205

AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section

- 205.110 Definitions
- 205.115 Incorporated and Referenced Materials
- 205.118 Conditions of Licensure
- 205.120 Application for Initial Licensure
- 205.125 Application for License Renewal
- 205.130 Approval of Surgical Procedures
- 205.135 Diagnostic Cardiac Catheterization Procedures

SUBPART B: OWNERSHIP AND MANAGEMENT

Section

- 205.210 Ownership, Control and Management
- 205.220 Organizational Plan
- 205.230 Standards of Professional Work
- 205.240 Policies and Procedures Manual

SUBPART C: PERSONNEL

Section

- 205.310 Personnel Policies
- 205.320 Presence of Qualified Physician
- 205.330 Nursing Personnel
- 205.340 Basic Life Support
- 205.350 Laboratory Services

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section

- 205.410 Equipment

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

205.420 Sanitary Facility

SUBPART E: GENERAL PATIENT CARE

Section

205.510 Emergency Care
205.520 Preoperative Care
205.530 Operative Care
205.540 Postoperative Care

SUBPART F: RECORDS AND REPORTS

Section

205.610 Clinical Records
205.620 Statistical Data

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS

Section

205.710 Pregnancy Termination Specialty Centers
205.720 Personnel (Repealed)
205.730 General Patient Care (Repealed)
205.740 Preoperative Requirements (Repealed)
205.750 Postoperative Requirements (Repealed)
205.760 Reports (Repealed)

SUBPART H: LICENSURE PROCEDURES

Section

205.810 Complaints
205.820 Notice of Violation
205.830 Plan of Correction
205.840 Adverse Licensure Action
205.850 Fines and Penalties
205.860 Hearings

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS,
AND PHYSICAL REQUIREMENTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Section

205.1310	Plant and Service Requirements
205.1320	General Considerations
205.1330	New Construction, Additions and Major Alterations
205.1340	Minor Alterations and Remodeling Changes
205.1350	Administration Department and Public Areas
205.1360	Clinical Facilities
205.1370	Support Service Areas
205.1380	Diagnostic Facilities
205.1390	Other Building Services
205.1400	Details and Finishes
205.1410	Construction, Including Fire-Resistive Requirements, and Life Safety

SUBPART J: MECHANICAL

Section

205.1510	General
205.1520	Thermal and Acoustical Insulation
205.1530	Steam and Hot Water Systems
205.1540	Air Conditioning, Heating and Ventilating Systems

SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

Section

205.1610	General
205.1620	Plumbing Fixtures
205.1630	Water System
205.1640	Drainage Systems
205.1650	Identification

SUBPART L: ELECTRICAL

Section

205.1710	General
205.1720	Switchboards and Power Panels
205.1730	Panelboards
205.1740	Lighting
205.1750	Receptacles (Convenience Outlets)
205.1760	Grounding

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

205.1770 Equipment Installation in Special Areas
205.1780 Emergency Electric Service
205.1790 Fire Alarm System

205.TABLE A General Pressure Relationships and Ventilation Rates of Ambulatory
Surgery Area

AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

SOURCE: Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43, effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May 17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6 Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640, effective June 14, 1983; codified at 8 Ill. Reg. 9367; amended at 9 Ill. Reg. 12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806, effective June 1, 1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11 Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743, effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October 1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5596, effective March 26, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13802, effective August 15, 1990; amended at 15 Ill. Reg. 17770, effective December 1, 1991; amended at 17 Ill. Reg. 3507, effective March 3, 1993; amended at 18 Ill. Reg. 11939, effective July 22, 1994; amended at 18 Ill. Reg. 17250, effective December 1, 1994; amended at 22 Ill. Reg. 9335, effective May 20, 1998; amended at 22 Ill. Reg. 22019, effective December 4, 1998; amended at 24 Ill. Reg. 2691, effective February 18, 2000; amended at 25 Ill. Reg. 7471, effective May 31, 2001; amended at 26 Ill. Reg. 16556, effective October 25, 2002; amended at 27 Ill. Reg. 13457, effective July 25, 2003; amended at 31 Ill. Reg. 7278, effective May 7, 2007.

SUBPART C: PERSONNEL

Section 205.320 Presence of Qualified Physician

A qualified physician shall be present at the facility until all patients are medically discharged. The discharge criteria shall be defined by the qualified consulting committee at all times during the operative and postoperative period for all patients.

(Source: Amended at 31 Ill. Reg. 7278, effective May 7, 2007)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Electronic Commerce Security Act
- 2) Code Citation: 14 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
100.10	Amendment
100.40	Amendment
100.70	Amendment
100.80	Amendment
100.110	Amendment
100.120	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Electronic Commerce Security Act [5 ILCS 175]
- 5) Effective Date of Amendments: May 7, 2007
- 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 Proposed Published in the Illinois Register: May 12, 2006; 30 Ill. Reg. 8798
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Deleted "Illinois" from the name of the Part as well as the Authority notation. In Section 100.10(b), the phrase "or non-state agency" was removed from the definition of "Applicant", and the definition of Non-State Agency was removed entirely.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: This rulemaking will define the role of the Office of the Secretary of State while acting as a "certifying authority" as prescribed by the Illinois Electronic Commerce Security Act [5 ILCS 175].

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

Secretary of State
Nathan Maddox, Assistant General Counsel
298 Howlett Building
Springfield, IL 62701

217/785-3094

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

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 100

~~ILLINOIS~~ ELECTRONIC COMMERCE SECURITY ACT

Section

100.10	Scope and Definitions
100.20	Certification of a Qualified Security Procedure for Electronic Records and Signature
100.30	Criteria for Acceptance of Electronic Signatures
100.40	Recognition of Qualified Security Procedures
100.50	Suitable Guaranty
100.60	Audit Requirements
100.70	Certification Authorities
100.80	Decertification of Certification Authorities
100.90	Performance of Services
100.100	Records Retention
100.110	Provisions for Promoting Uniformity
100.120	Foreign and Other Jurisdictional Certificates

AUTHORITY: Implementing and authorized by the Electronic Commerce Security Act [5 ILCS 175].

SOURCE: Adopted at 25 Ill. Reg. 7935, effective June 14, 2001; amended at 31 Ill. Reg. 7284, effective May 7, 2007.

Section 100.10 Scope and Definitions

- a) The purpose of this Part is to provide maximum flexibility to the implementation of digital signature technology for the private sector under the Illinois Electronic Commerce Security Act [5 ILCS 175]. The Act sets forth procedures by which the Secretary of State may certify security procedures for digital signature technology. However, the Act does not require any person to create, store, transmit, accept, or otherwise use or communicate information, records, or signatures by electronic means or in electronic form; or prohibit any person engaging in an electronic transaction from establishing reasonable requirements regarding the medium on which it will accept records or the method and type of

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

symbol or security procedure it will accept as a signature.

- b) For the purposes of this Part, and unless the context expressly indicates otherwise, definitions are as follows:

"Act" means the Illinois Electronic Commerce Security Act [5 ILCS 175].

"Applicant" means a person or entity other than a State agency~~the person, organization or entity~~ seeking certification by the Secretary as a certification authority in the State of Illinois.

"Asymmetric cryptosystem" means a computer-based system capable of generating and using a key pair consisting of a private key for creating a digital signature and a public key to verify the digital signature.

"Certificate" means a record that at a minimum:

identifies the certification authority issuing it;

names or otherwise identifies its subscriber or a device or electronic agent under the control of the subscriber;

contains a public key that corresponds to a private key under the control of the subscriber;

specifies its operational period; and

is digitally signed by the certification authority issuing it.

"Certification authority" or "CA" means a person or entity who authorizes and causes the issuance of a certificate.

"Certification practice statement" or "CPS" is a statement published by a certification authority that specifies the policies or practices that the certification authority employs in issuing, managing, suspending, and revoking certificates and providing access to them.

"Certificate policy" or "CP" is a statement published by a certification authority that specifies the policies of the certification authority.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Digital signature" means a type of electronic signature created by transforming an electronic record using a message digest function and encrypting the resulting transformation with an asymmetric cryptosystem using the signer's private key such that any person having the initial untransformed electronic record, the encrypted transformation, and the signer's corresponding public key can accurately determine whether the transformation was created using the private key that corresponds to the signer's public key and whether the initial electronic record has been altered since the transformation was made. A digital signature is a security procedure.

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

"Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

"Key pair" means, in an asymmetric cryptosystem, 2 mathematically related keys, referred to as a private key and a public key, having the properties that:

one key (the private key) can encrypt a message that only the other key (the public key) can decrypt; and

even knowing one key (the public key), it is computationally unfeasible to discover the other key (the private key).

"Message digest function" means an algorithm that maps or translates the sequence of bits comprising an electronic record into another, generally smaller, set of bits (the message digest) without requiring the use of any secret information, such as a key, so that an electronic record yields the same message digest every time the algorithm is executed using such record as input and it is computationally unfeasible that any 2 electronic

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

records can be found or deliberately generated that would produce the same message digest using the algorithm unless the 2 records are precisely identical.

"Operational period of a certificate" begins on the date and time the certificate is issued by a certification authority (or on a later date and time certain if stated in the certificate) and ends on the date and time it expires as noted in the certificate or is earlier revoked, but does not include any period during which a certificate is suspended.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited partnership, limited liability partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

"Private key" means the key of a key pair used to create a digital signature.

"Public key" means the key of a key pair used to verify a digital signature.

"Record" means information that is inscribed, stored, or otherwise fixed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Repository" means a system for storing and retrieving certificates or other information relevant to certificates, including information relating to the status of a certificate.

"Revoke a certificate" means to permanently end the operational period of a certificate from a specified time forward.

"Secretary" means the Secretary of State of Illinois.

"Security procedure" means a methodology or procedure used for the purpose of:

- verifying that an electronic record is that of a specific person; or
- detecting error or alteration in the communication, content, or

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

storage of an electronic record since a specific point in time.

A security procedure may require the use of algorithms or codes, identifying words or numbers, encryption, answer back or acknowledgment procedures, or similar security devices.

"Signature device" means unique information, such as codes, algorithms, letters, numbers, private keys, or personal identification numbers (PINs), or a uniquely configured physical device that is required, alone or in conjunction with other information or devices, in order to create an electronic signature attributable to a specific person.

"Signed" or "signature" includes any symbol executed or adopted, or any security procedure employed or adopted, using electronic means or otherwise, by or on behalf of a person with intent to authenticate a record.

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

"Subscriber" means a person who is the subject named or otherwise identified in a certificate, who controls a private key that corresponds to the public key listed in that certificate, and who is the person to whom digitally signed messages verified by reference to such certificate are to be attributed.

"Suspend a certificate" means to temporarily suspend the operational period of a certificate for a specified time period or from a specified time forward.

"Trustworthy manner" means through the use of computer hardware, software, and procedures that, in the context in which they are used:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

can be shown to be reasonably resistant to penetration, compromise, and misuse;

provide a reasonable level of reliability and correct operation;

are reasonably suited to performing their intended functions or serving their intended purposes;

comply with applicable agreements between the parties, if any; and

adhere to generally accepted security procedures.

"Valid certificate" means a certificate that a certification authority has issued and that the subscriber listed in the certificate has accepted.

"Verify a digital signature" means to use the public key listed in a valid certificate, along with the appropriate message digest function and asymmetric cryptosystem, to evaluate a digitally signed electronic record, such that the result of the process concludes that the digital signature was created using the private key corresponding to the public key listed in the certificate and the electronic record has not been altered since its digital signature was created.

(Source: Amended at 31 Ill. Reg. 7284, effective May 7, 2007)

Section 100.40 Recognition of Qualified Security Procedures

- a) The security structure of technology known as ~~public key cryptography~~**Public Key Cryptography** is certified by a CA as a qualified security procedure for use by ~~public and~~ private entities in Illinois, provided that the digital signature is created consistent with this Section. Cryptography is a commercially reasonable standard and procedure for use by ~~public and~~ private industries in Illinois, provided that the digital signature is created consistent with this Section.
- b) The ~~Illinois~~ Electronic Commerce Security Act requires that a digital signature be unique to the signer within the context in which it is used. A public key-based digital signature may be considered unique to the signer using it if:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) the digital signature is created using an asymmetric algorithm;
 - 2) the private key used to create the signature on the document is known only to the signer;
 - 3) the digital signature can be verified by reference to the public key listed in a CA certificate;
 - 4) the digital signature is created during the operational period of a valid CA certificate;
 - 5) it is computationally infeasible to derive the private key from knowledge of the public key; and
 - 6) the digital signature is created within the scope of any other restrictions specified or incorporated by reference in the CA certificate.
- c) The Act requires that a digital signature can be used to objectively identify the person signing the electronic record. A public-key based digital signature is capable of objectively identifying the person signing the electronic record if:
- 1) the acceptor of the digitally signed document can verify the document was digitally signed by using the signer's public key and message digest function to decrypt the message; and
 - 2) the issuing certification authority, through a process defined in the CP or CPS, authenticates the subscriber and the subscriber's public key and identifies the forms of identification required of the signer prior to issuing the CA certificate.
- d) The Act requires that the digital signature be reliably created by an identified person and cannot be readily duplicated or compromised. The signer and all other persons that rightfully have access to signature devices assume a duty to exercise reasonable care to retain control and maintain secrecy of the signature device and to protect it from any unauthorized access, disclosure, or use during the period when reliance on a signature created by such device is reasonable.
- e) The Act requires that the digital signature be created, and be linked to the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

electronic record to which it relates, in a manner that, if the record or the signature is intentionally or unintentionally changed after signing, the electronic signature is invalidated.

(Source: Amended at 31 Ill. Reg. 7284, effective May 7, 2007)

Section 100.70 Certification Authorities

Certification authorities certified by the Secretary shall:

- a) inform each subscriber of its agreement to be bound by the CPS and CP before obtaining a CA certificate;
- b) provide each subscriber with a copy of the CPS and CP, or the Universal Resource Locator where the CPS and CP can be obtained;
- c) include warranty disclaimers, liability limitations and indemnification provisions in their CPS or CP;
- d) inform each subscriber as to changes made to the CPS or CP on a timely basis;
- e) inform each subscriber as to its responsibility to maintain the confidentiality of its private key; and
- f) inform each subscriber as to the applicant's responsibility to maintain a private key and utilize a trustworthy system.

(Source: Amended at 31 Ill. Reg. 7284, effective May 7, 2007)

Section 100.80 Decertification of Certification Authorities

- a) The Secretary may decertify a security procedure employed by a certification authority that was certified by the Secretary, in accordance with 5 ILCS 175/10-135d, for failure to comply with any requirement of this Part, for failure to remain qualified for the Secretary's certification, for failure to revoke a CA certificate pursuant to 5 ILCS 175/15-320, or for failure to comply with a lawful order of the Secretary.
- b) Certification authorities in the State of Illinois that have been certified by the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Secretary shall notify the Secretary in writing, within 10 days, if the certification authority has had its accreditation, licensing, Secretary's certification or approval revoked, lapsed or terminated by any other means by another state or authority.

- c) The Secretary may order the summary suspension of the Secretary's certification of a certification authority following an appropriate investigation or review.
- d) Any applicant or certification authority adversely affected by a decision of the Secretary of State pursuant to this Part may seek administrative review of that decision pursuant to the administrative hearings procedure set forth at 92 Ill. Adm. Code 1001.10-1001.130.

(Source: Amended at 31 Ill. Reg. 7284, effective May 7, 2007)

Section 100.110 Provisions for Promoting Uniformity

- a) The Secretary or; the Department of Central Management Services ~~or designated State agencies~~ may act as a certification authority under the Act.
- b) The Secretary or; the Department of Central Management Services ~~or designated State agencies~~ may contract with an outside vendor to acquire the certification authority services required by this Part.
- c) The Secretary's Electronic Signature Steering Committee, after review, may recognize proposed technologies as a qualified security procedure for the purpose of the Secretary's certification.

(Source: Amended at 31 Ill. Reg. 7284, effective May 7, 2007)

Section 100.120 Foreign and Other Jurisdictional Certificates

- a) The Secretary of State may recognize foreign private sector certification authorities, provided that the foreign private sector certification authority:
 - 1) is certified:
 - A) as a certification authority by the Secretary; or
 - B) licensed by another state of the United States; or

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- C) licensed by the federal government or a federal government agency; and
- 2) the foreign private sector certification authority agrees to be bound to the terms of the Secretary's Illinois CP and CPS.
- b) A foreign private sector certification authority shall provide to the Secretary a certified copy of a license or certification issued by a government entity. A license or certification recognized under this subsection (b) shall be valid in Illinois only during the time it is valid in the issuing jurisdiction.
- c) A foreign private sector certification authority recognized in the State of Illinois shall provide notification, within 10 days, to the Secretary in writing if the certification authority has had its accreditation, licensing, certification or approval revoked, lapsed or terminated by any other means by another state or authority.
- d) Certification authorities certified by the Secretary shall not be required to accept certificates issued by international entities.
- e) A foreign private sector certification authority doing business in the State of Illinois shall be subject to the laws of Illinois.
- f) The CPS of a certification authority certified by the Secretary~~certification authority's CPS~~ shall indicate whether the CA accepts foreign certificates.

(Source: Amended at 31 Ill. Reg. 7284, effective May 7, 2007)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Number: 1040.70 Adopted Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-521
- 5) Effective Date of Amendment: May 3, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 18874; December 15, 2006
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: In Section 1040.70(a) the following definition was added: "Commercial Driver License Information System" or "CDLIS" - the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 USC 2701), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1040.33	Amendment	30 Ill. Reg. 13846; August 18, 2006
1040.50	Amendment	31 Ill. Reg. 6353; April 27, 2007

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 15) Summary of Purpose of Amendment? Amends definitions and requirements for the Problem Driver Pointer System. This amendment is necessary in order to come into compliance with the Federal Motor Carrier Safety Regulations.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Arlene J. Pulley
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217/557-4462

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1040
CANCELLATION, REVOCATION OR SUSPENSION
OF LICENSES OR PERMITS

Section

1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.29	2 or More Traffic Offenses Committed Within <u>within</u> 24 Months by a Person Under the Age of 21 Years
1040.30	3 Or <u>or</u> More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
1040.35	<u>Administrative Revocation for</u> Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation <u>Based</u> Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions
1040.50	Suspension <u>or</u> <u>Revocation</u> of License of Commercial Vehicle Driver
1040.52	Driver Remedial Education Course
1040.55	Suspension for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy <u>Rule</u> for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for 5 or More Tollway Violations and/or Evasions
1040.107	Suspension for Violation of 625 ILCS 5/11-907, Approaching a Stationary Emergency Vehicle
1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
1040.109	Two or More Convictions for Railroad Crossing Violations
1040.110	Bribery
1040.111	Suspension for Violation of 625 ILCS 5/11-908(a-1) for Failure to Yield upon Entering a Construction or Maintenance Zone <u>when</u> When Workers Are Present
1040.115	Suspension for Theft of Motor Fuel

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

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007.

Section 1040.70 Problem Driver Pointer System

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

"Applicant" – person applying for an Illinois driver's license.

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license since his/her driving privileges are withdrawn in another state as provided for in Section 1040.20 of this Part, and as defined in Section 1-110 of the Illinois Vehicle Code [625 ILCS 5/1-110].

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

"Clean File" – a file that a state submits to the National Driver Register (NDR) containing all appropriate records from the state as of a given date, which will replace all prior records on the NDR database.

"Clearance Letter" – any document received from another state dated within 30 days of the current process date, and verifying that an individual has had his/her driving privileges restored in that state.

"Commercial Driver License Information System" or "CDLIS" - the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 USC 2701), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default as defined in Section 6-100 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-100].

"Delayed Search" – the planned, repeated checking of inquiries submitted to the NDR for a period of 104 days against any possible data changes that may affect the original inquiry.

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

"Driver History Record" – a standardized form of limited information obtained from the SOR when an SOI makes a history request.

"Driver Status" – the current standing of a driver's license in the SOR, indicating whether the license is currently valid, revoked, suspended or withdrawn, that is supplied via computer automation when an SOI makes an inquiry to an SOR.

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation National Highway Safety Administration.

"Open or Pending Revocation(s)" – revocation(s) which is still in effect or which has been entered on the record to become effective on a specified future date.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

"Problem Driver Pointer System" or "~~PDPS~~" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least one year after the date of revocation as provided for in Section 1040.20 of this Part, and as defined in Section 1-176 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Secretary" – Illinois Secretary of State.

"State of Inquiry" or "~~SOI~~" – a licensing jurisdiction that originated the inquiry.

"State of Record" or "~~SOR~~" – a licensing jurisdiction that originally took action against a problem driver and reported that driver to the NDR.

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as provided for in Section 1040.20 of this Part, and as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Withdrawal" – the absence of valid driving privileges in a state due to sanctions taken against those privileges.

- b) Before issuing or renewing a license for every non-CDL applicant, the Department shall make a request through PDPS and CDLIS to determine the applicant's eligibility. PDPS information is made available to this Department to determine eligibility for license issuance and any post-issuance sanction, if applicable. When a probable match is a result of an inquiry search, the system points the inquiring licensing jurisdiction (SOI) to the licensing jurisdiction that recorded the adverse action against the driver in question (SOR).

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- c) Before issuing a commercial driver's license (CDL), the Department shall make a request through both PDPS and CDLIS for driving records from every state in which the applicant has been licensed in the last 10 years. The Secretary shall perform the record checks no earlier than 24 hours prior to issuance if the license is to be issued to a driver who does not currently possess a valid CDL from the State of Illinois and no earlier than 10 days prior to issuance for all other drivers. When a probable match is a result of an inquiry search, the system points the inquiring licensing jurisdiction (SOI) to the licensing jurisdiction that recorded the adverse action against the driver in question (SOR).
- d)e) If the applicant~~person~~ has been denied issuance of an Illinois license, certain information shall be required from the other state and/or applicant, and upon review of the information, a determination of the applicant's individual's~~individual's~~ eligibility for licensing in the State of Illinois will be made.
- e)d) The Department will receive a daily report which will identify selected applicants issued an Illinois license to determine if the new applicant is eligible to retain his/her Illinois license or privilege. The Department shall then verify the validity of the applicant's driving status by contacting the SOR/NDR.
- f)e) If it is determined from the review that the applicant is not eligible for an Illinois license due to his/her driving privileges being withdrawn in another state, the Department shall cancel the driving privileges pursuant to Section 6-201(a)(5) of the Illinois Vehicle Code [625 ILCS 5/6-201(a)(5)].
- g)f) If an applicant~~a person~~ has falsified information on his/her application for a driver's license, he/she shall be suspended pursuant to Section 6-206(a)(9) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(9)] for 12 months if it is his/her first offense. If it is his/her second offense or if the driving record contains an open or pending revocation(s), his/her driving privileges shall be revoked pursuant to Section 6-206(a)(9) of the Illinois Vehicle Code.
- h)g) After cancellation, full driving privileges shall not be restored until after restoration in the other state and a clearance letter or verification from that state is received and processed by the Department.
- i)h) If a person's driving privileges have been suspended, his/her driving privileges shall be restored at the termination of the suspension and upon acceptance of the required reinstatement fee as provided for in Section 6-118 of the Illinois Driver

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-118]. If a person's driving privileges have been revoked, he/she is eligible to be considered for reinstatement of his/her driving privileges after the successful completion of all necessary requirements of the Department pursuant to Section 2-110 of the Illinois Vehicle Code [625 ILCS 5/2-110].

- j) Upon receipt of a request from the driver licensing authority of another state for the driving record of a person applying for a CDL who is currently or previously licensed by Illinois, the Department shall provide the information to the requesting state within 30 days.

(Source: Amended at 31 Ill. Reg. 7296, effective May 3, 2007)

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds
- 2) Code Citation: 20 Ill. Adm. Code 1286
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1286.10	Amendment
1286.60	Amendment
1286.70	Amendment
1286.75	New Section
1286.100	Amendment
1286.200	Amendment
1286.210	Amendment
1286.240	Amendment
1286.260	Amendment
1286.300	Amendment
1286.320	Amendment
1286.330	Amendment
- 4) Statutory Authority: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1]
- 5) Effective Date of Amendments: May 1, 2007
- 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 all materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 19597; December 29, 2006
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 1286.320, for blood sample collections out of state, the following was added: "*When a blood test of a person who has been taken to an adjoining state for medical treatment is requested by an Illinois law enforcement officer, the blood may be withdrawn only by a physician authorized to practice medicine in the adjoining state, a registered nurse, a trained phlebotomist acting under the direction of the physician, or certified paramedic.*". Minor nonsubstantive grammatical changes were made, also.
- 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 amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendments will clarify the terms contained in the rules as well as the material available in response to a subpoena request; update the listing of evidential and preliminary breath testing instruments approved for use in Illinois; and update the procedures for the collection of blood and urine to conform to current statutory language.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Springfield, Illinois 62794-9461

217/782-7658

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

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1286
TESTING OF BREATH, BLOOD AND URINE
FOR ALCOHOL, OTHER DRUGS, AND INTOXICATING COMPOUNDS

SUBPART A: GENERAL PROVISIONS

Section	
1286.10	Definitions
1286.20	Grievances
1286.30	Additional Testing
1286.40	Conversion of a Blood Serum or Blood Plasma Alcohol Concentration to a Whole Blood Equivalent
1286.50	Passive Sensors
1286.60	Department Notification
1286.70	Maintenance of Records for Approved Evidentiary Instruments
1286.75	Subpoena Procedure for Evidentiary Instruments
1286.80	Approved Evidentiary Instrument and Logbook Availability
1286.90	Reporting Laboratory Results

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND
LABORATORIES TO PERFORM SPECIFIC FUNCTIONS

Section	
1286.100	Licensing BAOs
1286.110	Renewal of BAO License
1286.120	Revocation and Denial of BAO License
1286.130	Authorization of BATs
1286.140	Revocation and Denial of BAT Authorization
1286.150	Accrediting BAIs
1286.160	Revocation and Denial of BAI Accreditation
1286.170	Certification of Laboratories and Laboratory Technicians
1286.180	Revocation and Denial of Laboratory Certification

SUBPART C: EQUIPMENT

Section

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

1286.200	Equipment Approval and Accuracy
1286.210	Evidentiary Instrument Approval
1286.220	Checking Approved Evidentiary Instruments for Accuracy
1286.230	Checking Approved Evidentiary Instruments for Continued Accuracy
1286.240	PBT Approval
1286.250	Checking Approved PBTs for Accuracy
1286.260	Operation of PBTs

SUBPART D: SAMPLING PROCEDURES

Section

1286.300	General Sampling Protocol
1286.310	Approved Evidentiary Instrument Operation
1286.320	Blood Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds
1286.330	Urine Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds
1286.340	Urine Collection for Determining the Concentration of Urine Alcohol (Repealed)
1286.350	Operation of PBTs (Repealed)

AUTHORITY: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1].

SOURCE: Adopted by emergency rulemaking at 25 Ill. Reg. 239, effective January 1, 2001, for a maximum of 150 days; adopted at 25 Ill. Reg. 3023, effective February 1, 2001; amended at 28 Ill. Reg. 10017, effective June 30, 2004; amended at 31 Ill. Reg. 7305, effective May 1, 2007.

SUBPART A: GENERAL PROVISIONS

Section 1286.10 Definitions

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

"Accredited Law Enforcement Training Academy" means a police training organization that is recognized by the Illinois Law Enforcement Training Standards Board and is accredited by Commission on Accreditation for Law Enforcement Agencies (CALEA), 10302 Eaton Place, Suite 100, Fairfax VA 22030-2215.

"Accuracy Check Record" means the data recorded in a logbook or stored in memory when an accuracy check is performed on an approved evidentiary instrument. Accuracy test records will include at least the type of instrument, instrument serial number, test date, reference sample value, and the readings of the two accuracy check tests. Certification check and standard check are synonyms for accuracy check.

"Agency" means a Municipal, Park District, County, State, Federal law enforcement agency or Circuit Court Probation Department involved in the use of approved evidentiary instruments or PBTs.

"Alcohol" means ethanol (commonly referred to as grain alcohol), ethyl alcohol, alcoholic beverage, alcoholic liquor, isopropanolisopropyl or methanol.

"Alcohol Concentration" means weight in grams of alcohol in a specified volume of blood, breath, or urine.

"Approved Evidentiary Instrument" means an instrument approved for use by the Department to obtain a BrAC pursuant to a breath test as described under Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a], Section 11-501 of the Illinois Vehicle Code [625 ILCS 5/11-501], Section 11-501.1 of the Illinois Vehicle Code [625 ILCS 5/11-501.1], Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2], Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6], Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8], and Sections that cross-reference Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2].

"Approved PBT" means an instrument approved for use by the Department either to obtain a BrAC pursuant to a preliminary breath screening test as described under Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5], Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-16b], Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b], and Sections that cross-reference Section 11-501.5 of the Illinois Vehicle Code

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

[625 ILCS 5/11-501.5] or to obtain a BrAC pursuant to a breath test as described under Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6], and Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8].

"Blood Alcohol Concentration" or "BAC" means grams of alcohol per 100 milliliters of whole blood (Section 11-501.2(a)(5) of the Illinois Vehicle Code [625 ILCS 5/11-501.2(a)(5)]).

"Breath Alcohol Concentration" or "BrAC" means *grams of alcohol per 210 liters of breath* (Section 11-501.2(a)5 of the Illinois Vehicle Code [625 ILCS 5/11-501.2(a)5]).

"Breakdown" means a malfunction that affects the analytical performance of the instrument or its ability to quantitate a BrAC.

"Breath Analysis Instructor" or "BAI" means an individual who is accredited by the Department to instruct breath analysis instrument operations and to train and administer licensing examinations to BAOs.

"Breath Analysis Operator" or "BAO" means an individual licensed by the Department to operate approved evidentiary instruments and to create subject test records. BAOs can print local reports, perform basic maintenance (i.e., replace a fuse), and make minor adjustments (i.e., correct the date/time).

"Breath Analysis Reading" means the numeric value of the first two digits to the right of the decimal point of a BrAC analysis as displayed, printed, or recorded by an instrument.

"Breath Analysis Technician" or "BAT" means an individual who is authorized by the Department to conduct re-certification classes for BAOs and to administer that examination, to install, examine, certify, repair, maintain, check the accuracy of approved evidentiary instruments, and create accuracy check records and service records.

"Central Repository" means the collection and maintenance by the Department of business records, maintained by an agency in the normal course of business, of subject test records, [quick tests](#), accuracy check records, [calibrations](#), and service records.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

"Certified Paramedic" means an individual licensed by the Illinois Department of Public Health as an Emergency Medical Technician (Intermediate) or Emergency Medical Technician (Paramedic) acting under the direction of a licensed physician as a phlebotomist.

"Department" means the Illinois Department of State Police.

"Director" means the Director of State Police.

"Foreign Substance" means any substance not in the subject's body when a 20-minute observation period is commenced, excluding a substance introduced due to normal breathing.

"Ingested" means eaten, chewed, swallowed or consumed by mouth in any other manner; inhaled, sniffed, snorted, sprayed, or introduced into the breathing passages in any other manner; injected or introduced into the body in any manner.

"Instrument" means any item or combination of items of equipment used to quantitate a breath analysis reading.

"Internal Memory" means the digital storage medium that is part of an approved evidentiary instrument that registers subject test records, accuracy check records, and service records.

"License" means a permit issued as evidence by the Department to an individual as proof of his or her authority and competence as a BAO, BAT, BAI, or PBT-E.

"Logbook" means a business record, maintained by the agency in the normal course of business, of subject test records and accuracy check records.

"Malfunction" means failure of an instrument to function properly.

"NHTSA's List" means the Conforming Products List of Evidential Breath Measuring Instruments produced by the National Highway Traffic Safety Administration, United States Department of Transportation.

~~"Other Qualified Person" means a person trained and employed by a licensed medical facility or affiliate acting under the direction of a licensed physician, as a phlebotomist, regardless of job title.~~

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

"Passive Sensor" means a unit that monitors ambient air for the presence of alcohol for an investigative purpose.

"Phlebotomist" means a person trained to collect blood from another individual through venipuncture.

"Preliminary Breath Test Device" or "PBT" means a portable device used to quantitate a breath analysis reading.

"Preliminary Breath Test Examiner" or "PBT-E" means a BAO who is authorized by the Department to perform accuracy checks on preliminary breath test devices.

"Reference Sample" means either a solution for use in a breath simulator, commonly referred to as a wet bath simulator, or a dry gas mixture, commonly referred to as a dry gas evidential standard (DGES), for the purpose of instrument certification, accuracy checks, and/or calibration.

"Service Record" means ~~information concerning an instrument breakdown~~~~the data recorded by a BAT or in the instrument when an approved evidentiary instrument is checked for accuracy.~~ Service records will include at least the type of instrument, instrument serial number, date of service, ~~time of service,~~ service issue reported, service issue found, probable cause of service issue, corrective action taken, and BAT. Service records do not include information ~~such as a bill for repairs of an approved evidentiary instrument or documentation included with an instrument returned from the manufacturer, other than that which can be recorded in instrument memory or the central repository (i.e., a document such as a bill for repairs of an approved evidentiary instrument is not a service record).~~

"Subject Test Record" means the data recorded by a BAO in the logbook or printed out and stored by the instrument in memory when a subject is tested with an approved evidentiary instrument. Subject test records will include at least the type of instrument, instrument serial number, name of individual tested, test date, breath analysis reading, and BAO. Subject Test Records do not include information other than that which can be recorded in instrument memory or the central repository.

"Urine Alcohol Concentration" or "UAC" means *the number of grams of alcohol per 67 milliliters of urine* (Section 6-500(2)(C) of the Illinois Vehicle Code [625

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

ILCS 5/6-500(2)(C)].

"Whole Blood Equivalent" means the conversion of a blood serum or blood plasma alcohol concentration to an approximate BAC.

(Source: Amended at 31 Ill. Reg. 7305, effective May 1, 2007)

Section 1286.60 Department Notification

- a) Agencies shall notify the Department:
 - 1) If an approved evidentiary instrument needs service.
 - 2) If the agency receives an approved evidentiary instrument or PBT from an entity other than the manufacturer.
 - 3) If an agency returns the evidentiary instrument to the manufacturer for repairs, the service report shall be submitted to the Department.
- b) BAOs shall notify the Department:
 - 1) If the BAO leaves the employment of the agency that employed the BAO.
 - 2) If the BAO changes his or her name.
- c) Certified laboratories shall notify the Department of any change in accreditation status.
- d) Any manufacturer who sells an approved evidentiary instrument or a PBT to an agency in Illinois shall notify the Department of all such sales, listing the name of the agency, the date, the make, and serial number of the instrument.

(Source: Amended at 31 Ill. Reg. 7305, effective May 1, 2007)

Section 1286.70 Maintenance of Records for Approved Evidentiary Instruments

Subject test records, accuracy check records, and service records will be maintained for and/or by each approved evidentiary instrument.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

- a) Subject test records and accuracy check records may be maintained in a logbook and/or the instrument's memory.
- b) Logbook entries will be made in the logbook as contemporaneous as reasonably practicable to the time the procedure was performed.
- c) Service records will be maintained by the Alcohol and Substance Testing Section or may be maintained in the instrument's memory. Malfunctions that are not breakdowns (non-analytical failures such as battery expiration, incorrect time/date, printer problems, keyboard replacement, breath hose replacement, etc.) will not be documented.
- d) Only instruments equipped with sufficient internal memory to store 100 subject test records and that can download stored information to the central repository may keep the test records in the memory of the instrument.
- e) All records removed from the internal memory of an instrument shall be erased and downloaded if possible and practicable, to the central repository.
- f) The central repository will maintain instrument records for not less than five years from the date downloaded.

(Source: Amended at 31 Ill. Reg. 7305, effective May 1, 2007)

Section 1286.75 Subpoena Procedure for Evidentiary Instruments

- a) Subpoena requests for accuracy checks, subject tests, quick tests, calibrations, and maintenance/repair records will be responded to as quickly as possible. If the response cannot be provided within the timeframe requested, the requesting party shall be notified by telephone. If further information is needed to determine the material requested, the requesting party shall be contacted by telephone to obtain this information and the subpoena response completed.
- b) The timeframe for the information provided in response to a subpoena request for accuracy checks, subject tests, quick tests, calibrations, and maintenance/repair records shall be from 60 days prior to the subject's arrest date through 60 days following the arrest date.

(Source: Added at 31 Ill. Reg. 7305, effective May 1, 2007)

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND
LABORATORIES TO PERFORM SPECIFIC FUNCTIONS**Section 1286.100 Licensing BAOs**

The Director or his/her designee is authorized to license persons to be BAOs subject to the requirements of this Section. BAOs are licensed to perform all appropriate BAO functions described in this Part. Only licensed BAOs may operate evidential breath testing instruments.

- a) To be eligible to be a BAO, the individual must be employed by an agency or an accredited law enforcement training academy. BAO candidates, including those who have previously been licensed as a BAO in another state, must successfully attend the course and pass the written and proficiency examination or successfully complete a computer-based training (CBT) course.
- b) Under the direction and control of a BAI, BAO candidates must:
 - 1) Complete a training curriculum approved by the Department that includes a minimum of 28 hours of instruction, which includes the following:
 - A) Presentation and discussion of the psychological, physiological, and pharmacological effects of alcohol in the human body;
 - B) Demonstration and discussion of instruments and the analytical processes used to measure BrAC;
 - C) Practical application and demonstration in the use of an approved evidentiary instrument; and
 - D) Discussion of current DUI issues, the administrative rules, and case law.
 - 2) Pass the following:
 - A) The standardized written examination for Breath Analysis Operator provided by the Department with a minimum score of 70 percent.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

- B) A proficiency examination where the candidate operates approved evidentiary instruments.
- c) A license shall be valid for a period of three years ~~after~~~~from~~ the printed date of issuance. If the license is not renewed as provided for in Section 1286.110, it shall expire three years ~~after~~~~from~~ the printed date of issuance.
- d) Licensing classes will be held in locations approved by the Department based upon appropriate lighting, space, heating, and air conditioning conditions.

(Source: Amended at 31 Ill. Reg. 7305, effective May 1, 2007)

SUBPART C: EQUIPMENT

Section 1286.200 Equipment Approval and Accuracy

The procedures contained in this Subpart are the only procedures for establishing the accuracy of breath testing instruments. A rebuttable presumption exists that an instrument was accurate at the particular time a subject test was performed when the following four conditions are met.

- a) The instrument was approved under this Subpart at the time of the subject test.
- b) The performance of the instrument was within the accuracy tolerance described in this Subpart according to the last accuracy check or verification (whichever is later) prior to the subject test.
- c) No accuracy check has been performed subsequent to the subject test or the performance of the instrument on the next accuracy check after the subject test was within the accuracy tolerance described in this Subpart.
- d) Accuracy checks have been done in a timely manner, meaning not more than 62 days have passed since the last accuracy check prior to the subject test.:
- 1) ~~Not more than 62 days have passed since the last accuracy check prior to the subject test; or~~
- 2) ~~The period of time between the last accuracy check prior to the next subject test, and the accuracy check after the subject test, is not more than 62 days.~~

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 31 Ill. Reg. 7305, effective May 1, 2007)

Section 1286.210 Evidentiary Instrument Approval

Approved evidentiary instruments shall print and display a breath analysis reading. Approved evidentiary instruments can print and display two or three digits to the right of the decimal point. Whether the approved evidentiary instrument prints and displays two or three digits to the right of the decimal point, the breath analysis reading consists of the first two digits to the right of the decimal point.

- a) The Department shall only approve evidentiary instruments enumerated in NHTSA's list. The Department approves the following instruments for obtaining breath analysis readings:
 - ~~1)~~ Intoxilyzer 5000, Series 64 and 66 only, manufactured by CMI, Inc.
 - ~~1)2)~~ Intoximeters EC-IR, manufactured by Intoximeters, Inc.
 - ~~2)3)~~ RBT IV, in conjunction with a printer, manufactured by Intoximeters, Inc.
 - ~~3)~~ Intoximeters EC-IR II, manufactured by Intoximeters, Inc.
 - ~~4)~~ Intoxilyzer 8000, manufactured by CMI, Inc.
- b) Should an instrument in subsection (a) be removed from NHTSA's list, the instrument will remain an approved evidentiary instrument under this Part for a period of 18 months subsequent to removal or until this Section is amended.
- c) The Department may temporarily approve additional evidential instrumentation from NHTSA's list after conducting a program suitability evaluation. The Department shall maintain a list of evidentiary instruments temporarily approved for breath testing in addition to those provided in subsection (a). Evidentiary instruments may be temporarily approved for a maximum period of 18 months. The list of temporarily approved evidentiary instruments, if any, shall be available to the public.

(Source: Amended at 31 Ill. Reg. 7305, effective May 1, 2007)

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

Section 1286.240 PBT Approval

PBTs shall display a breath analysis reading. PBTs can display two or three digits to the right of the decimal point. Whether the PBT displays two or three digits to the right of the decimal point, the breath analysis reading consists of the first two digits to the right of the decimal point.

- a) The Department shall only approve PBTs enumerated in NHTSA's list. The Department approves the following PBTs for obtaining breath analysis readings:
 - 1) S-D2, manufactured by CMI, Inc.
 - 2) Alcosensor III, manufactured by Intoximeters, Inc.
 - 3) Alcosensor III (Enhanced with serial numbers above 1,200,000), manufactured by Intoximeters, Inc.
 - 4) Alcosensor IV, manufactured by Intoximeters, Inc.
 - 5) S-D5, manufactured by CMI, Inc.
 - 6) Alcosensor FST, manufactured by Intoximeters, Inc.
- b) The Department may temporarily approve additional PBTs from NHTSA's list after conducting a program suitability evaluation. The Department shall maintain a list of PBTs temporarily approved for screening instrument testing in addition to those provided in subsection (a) above. PBTs may be temporarily approved for a maximum period of 18 months. The list of temporarily approved PBTs, if any, shall be available to the public.

(Source: Amended at 31 Ill. Reg. 7305, effective May 1, 2007)

Section 1286.260 Operation of PBTs

The following procedures shall be used to obtain a breath sample to determine a subject's BrAC with an approved PBT:

- a) Each test shall be performed according to an operational procedure programmed into the instrument.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

- b) A test shall consist of only one breath analysis reading, based on the PBT's internal operational calculations.
- 1) A complete and valid breath analysis reading is denoted by **ata** least one air blank, one subject breath test reading, and no breakdown message.
 - 2) Messages such as "No Go", "Void", etc., are not breakdowns or malfunctions. These messages indicate the subject's failure to adequately complete the test.
- c) A subject who submits an insufficient sample or otherwise fails to adequately complete the test or tests may be asked to submit to an additional test or tests.

(Source: Amended at 31 Ill. Reg. 7305, effective May 1, 2007)

SUBPART D: SAMPLING PROCEDURES

Section 1286.300 General Sampling Protocol

The arresting officer has discretion to determine whether a subject will be required to submit a breath, blood, and/or urine sample for testing.

- a) If the subject has been in a vehicle crash and must be treated or is currently being treated by a physician licensed to practice medicine for injuries sustained in the crash, the arresting officer will consult with the treating physician to determine **whenhow** best to test the subject without unreasonably jeopardizing the subject's treatment.
- b) The arresting officer or BAO shall deem a subject who fails to submit to a requested test or additional testing to have refused testing.
- c) When a subject has submitted an insufficient sample or otherwise failed to adequately complete a requested test or tests, the arresting officer or BAO has discretion to determine if the subject:
 - 1) has refused testing; or
 - 2) will be required to undergo additional testing.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

- d) The procedures contained in this Subpart are the only procedures required to obtain a valid breath, blood, and/or urine sample. There are no additional sampling procedures.

(Source: Amended at 31 Ill. Reg. 7305, effective May 1, 2007)

Section 1286.320 Blood Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds

The following procedures shall be used to obtain a blood sample from a subject to determine the alcohol concentration, or presence of other drugs or intoxicating compounds:

- a) The blood sample shall be collected in the presence of the arresting officer, another law enforcement officer, or an agency employee who can authenticate the sample.
- b) For samples collected in Illinois, ~~the~~ the blood sample shall be collected by a licensed physician, registered nurse, trained phlebotomist ~~acting under the direction of a licensed physician~~, or certified paramedic. ~~When a blood test of a person who has been taken to an adjoining state for medical treatment is requested by an Illinois law enforcement officer, the blood may be withdrawn only by a physician authorized to practice medicine in the adjoining state, a registered nurse, a trained phlebotomist acting under the direction of the physician, or certified paramedic.~~ (Section 11-501.2(a) of the Illinois Vehicle Code).
- c) A disinfectant that does not contain alcohol shall be used to clean the skin where a sample is to be collected.
- d) Officers shall use DUI kits provided by the Department, if possible. If kits are not available, officers may submit two standard grey top vacuum tubes. (Pursuant to generally accepted industry standards, grey top vacuum tubes contain an anticoagulant and preservative.)
- e) The individual tubes shall be labeled with the name of the subject and the date of the withdrawal and treated as biohazard evidence.
- f) The blood samples shall be delivered as soon as practicable to a laboratory certified by the Department (see Section 1286.170).

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

- g) The testing laboratory shall maintain any remaining sample for a period of six months after testing unless otherwise directed by the submitting agency or the appropriate prosecuting authority.

(Source: Amended at 31 Ill. Reg. 7305, effective May 1, 2007)

Section 1286.330 Urine Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds

UAC testing is not a preferred method of determining the amount of alcohol in a subject and the feasibility of other testing procedures should be explored before deciding UAC testing for alcohol concentration. Urine is the preferred method for drug confirmation. The following procedures shall be used to obtain a urine sample from a subject to determine the presence of alcohol, other drugs or intoxicating compounds:

- a) A sample of urine shall be collected in a manner to preserve the dignity of the individual and to ensure the integrity of the sample.
- b) A urine sample may be collected by the arresting officer, another law enforcement officer, ~~or~~ an agency employee, or a hospital nurse who can authenticate the sample. The officer, ~~or~~ agency employee, or nurse shall be of the same sex as the subject undergoing testing.
- c) A urine sample of approximately 60 ml should be collected.
- d) Urine sample shall be collected in clean, dry containers.
- e) No preservatives shall be used. The containers shall be closed.
- f) The containers shall be labeled with the name of the subject and the date of the collection.
- g) The urine samples shall be delivered as soon as practicable to a laboratory certified by the Department.
- h) The testing laboratory shall maintain any remaining sample for a period of six months after testing unless otherwise directed by the submitting agency or the appropriate prosecuting authority.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 31 Ill. Reg. 7305, effective May 1, 2007)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.540 Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: May 1, 2007
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: May 1, 2007
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: HFS received approval of an amendment to the Illinois Medicaid Section 1115 Research and Demonstration Waiver to obtain federal matching funds to finance an expansion. The amendment changes allow HFS to expand eligibility for the program to women who apply for the benefit rather than restricting eligibility to women losing eligibility for regular medical assistance. The details of the program were negotiated in depth with federal Centers for Medicare & Medicaid Services (CMMS).
- 10) Complete Description of the Subjects and Issues Involved: The emergency rulemaking, as provided in the federal waiver, allows HFS to expand eligibility for family planning and related reproductive healthcare to women who apply for the benefit rather than restricting eligibility to women losing eligibility for regular medical benefits. Eligible women are 19 to 44 years of age, have a family income below 200 percent of poverty and are not otherwise eligible for other healthcare programs offered by HFS. Under this expansion, the Department estimates approximately 45,000 more women, per year will enroll in Illinois Healthy Women.
- 11) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
120.550	New Section	31 Ill. Reg. 5379; April 6, 2007

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of Statewide Policy Objectives: This emergency amendment neither creates nor expands any State mandate affecting units of local government.
- 13) Information and questions regarding this emergency amendment shall be directed to:

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

217/557-7157

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.14 Presumptive Eligibility for Children
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD –
MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings
120.64 MANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Licensed Community – Integrated Living Arrangements

SUBPART D: MEDICARE PREMIUMS

Section	
120.70	Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73	Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.75	Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
120.76	Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	
120.80	Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section	
120.90	Migrant Medical Program (Repealed)
120.91	Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	
120.200	Elimination Of Aid To The Medically Indigent
120.208	Client Cooperation (Repealed)
120.210	Citizenship (Repealed)
120.211	Residence (Repealed)
120.212	Age (Repealed)
120.215	Relationship (Repealed)
120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Child Support and Spousal Maintenance Payments
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.347	Treatment of Trusts
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard – MANG(C)
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In-Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.379	Provisions for the Prevention of Spousal Impoverishment
120.380	Assets
120.381	Exempt Assets

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 120.382 Asset Disregard
120.383 Deferral of Consideration of Assets
120.384 Spend-down of Assets (AABD MANG)
120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
120.386 Property Transfers Occurring On or Before August 10, 1993
120.387 Property Transfers Occurring On or After August 11, 1993
120.390 Persons Who May Be Included In the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395 Payment Levels for MANG (Repealed)
120.399 Redetermination of Eligibility
120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

- 120.500 Health Benefits for Persons with Breast or Cervical Cancer
120.510 Health Benefits for Workers with Disabilities
120.520 SeniorCare (Repealed)
120.530 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
120.540 Illinois Healthy Women Program

EMERGENCY

- 120.TABLE A Value of a Life Estate and Remainder Interest
120.TABLE B Life Expectancy

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

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days.

SUBPART I: SPECIAL PROGRAMS

Section 120.540 Illinois Healthy Women Program**EMERGENCY**

- a) A woman shall be eligible for medical services under this program if the woman:
- 1) Meets required citizenship/immigration status as described in Section 120.310;
 - 2) Meets residency requirements as described in Section 120.311;
 - 3) Does not reside in a public institution as described in Section 120.318;
 - 4) Furnishes a Social Security Number as described in Section 120.327;
 - 5) Is 19 through 44 years of age;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 6) Has monthly countable income equal to or less than 200 percent of the federal poverty level guideline.
 - A) Monthly countable income is determined by taking the total gross monthly income of the woman, and her spouse if she is married and living with her spouse, and subtracting allowable deductions and exemptions according to the provisions of Subpart H, except that sections 120.335(a), 120.345(b), 120.355(a), 120.360(d), 120.362(a) and (b), 120.364, 120.366, 120.370(a), 120.371(c), 120.373(a) and 120.379 shall not apply.
 - B) The number of individuals in the family determines the applicable income standard.
- b) A woman meeting the criteria described under subsection (a) of this Section will be automatically enrolled in the program if she lost eligibility for medical assistance under this Part or health benefits under 89 Ill. Adm. Code 125 for a reason other than failing to meet one of the criteria listed in subsection (a) of this Section.
- c) Women who are not enrolled automatically under subsection (b) of this Section may apply for the program by submitting an Illinois Healthy Women application to an address specified by the Department or additional methods that the Department establishes.
 - 1) The application must meet all requirements found at 89 Ill. Adm. Code 110.10, including provisions regarding who may apply on behalf of the woman.
 - 2) Applicants are obligated to provide truthful and accurate information for determining eligibility and to report promptly to the Department any change in non-financial information provided on the application.
 - 3) Applicants will be notified, in writing, regarding the outcome of the determination of their eligibility.
- d) Initial coverage will begin as follows:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) For women enrolled under subsection (b) of this Section, initial coverage will automatically commence beginning on the first day of the month following the last month of medical assistance or health benefits coverage and will continue for three months. If, in the prescribed timeframe of three months for initial coverage, the woman signs and returns the enrollment form that is mailed to her by the Department, eligibility will continue for an additional nine months beginning on the first day of the month that follows the third month of initial coverage.
 - 2) For women enrolled under subsection (c) of this Section, upon determination of eligibility, initial coverage will commence on the first day of the month in which the application was received by the Department and will continue for 12 months.
- e) Eligibility must be redetermined once every 12 months.
- 1) If the woman continues to meet the requirements set forth in subsection (a), the woman will remain eligible for an additional 12 months if, within the prescribed timeframe, she signs and returns the re-enrollment form that is mailed to her.
 - 2) If the woman does not continue to meet the requirements set forth in subsection (a) or if she does not sign and return the re-enrollment form, her eligibility for the program will be terminated.
 - 3) Each woman will be notified, in writing, regarding the outcome of her re-determination of eligibility.
 - 6) ~~Did not lose medical assistance without spend-down coverage for refusing to assign rights to medical support and collection of payment, as described in Section 120.319, while receiving medical benefits;~~
 - 7) ~~Did not lose medical assistance without spend-down coverage for refusing to cooperate in establishing paternity and obtaining medical support rights, as described in Section 120.320, while receiving medical benefits, unless the woman had good cause as described in Section 120.321; and~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- ~~8)~~ ~~Lost eligibility for medical assistance without a spend-down or a KidCare Health Plan under 89 Ill. Adm. Code 125 for a reason other than as described in subsections (a)(1) through (7) of this Section.~~
- ~~b)~~ ~~Initial coverage will occur automatically beginning on the first day of the month following the last month of Medicaid without spend-down coverage and will continue for three months.~~
- ~~c)~~ ~~If, in the prescribed timeframe of three months for initial coverage, the woman signs and returns the enrollment form that is mailed to her by the Department, eligibility will continue for an additional nine months beginning on the first day of the month that follows the third month of initial coverage.~~
- ~~d)~~ ~~Eligibility must be redetermined once every 12 months. If the woman continues to meet the requirements set forth in subsections (a)(1) through (5) of this Section and her total countable family income is at or below 200 percent of the Federal Poverty Level, the woman will remain eligible for an additional 12 months if, within the prescribed timeframe, she signs and returns the re-enrollment form that is mailed to her.~~
- ~~f)e)~~ A re-enrollment form will not be mailed to the women if, after coverage under this program began:
- 1) She reached the age of 45 years;
 - 2) She moved out of Illinois;
 - 3) She became eligible for another medical program under this Part or 89 Ill. Adm. Code 125;
 - 4) She became an inmate of a correctional facility or a resident of a public institution;
 - 5) She requested that benefits be terminated; or
 - 6) The Department paid for a sterilization procedure for her.
- ~~g)f)~~ Coverage for all participants shall end upon termination of the federal waiver under which this coverage is provided.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

[h\)g\)](#) Benefits available under this program are those set forth in 89 Ill. Adm. Code 140.486. |

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.410	Amendment
310.APPENDIX A TABLE W	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Sections 310.410 and 310.Appendix A Table W to reflect the three Memoranda of Understanding between CMS and the American Federation of State, County and Municipal Employees (AFSCME) that were signed April 3, 2007 and April 11, 2007. The first Memorandum of Understanding assigned some positions within the Business Manager title to the RC-062 bargaining unit and pay grade 18 effective December 15, 2006. Some positions in the Business Manager title were excluded from the bargaining unit by the Illinois Labor Relations Board so those positions in the Business Manager title remain assigned to the Merit Compensation System salary range MC-05.

The second Memorandum of Understanding assigned all positions in the Economic Development Representative I title to the RC-062 bargaining unit and pay grades 17 effective December 15, 2006. The third Memorandum of Understanding assigned all positions in the Public Aid Quality Control Supervisor title to the RC-062 bargaining unit and pay grade 19 effective November 27, 2006.
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]
- 6) Effective Date: May 3, 2007
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.410, the Economic Development Representative I and Public Aid Quality Control Supervisor titles, their title codes and formerly assigned Merit Compensation ranges are removed.

In Section 310.Appendix A Table W, added in alphabetic order by title to the title table are: the Business Manager title, its 05815 title code, its RC-062 bargaining unit and its 18 pay grade; the Economic Development Representative I title, its title code 12931, its RC-062 bargaining unit and pay grades 17; and the Public Aid Quality Control

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Supervisor title, its title code 35900, its RC-062 bargaining unit and pay grade 19.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: May 3, 2007
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
310.50	Amendment	30 Ill. Reg. 15240; 9/29/06
310.100	Amendment	30 Ill. Reg. 15240; 9/29/06
310.280	Amendment	30 Ill. Reg. 15240; 9/29/06
310.290	Amendment	30 Ill. Reg. 15240; 9/29/06
310.295	New Section	30 Ill. Reg. 15240; 9/29/06
310.410	Amendment	30 Ill. Reg. 15240; 9/29/06
310.490	Amendment	30 Ill. Reg. 15240; 9/29/06
310.500	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE J	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE Q	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE W	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE X	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX B	Amendment	30 Ill. Reg. 15240; 9/29/06
310.290	Amendment	30 Ill. Reg. 16504; 10/20/06
310.APPENDIX C	Amendment	30 Ill. Reg. 16504; 10/20/06
310.APPENDIX D	Amendment	30 Ill. Reg. 16504; 10/20/06
310.APPENDIX G	Amendment	30 Ill. Reg. 16504; 10/20/06
310.45	Amendment	31 Ill. Reg. 5172; 4/6/07
310.47	New Section	31 Ill. Reg. 5172; 4/6/07
310.80	Amendment	31 Ill. Reg. 5172; 4/6/07
310.100	Amendment	31 Ill. Reg. 5172; 4/6/07
310.130	Amendment	31 Ill. Reg. 5172; 4/6/07
310.230	Amendment	31 Ill. Reg. 5172; 4/6/07
310.280	Amendment	31 Ill. Reg. 5172; 4/6/07

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.410	Amendment	31 Ill. Reg. 5172; 4/6/07
310.490	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE A	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE B	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE D	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE E	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE F	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE G	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE H	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE I	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE J	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE K	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE M	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE N	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE O	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE P	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE Q	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE R	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE T	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE V	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE W	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE X	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE Y	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE Z	Amendment	31 Ill. Reg. 5172; 4/6/07
310.APPENDIX A TABLE AA	Amendment	31 Ill. Reg. 5172; 4/6/07

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Springfield IL 62706

217/782-7964

Fax: 217/524-4570

CMS.PayPlan@Illinois.gov

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Laborers' - ISEA Local #2002)
310.TABLE B	VR-706 (Meat and Poultry Inspector Supervisors, Laborers' - ISEA Local #2002)
310.TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007.

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

The Merit Compensation System shall apply to all classes of positions designated below, Medical Administrator classes in Appendix C, and Broad-Band classes in Appendix G. In addition, the classes are listed in the ALPHABETIC INDEX OF POSITION TITLES. Also see Section 310.495 for the application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Appendix G.

Title	Title Code	Salary Plan
Accountant Supervisor	00135	MC-05
Activity Therapist Supervisor	00163	MC-07
Actuary III	00203	MC-16
Administrative Assistant I	00501	MC-04
Administrative Assistant II	00502	MC-06
Agricultural Marketing Representative	00810	MC-05
Assignment Coordinator	01530	MC-07
Assistant Automotive Shop Supervisor	01565	MC-03
Automotive Shop Supervisor	03749	MC-07
Boat Safety Inspection Supervisor	04850	MC-06
Building Construction Inspector I	05541	MC-04
Building Construction Inspector II	05542	MC-05
Business Manager	05815	MC-05
Commerce Commission Police Sergeant	08457	MC-07
Corrections Leisure Activities Specialist III	09813	MC-06
Corrections Leisure Activities Specialist IV	09814	MC-07
Corrections Vocational School Supervisor	09880	MC-05
Court Reporter Supervisor	09903	MC-08
Data Processing Supervisor II	11436	MC-04
Data Processing Supervisor III	11437	MC-07
Dietary Manager I	12501	MC-03
Dietary Manager II	12502	MC-05
Disability Claims Analyst	12540	MC-06
Economic Development Representative I	12931	MC-05
Economic Development Representative II	12932	MC-07
Electrical Engineer	13180	MC-10
Employment Security Field Office Supervisor	13600	MC-06
Engineering Technician IV	13734	MC-07
Executive I	13851	MC-05

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Executive II	13852	MC-07
Executive Secretary II	14032	MC-01
Executive Secretary III	14033	MC-02
Facility Fire Chief	14433	MC-02
Guard Supervisor	17685	MC-01
Guardianship Supervisor	17720	MC-07
Highway Construction Supervisor I	18525	MC-07
Highway Construction Supervisor II	18526	MC-09
Historical Library Chief of Acquisitions	18987	MC-06
Human Rights Mediator	19771	MC-05
Human Services Casework Manager	19788	MC-07
Internal Auditor I	21721	MC-05
Internal Security Investigator I	21731	MC-04
Internal Security Investigator II	21732	MC-07
International Marketing Representative I	21761	MC-05
KidCare Supervisor	22003	MC-07
Laundry Manager I	23191	MC-01
Librarian II	23402	MC-05
Lottery Regional Coordinator	24504	MC-07
Management Operations Analyst I	25541	MC-06
Manuscripts Manager	25610	MC-06
Mental Health Administrator I	26811	MC-05
Mental Health Administrator II	26812	MC-07
Mental Health Program Administrator	26908	MC-20
Methods and Procedures Advisor III	27133	MC-07
Office Administrator IV	29994	MC-02
Office Administrator V	29995	MC-03
Plumbing Consultant	32910	MC-09
Police Lieutenant	32977	MC-09
Private Secretary I	34201	MC-02
Private Secretary II	34202	MC-04
Property Tax Analyst III	34923	MC-05
Public Aid Family Support Specialist II	35842	MC-05
Public Aid Quality Control Supervisor	35900	MC-07
Public Aid Staff Development Specialist III	36073	MC-06
Public Health Program Specialist III	36613	MC-07
Radiologic Technologist Chief	37505	MC-03

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Rehabilitation Workshop Supervisor III	38196	MC-05
Reimbursement Officer II	38200	MC-05
Reproduction Service Supervisor II	38202	MC-04
Residential Care Program Supervisor I	38271	MC-06
Revenue Audit Supervisor	38369	MC-12
Safety Responsibility Analyst Supervisor	38915	MC-02
Security Officer Chief	39875	MC-04
Security Officer Lieutenant	39876	MC-02
Security Therapy Aide IV	39904	MC-05
Sign Shop Foreman	41000	MC-06
Staff Development Specialist I	41771	MC-05
Staff Development Technician II	41782	MC-03
State Mine Inspector-At-Large	42240	MC-11
Statistical Research Specialist III	42743	MC-06
Statistical Research Supervisor	42745	MC-07
Storekeeper III	43053	MC-01
Supervising Vehicle Testing Compliance Officer	43680	MC-06
Switchboard Chief Operator	44410	MC-01
Technical Advisor I	45251	MC-05
Technical Advisor II	45252	MC-07
Telecommunications Supervisor	45305	MC-07
Utility Engineer I	47451	MC-05
Utility Engineer II	47452	MC-07
Vehicle Emissions Compliance Supervisor	47583	MC-05
Waterways Construction Supervisor I	49061	MC-05
Waterways Construction Supervisor II	49062	MC-07

(Source: Peremptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accountant Supervisor	00135	RC-062	18
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19
Bank Examiner III	04133	RC-062	22
Behavioral Analyst Associate	04355	RC-062	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Behavioral Analyst I	04351	RC-062	17
Behavioral Analyst II	04352	RC-062	19
Business Administrative Specialist	05810	RC-062	16
<u>Business Manager</u>	<u>05815</u>	<u>RC-062</u>	<u>18</u>
Buyer	05900	RC-062	18
Capital Development Board Account Technician	06515	RC-062	11
Capital Development Board Art in Architecture Technician	06533	RC-062	12
Capital Development Board Construction Support Analyst	06520	RC-062	11
Capital Development Board Project Technician	06530	RC-062	12
Chemist I	06941	RC-062	16
Chemist II	06942	RC-062	19
Chemist III	06943	RC-062	21
Child Protection Advanced Specialist	07161	RC-062	19
Child Protection Associate Specialist	07162	RC-062	16
Child Protection Specialist	07163	RC-062	18
Child Welfare Associate Specialist	07216	RC-062	16
Child Welfare Staff Development Coordinator I	07201	RC-062	17
Child Welfare Staff Development Coordinator II	07202	RC-062	19
Child Welfare Staff Development Coordinator III	07203	RC-062	20
Child Welfare Staff Development Coordinator IV	07204	RC-062	22
Children and Family Service Intern – Option I	07241	RC-062	12
Children and Family Service Intern – Option II	07242	RC-062	15
Clinical Laboratory Technologist I	08220	RC-062	18
Clinical Laboratory Technologist II	08221	RC-062	19
Clinical Laboratory Technologist Trainee	08229	RC-062	14
Communications Systems Specialist	08860	RC-062	23
Community Management Specialist I	08891	RC-062	15
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15
Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19
Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18
Conservation Grant Administrator II	09312	RC-062	20
Conservation Grant Administrator III	09313	RC-062	22
Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Correctional Counselor III	09663	RC-062	19
Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17
Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	21
Disability Claims Specialist	12558	RC-062	19
Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
<u>Economic Development Representative I</u>	<u>12931</u>	<u>RC-062</u>	<u>17</u>
Educator – Provisional	13105	RC-062	12
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19
Employment Security Tax Auditor I	13681	RC-062	17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15
Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Executive I	13851	RC-062	18
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20
Forensic Scientist III	15893	RC-062	22
Forensic Scientist Trainee	15897	RC-062	15
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13
Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Human Relations Representative	19670	RC-062	16
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18
Human Rights Investigator III	19776	RC-062	19
Human Rights Specialist I	19778	RC-062	14
Human Rights Specialist II	19779	RC-062	16
Human Rights Specialist III	19780	RC-062	18
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial and Community Development Representative I	21051	RC-062	17
Industrial and Community Development Representative II	21052	RC-062	19
Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16
Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24
Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14
Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Labor Conciliator	22750	RC-062	20
Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15
Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21
Land Reclamation Specialist I	23131	RC-062	14
Land Reclamation Specialist II	23132	RC-062	17
Liability Claims Adjuster I	23371	RC-062	14
Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Regional Coordinator	24504	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14
Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures Advisor III	27133	RC-062	20
Methods and Procedures Career Associate I	27135	RC-062	11

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Methods and Procedures Career Associate II	27136	RC-062	12
Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15
Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18
Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Pension and Death Benefits Technician II	30962	RC-062	16
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Property Tax Analyst I	34921	RC-062	12
Property Tax Analyst II	34922	RC-062	14
Public Aid Appeals Advisor	35750	RC-062	18
Public Aid Family Support Specialist I	35841	RC-062	17
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
<u>Public Aid Quality Control Supervisor</u>	<u>35900</u>	<u>RC-062</u>	<u>19</u>
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Coordinator	36750	RC-062	18
Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21
Public Safety Inspector	37007	RC-062	16

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Public Safety Inspector Trainee	37010	RC-062	10
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17
Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20
Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Retirement System Disability Specialist	38310	RC-062	19
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL, CA or NJ)	38371	RC-062	19
Revenue Auditor I (CA or NJ)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19
Revenue Auditor II (states other than IL, CA or NJ)	38372	RC-062	22
Revenue Auditor II (CA or NJ)	38372	RC-062	24
Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL, CA or NJ)	38373	RC-062	24
Revenue Auditor III (CA or NJ)	38373	RC-062	26
Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL, CA or NJ)	38375	RC-062	13
Revenue Auditor Trainee (CA or NJ)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist (IL)	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL, CA or NJ)	38425	RC-062	25
Revenue Computer Audit Specialist (CA or NJ)	38425	RC-062	27
Revenue Senior Special Agent	38557	RC-062	23
Revenue Special Agent	38558	RC-062	19
Revenue Special Agent Trainee	38565	RC-062	14
Revenue Tax Specialist I	38571	RC-062	12
Revenue Tax Specialist II (IL)	38572	RC-062	14
Revenue Tax Specialist II (states other than IL, CA or NJ)	38572	RC-062	17
Revenue Tax Specialist II (CA or NJ)	38572	RC-062	19
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10
Site Assistant Superintendent I	41071	RC-062	15
Site Assistant Superintendent II	41072	RC-062	17
Site Interpretive Coordinator	41093	RC-062	13
Site Services Specialist I	41117	RC-062	15
Site Services Specialist II	41118	RC-062	17
Social Service Consultant I	41301	RC-062	18
Social Service Consultant II	41302	RC-062	19
Social Service Program Planner I	41311	RC-062	15
Social Service Program Planner II	41312	RC-062	17
Social Service Program Planner III	41313	RC-062	20
Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	16
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
State Mine Inspector	42230	RC-062	19
State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22
Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18
Wage Claims Specialist	48770	RC-062	09
Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12
Workers Compensation Insurance Compliance Investigator	49640	RC-062	20

NOTE: For the Revenue Auditor I, II and III and Revenue Auditor Trainee position classification titles only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

employee's residence (e.g., IL, CA or NJ or a state other than IL, CA or NJ). If the employee's residence moves to another state while the employee is in the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of the State of Illinois in the same position classification, the base salary may change depending on the location of the employee's new residence. If the employee remains in the position located outside the boundaries of the State of Illinois and moves residence from or into the boundaries of the State of Illinois, the base salary will change. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

Effective July 1, 2006
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	S T E P S										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
09	B	2384	2443	2503	2565	2645	2730	2814	2904	2990	3131	3224
09	Q	2480	2540	2603	2669	2751	2841	2928	3023	3114	3262	3361
09	S	2537	2599	2660	2725	2809	2898	2988	3084	3174	3325	3424
10	B	2461	2521	2584	2648	2745	2826	2920	3012	3105	3263	3362
10	Q	2559	2621	2686	2755	2854	2942	3041	3137	3235	3407	3507
10	S	2615	2679	2744	2812	2912	3001	3100	3196	3299	3471	3575
11	B	2549	2612	2679	2746	2839	2931	3036	3137	3234	3405	3508
11	Q	2651	2717	2785	2855	2957	3054	3163	3269	3373	3555	3661
11	S	2710	2775	2843	2913	3017	3113	3223	3331	3438	3618	3728
12	B	2649	2715	2783	2855	2960	3058	3172	3276	3397	3579	3686
12	Q	2756	2824	2896	2973	3083	3185	3308	3420	3545	3738	3850
12	S	2814	2882	2955	3031	3143	3247	3371	3484	3611	3805	3919
12H	B	16.30	16.71	17.13	17.57	18.22	18.82	19.52	20.16	20.90	22.02	22.68
12H	Q	16.96	17.38	17.82	18.30	18.97	19.60	20.36	21.05	21.82	23.00	23.69
12H	S	17.32	17.74	18.18	18.65	19.34	19.98	20.74	21.44	22.22	23.42	24.12
13	B	2746	2815	2887	2963	3072	3189	3309	3430	3558	3755	3869

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

13	Q	2855	2930	3006	3086	3200	3326	3455	3581	3713	3925	4043
13	S	2913	2989	3066	3146	3261	3389	3521	3646	3781	3992	4112
14	B	2857	2931	3011	3090	3208	3333	3478	3606	3743	3960	4079
14	Q	2975	3054	3136	3220	3345	3480	3632	3768	3912	4140	4264
14	S	3033	3113	3195	3282	3411	3544	3698	3834	3979	4205	4331
14H	B	17.58	18.04	18.53	19.02	19.74	20.51	21.40	22.19	23.03	24.37	25.10
14H	Q	18.31	18.79	19.30	19.82	20.58	21.42	22.35	23.19	24.07	25.48	26.24
14H	S	18.66	19.16	19.66	20.20	20.99	21.81	22.76	23.59	24.49	25.88	26.65
15	B	2967	3046	3128	3213	3354	3493	3630	3778	3918	4153	4279
15	Q	3091	3173	3260	3351	3500	3646	3792	3950	4095	4340	4470
15	S	3151	3232	3323	3415	3565	3709	3860	4016	4160	4407	4538
16	B	3099	3183	3269	3363	3514	3669	3822	3982	4141	4385	4517
16	Q	3228	3318	3413	3511	3669	3835	3995	4159	4327	4584	4722
16	S	3292	3383	3477	3577	3736	3903	4064	4227	4395	4648	4790
17	B	3237	3328	3424	3524	3686	3856	4020	4182	4352	4611	4749
17	Q	3377	3474	3575	3677	3853	4030	4199	4370	4548	4819	4965
17	S	3440	3539	3640	3744	3921	4099	4268	4438	4614	4888	5035
18	B	3402	3500	3601	3708	3887	4069	4253	4427	4604	4879	5026
18	Q	3551	3653	3762	3875	4066	4252	4447	4629	4812	5100	5252
18	S	3615	3717	3830	3940	4131	4320	4512	4695	4881	5165	5321
19	B	3580	3684	3793	3909	4108	4302	4502	4691	4886	5183	5338
19	J	3580	3684	3793	3909	4108	4302	4502	4691	4886	5183	5338
19	Q	3739	3850	3966	4084	4293	4493	4706	4902	5108	5416	5578
19	S	3806	3919	4035	4152	4361	4562	4772	4970	5176	5483	5647
20	B	3781	3895	4011	4130	4339	4540	4756	4963	5168	5482	5646
20	Q	3953	4071	4191	4316	4534	4747	4971	5185	5401	5731	5903
20	S	4018	4138	4258	4384	4600	4812	5038	5252	5467	5795	5971
21	B	3991	4112	4235	4360	4585	4806	5031	5260	5479	5821	5996

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

21	U	3991	4112	4235	4360	4585	4806	5031	5260	5479	5821	5996
21	Q	4172	4298	4424	4557	4793	5021	5258	5497	5727	6083	6267
21	S	4239	4364	4491	4626	4857	5089	5326	5564	5792	6150	6335
22	B	4218	4346	4477	4610	4850	5087	5328	5574	5806	6167	6352
22	Q	4409	4542	4678	4817	5069	5319	5567	5825	6069	6445	6639
22	S	4476	4608	4746	4886	5134	5385	5632	5892	6138	6514	6707
23	B	4477	4610	4748	4889	5149	5413	5670	5932	6189	6578	6775
23	Q	4678	4817	4962	5113	5383	5659	5925	6199	6468	6873	7079
23	S	4746	4886	5031	5179	5449	5725	5992	6265	6534	6940	7149
24	B	4763	4906	5052	5204	5481	5768	6045	6324	6610	7024	7235
24	J	4763	4906	5052	5204	5481	5768	6045	6324	6610	7024	7235
24	Q	4977	5126	5281	5441	5730	6028	6318	6608	6907	7342	7562
24	S	5045	5193	5348	5507	5794	6093	6384	6676	6975	7408	7629
25	B	5077	5229	5386	5548	5850	6159	6466	6774	7081	7537	7763
25	J	5077	5229	5386	5548	5850	6159	6466	6774	7081	7537	7763
25	Q	5305	5464	5627	5795	6115	6435	6758	7080	7402	7875	8112
25	S	5375	5530	5697	5864	6182	6501	6824	7146	7466	7943	8181
26	B	5365	5526	5693	5920	6244	6574	6908	7230	7555	8043	8284
26	U	5365	5526	5693	5920	6244	6574	6908	7230	7555	8043	8284
27	B	5671	5841	6017	6319	6662	7014	7371	7715	8061	8583	8839
27	U	5671	5841	6017	6319	6662	7014	7371	7715	8061	8583	8839

Effective January 1, 2007
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
09	B	2408	2467	2528	2591	2671	2757	2842	2933	3020	3162	3256
09	Q	2505	2565	2629	2696	2779	2869	2957	3053	3145	3295	3395

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

09	S	2562	2625	2687	2752	2837	2927	3018	3115	3206	3358	3458
10	B	2486	2546	2610	2674	2772	2854	2949	3042	3136	3296	3396
10	Q	2585	2647	2713	2783	2883	2971	3071	3168	3267	3441	3542
10	S	2641	2706	2771	2840	2941	3031	3131	3228	3332	3506	3611
11	B	2574	2638	2706	2773	2867	2960	3066	3168	3266	3439	3543
11	Q	2678	2744	2813	2884	2987	3085	3195	3302	3407	3591	3698
11	S	2737	2803	2871	2942	3047	3144	3255	3364	3472	3654	3765
12	B	2675	2742	2811	2884	2990	3089	3204	3309	3431	3615	3723
12	Q	2784	2852	2925	3003	3114	3217	3341	3454	3580	3775	3889
12	S	2842	2911	2985	3061	3174	3279	3405	3519	3647	3843	3958
12H	B	16.46	16.87	17.30	17.75	18.40	19.01	19.72	20.36	21.11	22.25	22.91
12H	Q	17.13	17.55	18.00	18.48	19.16	19.80	20.56	21.26	22.03	23.23	23.93
12H	S	17.49	17.91	18.37	18.84	19.53	20.18	20.95	21.66	22.44	23.65	24.36
13	B	2773	2843	2916	2993	3103	3221	3342	3464	3594	3793	3908
13	Q	2884	2959	3036	3117	3232	3359	3490	3617	3750	3964	4083
13	S	2942	3019	3097	3177	3294	3423	3556	3682	3819	4032	4153
14	B	2886	2960	3041	3121	3240	3366	3513	3642	3780	4000	4120
14	Q	3005	3085	3167	3252	3378	3515	3668	3806	3951	4181	4307
14	S	3063	3144	3227	3315	3445	3579	3735	3872	4019	4247	4374
14H	B	17.76	18.22	18.71	19.21	19.94	20.71	21.62	22.41	23.26	24.62	25.35
14H	Q	18.49	18.98	19.49	20.01	20.79	21.63	22.57	23.42	24.31	25.73	26.50
14H	S	18.85	19.35	19.86	20.40	21.20	22.02	22.98	23.83	24.73	26.14	26.92
15	B	2997	3076	3159	3245	3388	3528	3666	3816	3957	4195	4322
15	Q	3122	3205	3293	3385	3535	3682	3830	3990	4136	4383	4515
15	S	3183	3264	3356	3449	3601	3746	3899	4056	4202	4451	4583
16	B	3130	3215	3302	3397	3549	3706	3860	4022	4182	4429	4562
16	Q	3260	3351	3447	3546	3706	3873	4035	4201	4370	4630	4769
16	S	3325	3417	3512	3613	3773	3942	4105	4269	4439	4694	4838

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

17	B	3269	3361	3458	3559	3723	3895	4060	4224	4396	4657	4796
17	Q	3411	3509	3611	3714	3892	4070	4241	4414	4593	4867	5015
17	S	3474	3574	3676	3781	3960	4140	4311	4482	4660	4937	5085
18	B	3436	3535	3637	3745	3926	4110	4296	4471	4650	4928	5076
18	Q	3587	3690	3800	3914	4107	4295	4491	4675	4860	5151	5305
18	S	3651	3754	3868	3979	4172	4363	4557	4742	4930	5217	5374
19	B	3616	3721	3831	3948	4149	4345	4547	4738	4935	5235	5391
19	J	3616	3721	3831	3948	4149	4345	4547	4738	4935	5235	5391
19	Q	3776	3889	4006	4125	4336	4538	4753	4951	5159	5470	5634
19	S	3844	3958	4075	4194	4405	4608	4820	5020	5228	5538	5703
20	B	3819	3934	4051	4171	4382	4585	4804	5013	5220	5537	5702
20	Q	3993	4112	4233	4359	4579	4794	5021	5237	5455	5788	5962
20	S	4058	4179	4301	4428	4646	4860	5088	5305	5522	5853	6031
21	B	4031	4153	4277	4404	4631	4854	5081	5313	5534	5879	6056
21	U	4031	4153	4277	4404	4631	4854	5081	5313	5534	5879	6056
21	Q	4214	4341	4468	4603	4841	5071	5311	5552	5784	6144	6330
21	S	4281	4408	4536	4672	4906	5140	5379	5620	5850	6212	6398
22	B	4260	4389	4522	4656	4899	5138	5381	5630	5864	6229	6416
22	Q	4453	4587	4725	4865	5120	5372	5623	5883	6130	6509	6705
22	S	4521	4654	4793	4935	5185	5439	5688	5951	6199	6579	6774
23	B	4522	4656	4795	4938	5200	5467	5727	5991	6251	6644	6843
23	Q	4725	4865	5012	5164	5437	5716	5984	6261	6533	6942	7150
23	S	4793	4935	5081	5231	5503	5782	6052	6328	6599	7009	7220
24	B	4811	4955	5103	5256	5536	5826	6105	6387	6676	7094	7307
24	J	4811	4955	5103	5256	5536	5826	6105	6387	6676	7094	7307
24	Q	5027	5177	5334	5495	5787	6088	6381	6674	6976	7415	7638
24	S	5095	5245	5401	5562	5852	6154	6448	6743	7045	7482	7705
25	B	5128	5281	5440	5603	5909	6221	6531	6842	7152	7612	7841

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

25	J	5128	5281	5440	5603	5909	6221	6531	6842	7152	7612	7841
25	Q	5358	5519	5683	5853	6176	6499	6826	7151	7476	7954	8193
25	S	5429	5585	5754	5923	6244	6566	6892	7217	7541	8022	8263
26	B	5419	5581	5750	5979	6306	6640	6977	7302	7631	8123	8367
26	U	5419	5581	5750	5979	6306	6640	6977	7302	7631	8123	8367
27	B	5728	5899	6077	6382	6729	7084	7445	7792	8142	8669	8927
27	U	5728	5899	6077	6382	6729	7084	7445	7792	8142	8669	8927

(Source: Peremptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007)

POLLUTION CONTROL BOARD

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) The Notice of Proposed Amendments being corrected appeared at: 31 Ill. Reg. 6559; May 4, 2007
- 4) The information being corrected is as follows: Monday, May 27, 2007 incorrectly appeared on the Notice Page published in the Illinois Register as the date of the first hearing in this rulemaking. The correct date is Monday, May 21, 2007. The time and location of the hearing were correct as they appeared in the notice pages.

POLLUTION CONTROL BOARD

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) The Notice of Proposed Amendments being corrected appeared at: 31 Ill. Reg. 6578; May 4, 2007
- 4) The information being corrected is as follows: Monday, May 27, 2007 incorrectly appeared on the Notice Page published in the Illinois Register as the date of the first public hearing on this rulemaking. The correct date is Monday, May 21, 2007. The time and location of the hearing were correct as they appeared in the notice pages.

POLLUTION CONTROL BOARD

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Nitrogen Oxides Emissions
- 2) Code Citation: 35 Ill. Adm. Code 217
- 3) The Notice of Proposed Amendments being corrected appeared at: 31 Ill. Reg. 6597;
May 4, 2007
- 4) The information being corrected is as follows: Monday, May 27, 2007 incorrectly appeared on the Notice Page published in the Illinois Register as the date of the first public hearing on this rulemaking. The correct date is Monday, May 21, 2007. The time and location of the hearing were correct as they appeared in the notice pages.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2007 FIRST QUARTER SALES TAX SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the First Quarter of 2007. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Interstate Commerce

Manufacturing Machinery &
Equipment

Medical Appliances

Nexus

Trade-Ins

Use Tax

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2007 FIRST QUARTER SALES TAX SUNSHINE INDEX

the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Marie Keeney
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: 217/782-2844

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2007 FIRST QUARTER SALES TAX SUNSHINE INDEX

INTERSTATE COMMERCE

ST 07-0001-GIL 01/04/2007 Retailers' Occupation Tax does not apply where sellers ship goods by carrier or by mail, according to the terms of agreements with purchasers, and the seller delivers the goods from a point within Illinois to a point outside Illinois and the goods are not to be returned to Illinois. See 86 Ill. Adm. Code 130.605.

MANUFACTURING MACHINERY & EQUIPMENT

ST 07-0003-GIL 01/04/2007 Machinery and equipment that is used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease is exempt from Retailers' Occupation Tax. See the Department's regulation at 86 Ill. Adm. Code 130.330.

MEDICAL APPLIANCES

ST 07-0002-GIL 01/04/2007 This letter provides a reference to the Department's rules regarding food, drugs, medicines and medical appliances. See 86 Ill. Adm. Code 130.310.

NEXUS

ST 07-0005-GIL 01/05/2007 This letter discusses nexus. See *Quill Corp. v. North Dakota*, 112 S.Ct. 1904 (1992).

TRADE-INS

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2007 FIRST QUARTER SALES TAX SUNSHINE INDEX

ST 07-0007-GIL 03/28/07 The language of 86 Ill. Admin. Code 130.455(c)(C), that “[a] third party trade-in authorization may not be used in conjunction with an advance trade transaction” means not only that the car being traded in the advance trade must be owned by the purchaser of the new vehicle, but also that regular trade-in transactions involving third parties may not be part of an advance trade transaction.

USE TAX

ST 07-0004-GIL 01/04/2007 Under the Use Tax Act, a tax is imposed upon the privilege of using in this State tangible personal property purchased at retail from a retailer. See 86 Ill. Adm. Code 150.101.

ST 07-0006-GIL 01/12/2007 Citizens of foreign countries are not exempt from Use Tax liability for purchases of merchandise at retail within the State of Illinois. See 86 Ill. Adm. Code 130.605.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 1, 2007 through May 7, 2007 and have been scheduled for review by the Committee at its May 15, 2007 meeting in Springfield or its June 12, 2007 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
6/13/07	<u>Department of Human Services</u> , Assessment for Determining Eligibility and Rehabilitation Needs (89 Ill. Adm. Code 553)	2/16/07 31 Ill. Reg. 2725	6/12/07
6/13/07	<u>Illinois Commerce Commission</u> , Uniform System of Accounts for Electric Utilities (83 Ill. Adm. Code 415)	2/16/07 31 Ill. Reg. 2701	6/12/07
6/13/07	<u>Illinois Commerce Commission</u> , Uniform System of Accounts for Gas Utilities (83 Ill. Adm. Code 505)	2/16/07 31 Ill. Reg. 2705	6/12/07
6/14/07	<u>Department of State Police</u> , Americans With Disabilities Act Grievance Procedure (4 Ill. Adm. Code 825)	3/16/07 31 Ill. Reg. 4321	6/12/07
6/16/07	<u>Department of Financial and Professional Regulation-Division of Insurance</u> , Managed Care Dental Plans (50 Ill. Adm. Code 5425)	12/22/06 30 Ill. Reg. 19457	6/12/07
6/20/07	<u>Illinois Commerce Commission</u> , Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 Ill. Adm. Code 590)	2/16/07 31 Ill. Reg. 2710	6/12/07

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/20/07	<u>Department of Public Health, Illinois Health and Hazardous Substances Registry (77 Ill. Adm. Code 840)</u>	1/5/07 31 Ill. Reg. 22	6/12/07
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ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 31, Issue 20 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

50 - 1409	.....	7202
50 - 1412	.....	7210
50 - 1413	.....	7217
50 - 1702	.....	7223
89 - 120	.....	7226
47 - 260	.....	7228
77 - 250	.....	7240

ADOPTED RULES

14 - 105	05/04/2007.....	7251
77 - 205	05/07/2007.....	7278
14 - 100	05/07/2007.....	7284
92 - 1040	05/03/2007.....	7296
20 - 1286	05/01/2007.....	7305

EMERGENCY RULES

89 - 120	05/01/2007.....	7323
----------	-----------------	------

PEREMPTORY RULES

80 - 310	05/03/2007.....	7338
----------	-----------------	------

NOTICE OF CORRECTIONS

35 - 201	7370
35 - 211	7371
35 - 217	7372

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