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ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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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
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22	May 21, 2007	June 1, 2007
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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
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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: This is a reminder that July 2, 2007 is the final day to submit your Agency's Regulatory Agenda for the July 2007 filing period.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: we did not anticipate this Part would be amended.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 950
DOG TRAINING ON DEPARTMENT-OWNED OR -MANAGED SITES

Section

950.10	Statewide Regulations
950.20	Definitions
950.30	Permit Requirements
950.40	Dog Training Seasons and Regulations
950.50	Dog Training Regulations (Repealed)
950.60	Penalties, Future Rights/Appeal Procedures

AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].

SOURCE: Amendment filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10652; Part repealed, new Part adopted at 12 Ill. Reg. 1808, effective December 31, 1987; amended at 14 Ill. Reg. 13524, effective August 10, 1990; amended at 15 Ill. Reg. 11581, effective August 2, 1991; amended at 16 Ill. Reg. 11034, effective June 30, 1992; amended at 17 Ill. Reg. 13447, effective July 30, 1993; amended at 19 Ill. Reg. 11780, effective August 3, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 23 Ill. Reg. 8392, effective July 7, 1999; emergency amendment at 24 Ill. Reg. 14069, effective September 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 19184, effective December 18, 2000; amended at 26 Ill. Reg. 13882, effective September 5, 2002; amended at 28 Ill. Reg. 1743, effective January 14, 2004; amended at 31 Ill. Reg. _____, effective _____.

Section 950.40 Dog Training Seasons and Regulations

- a) Dog training is prohibited on Department sites except in designated areas.
- b) The use of horses for dog training purposes is prohibited except at the sites designated by (1).
- c) Only handguns and shotguns with blank cartridges shall be used on Department sites except shotguns with shot shells may be used only for shoot-to-retrieve

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

training using domestic pigeons and/or captive-reared ring-necked pheasants, bobwhite quail, chukar partridge, and mallard ducks at the sites designated by (2).

- 1) Only shot shells with a shot size of No. 6 lead or a non-toxic shot size ballistically equivalent to No. 6 lead, tungsten iron, tungsten polymer, tungsten matrix, No. 5 bismuth, No. 4 steel or tin, or smaller shall be used for shoot-to-retrieve dog training.
 - 2) Individuals participating in shoot-to-retrieve dog training are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches.
 - 3) Individuals participating in shoot-to-retrieve dog training are required to wear a back patch issued at the site headquarters on the outside of the upper outer blaze orange garment.
- d) Dog training at the following sites will be open from September 1-March 31, except closed during site upland game season; additional exceptions in parenthesis:

Carlyle Lake Lands and Waters

Clinton Lake State Recreation Area

Edward R. Madigan State Park

Eldon Hazlet State Park (closed September 1 through the first Sunday of the controlled pheasant hunting season; dog training is open on Mondays and Tuesdays during the Controlled Pheasant Hunting Season and from the close of the upland game hunting season through March 31~~January 1-March 31, except north of Allen Branch open per statewide regulations~~)

Hamilton County Conservation Area

Hidden Springs State Forest

Horseshoe Lake State Park (dog training is open during the upland game season~~closed during dove and archery deer seasons, except training is permitted on Mondays and Tuesdays during the controlled pheasant~~)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

~~hunting season)~~

~~Horseshoe Lake State Park—Gabaret, Mosenthein, Chouteau Island Unit~~

~~I-24 State Habitat Area (area south and west of I-24 open only from
October 1 March 31)~~

Iroquois County Wildlife Management Area

Jim Edgar Panther Creek State Fish and Wildlife Area (water dog training only is open all year; during the Controlled Pheasant Hunting Season, training is ~~open~~permitted on Mondays and Tuesdays ~~on the Controlled Pheasant Hunting Unit only~~) (1)

Kankakee River State Park

Kaskaskia River State Fish and Wildlife Area (water dog training only is open all year) (1)

Kickapoo State Park (1)

Lake Shelbyville – Eagle Creek State Park

Lake Shelbyville – Eagle Creek Wildlife Management Area

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area

Mackinaw River State Fish and Wildlife Area

Marseilles State Fish and Wildlife Area (closed Friday, Saturday, and Sunday during September, October and March)

Middle Fork Fish and Wildlife Management Area (1)

Peabody River King State Fish and Wildlife Area (~~West and South Subunits only~~; water dog training only is open all year)

Sahara Woods State Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Saline County Conservation Area

Sam Parr State Park

Sand Ridge State Forest (during the Controlled Pheasant season, training is openpermitted on Mondays and Tuesdays) (1)

Sangchris Lake State Park (water dog training is open all year)

Shabbona Lake State Park (closed during archery deer season)

Silver Springs State Fish and Wildlife Area

Skinner Farm State Habitat Area (area south and west of I-24 open only from October 1-March 31)

Stephen A. Forbes State Fish and Wildlife Area

Ten Mile Creek Fish and Wildlife Area

Trail of Tears State Forest

Washington County Conservation Area

Weinberg-King State Park (1)

- e) Dog training at the following sites will be allowed throughout the year; exceptions in parentheses:-

Banner Marsh Fish and Wildlife Area (closed 7 days before through end of waterfowl season)

Des Plaines Conservation Area (closed during site's upland game season)
(1) (2)

Eldon Hazlet State Park north of Allen Branch Public Hunting Area

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

[Pyramid State Park \(closed during site's upland game and waterfowl hunting seasons\) \(1\) \(2\)](#)

Randolph County Conservation Area

Rock Cut State Park

Snakeden Hollow State Fish and Wildlife Area (closed October 1 through the Central Zone Goose Hunting Season)

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: School Plan Reviews and Inspections
- 2) Code Citation: 41 Ill. Adm. Code 111
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
111.10	New
111.20	New
111.30	New
111.40	New
111.50	New
111.60	New
111.70	New
111.80	New
111.90	New
111.100	New
- 4) Statutory Authority: Implementing and authorized by Sections 2-3.12, 2-3.137, 3-14.20 and 3-14.21 of the School Code [105 ILCS 5/2-3.12, 2-3.137, 3-14.20 and 3-14.21]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking adopts standards contained in the School Plan Review and Inspections Task Force Report issued Jan. 21, 2006 and in the requirements of Sections 2-3.12 and 3-14.21(c) of the School Code [105 ILCS 5/2-3.12 and 3-14.21(c)].
- 6) Published Studies or Reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed rules implement the policy of safe schools in Illinois and have no additional impact on units of local government.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:
- Misty Matykiewicz
Director of the Fire Prevention Division
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259
- Phone: 217/558-0639
Facsimile: 217-782-1062
- 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: Inspection reports must be delivered to the Regional Office of Education and the local school board within 15 days after the inspection and the reports are kept along with records of the corrections made as a result of the inspection
- C) Types of professional skills necessary for compliance: Specific education and experience is required to adequately conduct the inspections.
- 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 need for the rules was not anticipated at the time that the agendas were published.

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHALPART 111
SCHOOL PLAN REVIEWS AND INSPECTIONS

Section	
111.10	Scope
111.20	Definitions
111.30	General Requirements for Inspector Qualifications
111.40	Inspection Standards
111.50	Application for Delegation of Authority
111.60	Delegation Certificate Renewal
111.70	Fees
111.80	Possession of Certificate
111.90	Notification of Change
111.100	Replacement and Duplicate Delegation Certificate

AUTHORITY: Implementing and authorized by Sections 2-3.12, 2-3.137, 3-14.20 and 3-14.21 of the School Code [105 ILCS 5/2-3.12, 2-3.137, 3-14.20 and 3-14.21].

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

Section 111.10 Scope

This Part implements the portions of Public Act 94-0225 and the School Plan Review and Inspections Task Force Report that require the State Fire Marshal's office to adopt rules that set out the qualifications of Fire Prevention Inspectors that are authorized to conduct annual fire safety inspections in public schools and report violations to the Regional Office of Education and the local school board.

Section 111.20 Definitions

For purposes of this Part, the term:

"ICC" means the International Code Counsel.

"NFPA" means the National Fire Protection Association.

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

"Qualified Fire Official" means a fire official who is certified by the OSFM to conduct inspections as provided in this Part.

Section 111.30 General Requirements for Inspector Qualifications

The following qualifications are necessary for the Office of the State Fire Marshal to delegate its authority to inspect public school buildings to a qualified fire official:

- a) All Fire Prevention Inspectors employed by OSFM shall be qualified inspectors;
- b) Any Fire Prevention Inspector employed by a unit of local government who is Certified as a Fire Officer I or a Fire Prevention Officer by OSFM;
- c) Any Fire Prevention Inspector employed by a unit of local government who possesses a Certification as a Fire Inspector I or Fire Inspector II issued by the ICC;
- d) Any Fire Prevention Inspector employed by a unit of local government who possesses a current Certification as a Fire Inspector I or Fire Inspector II issued by the NFPA.

Section 111.40 Inspection Standards

All annual inspections of public schools shall be conducted using the standards contained in the Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180).

Section 111.50 Application for Delegation of Authority

For purposes of this Part, all applications submitted to OSFM requesting delegation as a Fire Prevention Inspector shall be signed and submitted on letterhead provided by the unit of local government and shall include the following information:

- a) The name and address of the unit of local government. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.

OFFICE OF THE STATE FIRE MARSHAL

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- b) A copy of the current qualifying certification held by the person requesting delegation from the OSFM (as required by Section 111.30).

Section 111.60 Delegation Certificate Renewal

A Delegation Certificate issued pursuant to Section 111.30 is valid until there is a change in status of the individual certified by the OSFM.

Section 111.70 Fees

- a) No fees are required for the issuance of an initial Delegation Certificate as part of the delegation process outlined in Section 111.30.
- b) A \$5.00 fee will be charged for issuance of a duplicate or replacement Delegation Certificate that is lost, stolen or destroyed.

Section 111.80 Possession of Certificate

Any individual to whom the authority to conduct school inspections has been delegated must be in possession of, and be able to produce, his/her Delegation Certificate upon request at all times during the inspection of a school building or at any time upon request by an authorized representative of the school or the OSFM.

Section 111.90 Notification of Change

Any change in the status of the certification under which an individual qualifies for a Delegation Certificate under Section 111.30 or in the employment status of the individual Fire Prevention Inspector shall be reported to the OSFM within 5 days.

Section 111.100 Replacement and Duplicate Delegation Certificate

- a) Any time a Delegation Certificate has been lost, stolen or destroyed, the licensee shall notify, in writing, the OSFM within 5 days after discovery. Upon receipt of the written notification and the replacement certificate fee required by Section 111.70, the OSFM will issue a replacement Delegation Certificate.
- b) Any time a Delegation Certificate becomes worn or damaged to the extent that any portion is illegible, or the individual changes his/her address or name, the certificate must be returned to the OSFM. The OSFM will issue a duplicate

OFFICE OF THE STATE FIRE MARSHAL

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Delegation Certificate upon receipt of the original Delegation Certificate, proof of any changes in information to be made to the certificate (as required in Section 111.90), and the Duplicate Certificate fee prescribed by Section 111.70.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
250.160	Amendment
250.1830	Amendment
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) A Complete Description of the Subjects and Issues Involved: Part 250 establishes requirements for hospital licensure under the Hospital Licensing Act [250 ILCS 85]. Section 250.160 (Incorporated and Referenced Materials) is being amended to update the Guidelines for Perinatal Care to the Fifth Edition and to update other information in the Section. In this Section, some National Fire Protection Association publications are being changed to earlier dates to conform to the dates for those publications in the NFPA 101, Life Safety Code, 2000 edition. Those publications are listed in Section 250.160(a)(1)(C)(vi) and (vii), which are being changed from 2000 to 1996, (xiv), which is being changed from 2000 to 1998, (xix), which is being changed from 2000 to 1997, and (xx), which is being changed from 2000 to 1996.

Section 250.1830 (General Requirements for all Maternity Departments) is being amended to update requirements for the identification of infants. These requirements are consistent with the Guidelines for Perinatal Care, Fifth Edition, published by the American Academy Pediatrics/American College of Obstetricians and Gynecologists.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Guidelines for Perinatal Care, Fifth Edition (2002)
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

9) Does this rulemaking contain incorporations by reference? Yes

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

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

11) Statement of Statewide Policy Objective: 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: Nursing

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

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250.420	Personnel Records
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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

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250.620	Radioactive Isotopes
250.630	General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

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250.710	Classification of Emergency Services
250.720	General Requirements
250.725	Notification of Emergency Personnel
250.730	Community or Areawide Planning
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DEPARTMENT OF PUBLIC HEALTH

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DEPARTMENT OF PUBLIC HEALTH

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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SUBPART O: MATERNITY AND NEONATAL SERVICE

Section

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

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- 250.2110 Service Requirements
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SUBPART S: PSYCHIATRIC SERVICES

Section

- 250.2210 Applicability of other Parts of these Regulations
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- 250.2290 Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
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250.2500 Electrical Requirements

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250.2610 Applicability of these Standards
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250.2630 Existing General Hospital Standards
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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
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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
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250.APPENDIX A Codes and Standards (Repealed)

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250.ILLUSTRATION A Seismic Zone Map

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

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250.TABLE C	Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
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250.TABLE E	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
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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

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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 A: GENERAL

Section 250.160 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated in this Part:
 - 1) Private and professional association standards:
 - A) American Society for Testing and Materials (ASTM), Standard No. E90-99 (2002): Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, which may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959. (See [Section 250.2420.](#))
 - B) The following standards of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE), which may be obtained from the American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329: (See Section 250.2480.)
 - i) ASHRAE Handbook of Fundamentals ([2005](#))(~~2001~~);
 - ii) ASHRAE Handbook for HVAC Systems and Equipment ([2004](#))(~~1996~~);
 - iii) ASHRAE Handbook-HVAC Applications ([2003](#))(~~1999~~).
 - C) The following standards of the National Fire Protection Association (NFPA), which may be obtained from the National

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Fire Protection Association, 1 Batterymarch Park, Quincy,
Massachusetts [0216902269](#):

- i) No. 101 (2000): Life Safety Code; (See Sections 250.2420, 250.2450, 250.2460, 250.2470, and 250.2490.)
- ii) No. 10 (1998): Standards for Portable Fire Extinguishers; (See Section 250.1980.)
- iii) No. 13 (1999): Standards for the Installation of Sprinkler Systems; (See Sections 250.2490 and 250.2670.)
- iv) No. 14 (2000): Standard for the Installation of Standpipe, Private Hydrants and Hose Systems; (See Sections 250.2490 and 250.2670.)
- v) No. 25 (1998): Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;
- vi) No. 30 ~~(1996)(2000)~~: Flammable and Combustible Liquids Code; (See Section 250.1980.)
- vii) No. 45 ~~(1996)(2000)~~: Standard on Fire Protection for Laboratories Using Chemicals;
- viii) No. 54 (1999): National Fuel Gas Code;
- ix) No. 70 (1999): National Electrical Code; (See Sections 250.2440 and 250.2500.)
- x) No. 72 (1999): National Fire Alarm Code;
- xi) No. 80 (1999): Standard for Fire Doors and Fire Windows; (See Section 250.2450.)
- xii) No. 82 (1999): Standard on Incinerators and Waste and Linen Handling Systems and Equipment; (See Section 250.2440.)

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- xiii) No. 90A (1999): Standard for Installation of Air-Conditioning and Ventilating Systems; (See Sections 250.2480 and 250.2660.)
 - xiv) No. 96 ~~(1998)~~(1999): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations; (See Section 250.2660.)
 - xv) No. 99 (1999): Standard for Health Care Facilities; (See Sections 250.1410, ~~250.1910~~, 250.1980, ~~250.1910~~, 250.2460, 250.2480, 250.2490 and 250.2660.)
 - xvi) No. 101-A (2001): Guide on Alternative Approaches to Life Safety; (See Section 250.2620.)
 - xvii) No. 110 (1999): Standard for Emergency and Standby Power Systems;
 - xviii) No. 220 (1999): Standard on Types of Building Construction; (See Sections 250.2470 and 250.2620.)
 - xix) No. 221 ~~(1997)~~(2000): Standard for Fire Walls and Fire Barrier Walls;
 - xx) No. 241 ~~(1996)~~(2000): Standard for Safeguarding Construction, Alteration and Demolition Operations;
 - xxi) No. 255 and 258 (2000): Standard Method of Test of Surface Burning Characteristics of Building Materials, and Recommended Practice for Determining Smoke Generation of Solid Materials; (See Section 250.2480.)
 - xxii) No. 701 (1999): Standard Methods of Fire Tests for Flame-Propagation of Textiles and Films. (See Sections 250.2460 and 250.2650.)
- D) American Academy of Pediatrics and American College of Obstetricians and Gynecologists, Guidelines for Perinatal Care, ~~Fifth~~Fourth Edition (~~2002~~1997), which may be obtained from the

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American College of Obstetricians and Gynecologists Distribution Center, [P.O. Box 933104, Atlanta, Georgia 31193-3104](#)~~P.O. Box 4500, Kearneysville, West Virginia 25430-4500~~ (800-762-2264). (See Section 250.1820.)

- E) American College of Obstetricians and Gynecologists, Guidelines for Women's Healthcare (Second Edition (2002)), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, [P.O. Box 933104, Atlanta, Georgia 31193-3104](#)~~P.O. Box 4500, Kearneysville, West Virginia 25430-4500~~ (800-762-2264). (See Section 250.1820.)
- F) National Council on Radiation Protection and Measurements (NCRP), Report No. 49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and NCRP Report No. 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use) (1989), which may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Ave., Suite ~~400800~~, Bethesda, Maryland 20814-3095. (See Sections 250.2440 and 250.2450.)
- G) ~~DODDOP~~ Penetration Test Method MIL STD No. 282 (1995): Filter Units, Protective Clothing, Gas-mask Components and Related Products: Performance Test Methods, which may be obtained from Naval Publications and Form Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120. (See Section 250.2480.)
- H) National Association of Plumbing-Heating-Cooling Contractors (PHCC), National Standard Plumbing Code ~~(2003)(1957)~~, which may be obtained from the National Association of Plumbing-Heating-Cooling Contractors, [180 S. Washington Street, P.O. Box 6808, Falls Church, Virginia 22046 \(703-237-8100\)](#)~~1016 20th Street, N.W., Washington, D.C. 20036. (See Section 250.2420.)~~
- I) The International Code Council, International Building Code (2000), which may be obtained from the International Code

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Council, 4051 Flossmoor Road, Country Club Hills, Illinois 60477-5795. (See Section 250.2420.)

- J) ~~American National Standards Institute~~~~American Standards Association, Inc.~~, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped (1968), which may be obtained from the ~~American National Standards Institute~~~~American Standards Association, Inc.~~, ~~25 West 433rd Street, 4th Floor~~~~East 40th Street~~, New York, New York ~~10036~~~~10016~~. (See Section 250.2420.)
- K) Accreditation Council for Graduate Medical Education, Essentials of Accredited Residencies in Graduate Medical Education (1997), which may be obtained from the Accreditation Council for Graduate Medical Education, 515 North State Street, Suite ~~2000~~~~200~~, Chicago, Illinois 60610. (See Section 250.315.)
- L) Joint Commission on Accreditation of Healthcare Organizations, ~~2006~~~~2002~~ Hospital Accreditation Standards (HAS) ~~(January 1, 2002)~~, Standard ~~PC.3.10P.E.1.9 and Standard P.E.8~~, which may be obtained from the Joint Commission on Accreditation of Healthcare Organizations, One Renaissance Boulevard, ~~Oakbrook~~~~Oak Brook~~ Terrace, Illinois 60181. (See Section 250.1035.)
- 2) Federal Government Publications:
Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Isolation Precautions in Hospitals", February 18, 1997 and "Guidelines for Infection Control in Health Care Personnel", 1998, which may be obtained from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. (See Section 250.1100.)
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any ~~editions or amendments~~~~additions or deletions~~ subsequent to the date specified.

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- c) The following statutes and State regulations are referenced in this Part:
- 1) State of Illinois statutes:
 - A) Hospital Licensing Act [210 ILCS 85].
 - B) Illinois Health Facilities Planning Act [20 ILCS 3960].
 - C) Medical Practice Act of 1987 [225 ILCS 60].
 - D) Podiatric Medical Practice Act of 1987 [225 ILCS 100].
 - E) Pharmacy Practice Act of 1987 [225 ILCS 85].
 - F) Physicians Assistant Practice Act of 1987 [225 ILCS 95].
 - G) Illinois Clinical Laboratory and Blood Bank Act [210 ILC 25]. |
 - ~~H) Radiation Installation Act [420 ILCS 30].~~ |
 - ~~H) X-ray Retention Act [210 ILCS 90].~~ |
 - ~~D) Safety Glazing Materials Act [430 ILCS 60].~~ |
 - ~~J) Mental Health and Developmental Disabilities Code [405 ILCS 5].~~ |
 - ~~K) Nursing and Advanced Practice Nursing Act [225 ILCS 65].~~ |
 - L) Health Care Worker Background Check Act [225 ILCS 46]. |
 - 2) State of Illinois rules:
 - A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890).
 - B) Department of Public Health, Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545).
 - C) Department of Public Health, Control of Communicable Diseases

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Code (77 Ill. Adm. Code 690).

- D) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750).
- E) Department of Public Health, Public Area Sanitary Practice Code (77 Ill. Adm. Code 895).
- F) Department of Public Health, Maternal Death Review (77 Ill. Adm. Code 657).
- G) Department of Public Health, Health Care Worker Background Check Code (77 Ill. Adm. Code 955).
- H) Department of Public Health, Language Assistance Services Code (77 Ill. Adm. Code 940).
- DG) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400).
- DH) State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120).
- KD) State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100).
- LJ) Illinois Emergency Management Agency~~Department of Nuclear Safety~~, Standards for Protection Against Radiation (32 Ill. Adm. Code 340).
- MK) Illinois Emergency Management Agency~~Department of Nuclear Safety~~, Use of X-rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill. Adm. Code 360).

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

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Section 250.1830 General Requirements for All Maternity Departments

- a) The temperature and humidity in the nurseries and in the delivery suite shall be maintained at a level best suited for the protection of mother and baby as determined by the responsible people in the department and as recommended by the American Academy of Pediatrics and ACOG. Chilling of the neonate ~~shall~~ **must** be avoided; the neonate ~~shall~~ **must** be immediately placed in an approved radiant heat source ready to receive the infant and that allows access for resuscitation efforts. Personnel trained to use the equipment to maintain a neutral thermal environment for the neonate shall be available. For general temperature and humidity requirements, see Section 250.2480(d)(1). In general, a temperature between 72 degrees and 76 degrees and relative humidity between 35% and 60% are acceptable.
- b) Linens and Laundry:
- 1) Nursery linens shall be washed separately from other hospital linens.
 - 2) Soiled linens shall be discarded into impervious plastic bags placed in hampers that are easy to clean and disinfect. ~~Soiled diapers shall be placed in special diaper receptacles immediately after removal from the neonate. Diapers shall not be rinsed in the nursery.~~ Chutes from nursery to laundry shall be used only if a system of negative air pressure exists.
 - 3) Plastic bags of soiled diapers (reusable or disposable) and other linens shall be sealed and removed from the nursery at least every eight hours.
 - 4) Linens shall be transported to the nursery in an enclosed unit or otherwise protected from contamination.
 - 5) No new unlaundered garments shall be used in the nursery. Linen used in observation and special care nurseries shall be autoclaved.
- c) Sterilizing equipment, as required in Section 250.1090, shall be available. This may be provided in the maternity department or in a central sterilizing unit, provided that flash sterilizing equipment or adequate sterile supplies and instruments are provided in the maternity department.
- d) Accommodations and facilities for mothers

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- 1) The hospital shall identify specific rooms and beds, adjacent when possible to other maternity facilities, as maternity rooms and beds. These rooms and beds shall be used exclusively for maternity patients or for combined maternity and gynecological service beds in accordance with Section 250.1820(h).
- 2) Whenever feasible, adjacent patient rooms and beds may be used as "swing beds" to be made a part of another nursing unit. Adjacent rooms and beds may be used for clean cases. A corridor partition with doors is recommended to provide a separation between the maternity beds and maternity facilities and the nonmaternity rooms. The doors shall be kept closed except when in active use as a passageway.
- 3) Facilities shall be available for the immediate isolation of all patients in whom an infectious condition ~~is thought to exist~~ or other conditions inimical to the safety of other maternity and neonatal patients are thought to exist.
- 4) It is preferred that labor rooms be private or two-bed rooms. Labor rooms shall be conveniently located with reference to the delivery rooms and shall have facilities for examination and preparation of patients.
- 5) Delivery rooms shall be equipped and staffed to provide emergency resuscitation for infants. Equipment shall include an infant size positive pressure bag with capability of 100% O₂ delivery; bag and mask with attachment for oxygen; laryngoscope with 0-zero and 1-size one sized blades; endotracheal tubes sizes 10, 12, 14 French or equivalent; oral airways; and an appropriate device to provide a source of continuous suction for aspiration of the pharynx and stomach. An umbilical vessel catheterization tray should be available. Only personnel qualified and trained to do so should use this equipment.
- 6) If only one delivery room is required, one labor room shall be arranged as an emergency delivery room and shall have a minimum clear floor area of 180 square feet.
- 7) A recovery room is recommended. The patient shall be kept under close observation until her condition is stabilized following delivery.

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Observations at established time intervals shall be recorded as a part of the patient's chart. A recovery area shall be provided. Emergency equipment and supplies ~~shall~~**must** be available for use in the recovery area.

Continuing education for personnel providing recovery room care ~~shall~~**should** be provided. Refer to Section 250.1410(g).

e) Accommodations and facilities for infants

1) Primary Care Nurseries:

A) A clean nursery or nurseries shall be provided, near the mothers' rooms with adequate lighting and ventilation. There shall be a minimum of 30 square feet of floor area for each bassinet and three feet between bassinets. Equipment ~~shall~~**must** be provided to prevent direct draft on the infants. Because one nursing staff person is required for every six to eight normal infants, individual nursery rooms should have a capacity of six to eight or 12 to 16. The normal newborn infant care area in a smaller hospital should limit room size to eight, so that two or more rooms are available to permit cohorting in the presence of infection.

B) Bassinets equipped to provide for the medical examination of the newborn infant and for the storage of necessary supplies and equipment shall be provided in a number to exceed obstetric beds by at least 20% to accommodate multiple births, extended stay, and fluctuating patient loads. Bassinets ~~shall~~**are to** be separated by a minimum of three feet measuring from the edge of one bassinet to the edge of the adjacent one.

C) A glass observation window shall be provided through which babies may be viewed.

D) Resuscitation equipment as described for the delivery suite and below, and personnel trained to use it, shall be available in the nursery at all times.

E) Each primary care nursery shall have immediately on hand equipment necessary to stabilize the sick infant prior to transfer. Such equipment shall consist of:

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- i) A heat source capable of maintaining the core temperature of even the smallest infant at 98 degrees (an incubator, or preferably a radiant heat source);
 - ii) Equipment with the ability to monitor blood sugar frequently (Dextrostix);
 - iii) A resuscitation tray containing at least a a laryngoscope, 0- and 1-size blades, endotracheal tubes of various neonatal sizes, infant size positive pressure bag and appropriate sized masks, gavage tubes, and an umbilical vessel catheterization tray; ~~and~~;
 - iv) Equipment for delivery of 100% oxygen concentration, and the ability to measure delivered oxygen in fractional inspired concentrations (FI O₂). The oxygen analyzer shall be calibrated and serviced at least monthly by the hospital's respiratory therapy department or other responsible personnel trained to perform the task.
- F) Consultation and Referral Protocols:
- i) Each primary care nursery shall have a clearly designated Level II or Level III nursery to which it refers patients and from which it seeks consultation and advice. The telephone number of the Level II or Level III nursery and the name of the nursery director shall be posted in the nursery. A log of communication between the general nursery and the referral nursery shall be maintained by the head nurse of the general nursery.
 - ii) Protocols for management of certain disease states, and for consultation and referral shall be developed by the nursery director in conjunction with the director of the Level II or Level III unit to which referrals are sent.
 - iii) These protocols shall spell out details for local management of disease states and specific transfer criteria. These

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protocols shall be maintained in the nursery.

- 2) Intermediate and Intensive Care Nurseries shall meet all of the conditions described above except that infant cribs shall be separated by four to six feet of space to allow for ease of movement of additional personnel, and to allow space for additional equipment used in care of infants in these areas. There should be 80 to 100 square feet of space for each infant cared for in the Level III or Intensive Care area.
 - 3) Facilities shall be available for the immediate isolation of all newborn infants who have or are suspected of having an infectious disease.
 - 4) When an infectious condition is thought to exist, the infant shall be isolated in accordance with policies and procedures established and approved by the hospital and consistent with recommended procedures of ACOG, AAP, and the Control of Communicable Diseases Code.
- f) The personnel requirements and recommendations set forth in Subpart D apply to the operation of the maternity department in addition to the following:
- 1) Nursing Staff – General Requirements:
 - A) Nursing supervision by a registered professional nurse shall be provided for the entire 24-hour period for each occupied unit of the maternity and neonatal services. This nurse shall have education and experience in maternity and/or neonatal nursing.
 - B) At least one maternity or neonatal nurse trained in maternity and nursery care shall be assigned to the care of mothers and infants at all times. When infants are present in the nursery, at least one person trained to give care to the newborn infants shall be assigned at all times to the nursery with duties restricted to the care of the infants. Infants shall never be left unattended.
 - C) A registered professional nurse ~~shall~~ must be in attendance at all deliveries, and must be available to monitor the mother's general condition and that of the fetus during labor and for at least two hours after delivery and longer if complications occur.

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- D) Nursing personnel providing care for obstetric and other patients shall be instructed on a continuing basis in the proper technique to prevent cross-infection. When necessary for the same nurse to care for both maternity and nonmaternity patients in the gynecologic unit, proper technique shall be followed.
- E) Nursing personnel are **only** permitted to be assigned to the maternity neonatal division **only** for an entire shift.
- F) Temporary relief from outside the maternity neonatal division by qualified personnel shall be permitted as necessary according to appropriate infection control policy.
- 2) Nursing Staff – Level I or Primary Care for occupied units. These units shall meet the following requirements in addition to General Care Requirements in Section 250.1830(f)(1).
- A) Labor and Delivery Unit Staffing shall be planned to ensure that the total nursing personnel on each shift is equal to one-half the average number of deliveries per 24 hours. At least half of the personnel on each shift shall be R.N.s, and at no time shall the nursing staff on any shift be fewer than two. The nursing staff of the labor and post delivery recovery area shall not have other responsibilities in the labor/delivery suite except for emergencies.
- B) Postpartum and General Care Newborn Unit:
- i) If these units are organized as separate nursing units, staffing should be based on a formula of one nursing personnel per six to eight patients and ~~shall~~**should** ensure one R.N. per unit per shift.
- ii) If the units are combined as a rooming-in or modified rooming-in unit, the nursing staff shall be planned to provide one nursing personnel per four mother baby units and shall never be staffed at fewer than two nursing personnel per shift. One shall be **an R.N.a registered professional nurse (R.N.)**.

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- C) At least one member of the nursing staff on each shift, who is skilled in cardiopulmonary resuscitation of the newborn, ~~shall~~must be immediately available to the delivery suite and newborn nursery area.
- D) Changes in medical staff regulations, where applicable, shall be provided to permit the perinatal medicine service to fully utilize the services of specially trained paramedical and nursing personnel where these personnel are needed and/or desired.
- 3) Nursing Staff – Level II Intermediate Perinatal Care Requirements. These units shall meet the following requirements in addition to General Care Requirements in Section 250.1830(f)(1).
- A) Labor and delivery shall include at least one registered professional nurse on each shift who must be competent in the use of continuous electronic fetal monitoring techniques.
- B) Intermediate Care Nursery:
- i) A staffing ratio of one licensed nursing personnel per three or four infants ~~shall~~must be available.
- ii) Nursing personnel may be shared with the general care nursery as needed.
- iii) There ~~shall~~must never be fewer than two licensed nursing personnel available in the general and intermediate care nurseries, at least one of whom is an R.N.
- 4) Nursing Staff – Level III Tertiary Perinatal Care. These units shall meet the following requirements in addition to Intermediate Care Requirements in subsection (f)(3).
- A) Staffing patterns on each shift ~~shall~~must be such that a 1:1 ratio between patients who require intensive care during labor and delivery and a registered professional nurse who is competent, by virtue of training and/or experience, in the care of high risk obstetric patients can be maintained as necessary. A ratio of at

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least one registered professional nurse to 1½ patients shall be maintained at all times.

- B) Neonatal intensive care nursing on a 1:1 basis ~~shall~~ must be available as indicated. A ratio of at least one registered professional nurse to 1½ patients shall be maintained at all times.

5) Medical Personnel

A) Level I or Primary Care:

- i) One physician should be Chief of Neonatal Care. He or she should be a board certified pediatrician. Where this is not possible, a physician with experience and regular practice may be the Chief and responsible for neonatal care, and a source of pediatric and/or neonatology consultation shall be documented.
- ii) The director of obstetrical service should be a board certified obstetrician. Where this is not possible, a physician with experience and regular practice may be Chief and responsible for obstetric care, and a source of obstetric consultation shall be documented.

B) Level II or Intermediate Care:

- i) A board certified pediatrician with special interest and training in neonatal/perinatal medicine or a certified neonatologist should be Chief of Neonatal Care. A board certified obstetrician should be Chief of Obstetrical Care. Obstetrical anesthesia should be directed by a board certified anesthesiologist with experience and competence in obstetrical anesthesia. Hospital staff should also include a pathologist and an "on call" radiologist 24 hours a day. Specialized medical and surgical consultation shall be readily available.
- ii) Other staff: Laboratory and X-ray technicians in the hospital shall be readily available at all times. In addition,

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a respiratory therapist may be part of the staff.

- C) Level III or Intensive Care:
- i) The Chief of Neonatal Pediatrics ~~shall~~ should be eligible for certification by the American Board of Pediatrics' subspecialty board of neonatal/perinatal medicine, and is responsible for care in intensive care areas. Only physicians eligible for certification in neonatal/perinatal medicine shall be responsible for care of infants in the Intensive Care area, but other physicians should be encouraged to participate. The Chief shall be full-time with the hospital service. There shall be sufficient number of qualified or certified neonatologists to assure availability of such care at all times. The chief of obstetric/perinatal service at the Level III facility shall be a board certified obstetrician and preferably certified in fetal/maternal medicine.
 - ii) Pediatric medical and surgical subspecialists shall ~~must~~ be available for consultation. An anesthesiologist with special training in maternal fetal and neonatal anesthesia shall ~~must~~ be in charge of anesthesia services. A pathologist and radiologist with experience in interpretation of radiographs of neonatal patients shall be members of the hospital staff.
- 6) Nutritionist Staff:
- A) For Level II units, a registered dietitian with professional experience and/or course work that relates to perinatal maternal and newborn dietary management should be available.
 - B) For Level III units, a registered dietitian with professional experience and/or course work that relates to perinatal maternal and newborn dietary management shall be available.
- g) Practices and procedures for care of mothers and infants:
- 1) The hospital shall effect all necessary precautionary measures against the

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admission to the maternity department of actual or suspected infectious patients.

- 2) Patients with clean obstetric complications (regardless of month of gestation), such as toxemia of pregnancy for observation and treatment, placenta praevia for observation or delivery, ectopic pregnancy, and hypertensive heart disease in a pregnant patient, may be admitted to the maternity department and be under the same rules as any other maternity case. (See Section 250.1820(h)(6)(B).)
- 3) The physician shall determine whether a prenatal serological test for syphilis has been done on each mother and the results recorded. If no such test has been done before the admission of the patients, the test shall be performed as soon as possible. Specimens may be submitted in appropriate containers to an Illinois Department of Public Health laboratory for testing without charge.
- 4) No maternity patient under the effect of an analgesic or an anesthetic, in active labor or delivery, shall be left unattended at any time.
- 5) Fetal maturity shall be established and documented prior to elective inductions and Cesarean sections. The hospital shall establish a written policy and procedure concerning the administration of oxytocic drugs.
 - A) Oxytocin should be used for the contraction stress test only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures shall be available to the team members assuming this responsibility. It is recommended that Oxytocin be administered by controlled infusion.
 - B) Oxytocin shall be used for medical induction or stimulation of labor only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures shall be available to the team members assuming this responsibility. It is recommended that the following be included in these policies:
 - i) The attending physician should evaluate the patient for

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induction or stimulation, especially with regard to indications.

- ii) The physician or other individuals starting the Oxytocin shall be familiar with its effect and complications and be qualified to identify both maternal and fetal complications.
 - iii) A qualified physician shall be immediately available as is necessary to manage any complication effectively.
 - iv) The intravenous route is the only acceptable mode of administration. It is recommended that an infusion pump, or other device for accurate control of the rate of flow, and a two-bottle system, one of which contains no Oxytocin substance, be used.
 - v) During Oxytocin administration, the fetal heart rate; the resting uterine tone; and the frequency, duration and intensity of contractions ~~shall~~**must** be monitored electronically and recorded. Maternal blood pressure and pulse ~~shall~~**must** be monitored and recorded at intervals comparable to the dosage regimen; that is, at 30 to 60 minute intervals, when the dosage is evaluated for maintenance, increase or decrease. Evidence of maternal and fetal surveillance ~~shall~~**must** be documented.
- 6) Identification of infants: ~~The hospital shall use standards that are consistent with, but not limited to, procedures for the identification of newborn infants as recommended by the American Academy of Pediatrics, which are as follows (Guidelines for Perinatal Care; American Academy of Pediatrics/American College of Obstetricians and Gynecologists; 1983; pg. 78):~~
- A) While the neonate is still in the delivery room, the nurse in the delivery room shall prepare identical identification bands for both the mother and the neonate. Wrist bands alone may be used; however, it is recommended that both wrist and ankle bands be used on the neonate. The hospital shall not use footprinting and fingerprinting alone as methods of patient identification. The

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bands shall indicate the mother's admission number, the neonate's gender, the date and time of birth, and any other information required by hospital policy. Delivery room personnel shall review the bands prior to securing them on the mother and the neonate to ensure that the information on the bands is identical. The nurse in the delivery room shall securely fasten the bands on the neonate and the mother without delay as soon as he/she has verified the information on the identification bands. The birth records and identification bands shall be checked again before the neonate leaves the delivery room.

- B) If the condition of the neonate does not allow the placement of identification bands, the identification bands shall accompany the neonate and shall be attached as soon as possible. Identification bands shall be affixed to the bassinet or incubator until they are placed on the infant and shall not be left unattached and unattended in the nursery.
- C) When the neonate is taken to the nursery, both the delivery room nurse and the admitting nurse shall check the neonate's identification bands and birth records, verify the gender of the neonate, and sign the neonate's medical record. The admitting nurse shall complete the bassinet card and attach it to the bassinet.
- D) When the neonate is taken to the mother, the nurse shall examine the mother's and the neonate's identification bands to verify the gender of the neonate and to verify that the information on the bands is identical.
- E) The umbilical cord (cords, with multiple births) shall be identified according to hospital policy (e.g., by the use of a different number of clamps) so that umbilical cord blood specimens are correctly labeled. All umbilical cord blood samples shall be labeled correctly with an indication that these are a sample of the neonate's umbilical cord blood and not the blood of the mother.
- F) The hospital shall develop a newborn infant security system. This system shall include instructions to the mother regarding safety precautions designed to avoid abduction when her newborn infant

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is rooming in. Electronic sensor devices may be included as well.

- A) ~~"NEONATE IDENTIFICATION. While the newborn is still in the delivery room, two identical bands indicating the mother's admission number, the neonate's sex, and the date and time of birth should be placed on the wrist or ankle. The nurse in charge of the delivery room is responsible for preparing and securely fastening these identification bands to the neonate. The birth records and identification bands should be checked by both the nurse and the responsible physician before the neonate leaves the resuscitation area of the delivery room. When the neonate is admitted to the nursery, both the delivery room nurse and the admitting nurse should check the identification bands and birth records, verify the sex of the neonate, and sign the neonate's record. The admitting nurse should fill out the bassinet card and attach it to the bassinet. Later, when the neonate is shown to the mother, she should be asked to verify the information on the identification bands and the sex of the neonate. It is imperative that delivery room and nursery personnel be meticulous in the preparation and placement of neonate identification bands."~~
- B) ~~"Footprinting and fingerprinting have in the past been recommended for purposes of neonate identification. Techniques such as sophisticated blood typing are now available and appear to be more reliable. If utilized, dermatoglyphics should be done carefully. Individual hospitals may want to continue with footprinting and fingerprinting, but universal use of this practice is no longer recommended."~~
- 7) Within one hour after delivery, a one-percent silver nitrate solution or ophthalmic ointment or drops containing tetracycline or erythromycin shall be instilled into the eyes of the newborn infant as a preventive against ophthalmia neonatorum. Do not irrigate immediately. This solution may be obtained free of charge from the Department.
- 8) Each infant shall be given complete individual cribside care. The use of a common bath table is prohibited. Scales shall be adequately protected to prevent cross-infection.

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- 9) Artificial feedings and formula changes shall not be instituted except by written order of the attending physician.
- 10) Facilities for drug services. See Section 250.2130(a).
- 11) Transport of newborn infants from the delivery room to the nursery shall be done in a safe manner. Adequate support systems (heating, oxygen, suction) should be incorporated into the transport units for these infants (e.g., to x-ray). Chilling of the newborn and cross-infection ~~shall~~must be avoided. Where travel is excessive and through other areas, special transport incubators may be required. The method of transporting infants from the nursery to the mothers shall be individual, safe and free from cross-infection hazards.
- 12) The stay of the mother and the baby in the hospital after delivery should be planned to allow the identification of problems and to reinforce instructions in preparation for the infant's care at home. The mother and infant shall be carefully observed for a sufficient period of time and assessed prior to discharge to ensure that their conditions are stable. Healthy infants should be discharged from the hospital simultaneously with the mother or to other authorized (by the mother) personnel should the mother remain in the hospital for an extended stay. It is recommended that there be a provision for follow-up for the mothers and babies discharged within 24 hours. This follow-up should include a face-to-face encounter with a health care provider who will assess the condition of mother and baby and arrange for intervention if problems are identified.
- 13) When a patient's condition permits, an infant may be transferred from an intensive care nursery to the referring nursery or to another nursery that is nearest the home and at which an appropriate level of care may be provided.
- 14) Circumcisions by a Mohel shall be performed under aseptic conditions. Such circumcisions shall not be performed in the delivery room. A registered nurse or physician shall be in attendance, and attendance by visitors shall be limited.
- 15) Circumcisions shall not be performed in the delivery room or within the first six hours after birth. A physician may order and perform a

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~~circumcision when the infant is over the age of six hours and, in the physician's professional judgment, is healthy and stable. A single parenteral dose of vitamin K-1, water soluble 0.5 mgm, shall be given to the infant soon after birth as a prophylaxis against hemorrhagic disorder in the first days of life.~~

- 16) ~~A single parenteral dose of vitamin K-1, water soluble 0.5 mgm, shall be given to the infant soon after birth as a prophylaxis against hemorrhagic disorder in the first days of life. Circumcisions shall not be done in the delivery room or within the first six hours after birth. A physician may order and perform a circumcision when the infant is over the age of 6 hours and is healthy and stable in the physician's professional judgment.~~

- 17) The hospital shall adhere to the practices prescribed in Guidelines for Perinatal Care and Guidelines for Women's Health Care (American College of Obstetricians and Gynecologists) (see Section 250.160).

h) Medical Records

1) Obstetric records:

- A) ~~Adequate~~For each patient there shall be adequate, accurate, and complete medical records shall be maintained for each patient. The medical records shall include findings during the prenatal period, which should be available in the maternity department prior to the patient's admission and shall include medical and obstetric history, observations and proceedings during labor, delivery and the postpartum period, and laboratory and x-ray findings.

- B) Records shall be maintained in accordance with the minimum observations and laboratory tests outlined in Guidelines for Perinatal Care and Guidelines for Women's Health Care. The physician director of the maternity department shall require all physicians delivering obstetrics care to send copies of the prenatal records to the obstetrical unit at or before 37 weeks of gestation.

- 2) Infant records. ~~Accurate~~For each infant there shall be accurate and complete medical records shall be maintained for each infant. The medical records shall include:

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- A) History of maternal health and prenatal course.
 - B) Description of labor, including drugs administered, method of delivery, complications of labor and delivery, and description of placenta and amniotic fluid.
 - C) Time of birth and condition of infant at birth, including **the** Apgar score at one and five minutes, **the** age **at which** respiration became spontaneous and sustained, **a** description of resuscitation if required, **and a** description of abnormalities and problems occurring from birth until transfer from the delivery room.
 - D) Report of a complete and detailed physical examination within 24 hours following birth; report of a medical examination within 24 hours of discharge and one at least every three days during the hospital stay.
 - E) Physical measurements, including length, weight and head circumference at birth, and weight every day; temperature twice daily.
 - F) Documentation of infant feeding: intake, content, and amount if by formula.
 - G) Clinical course during hospital stay, including treatment rendered and patient response; clinical note of status at discharge.
- 3) The hospital shall keep a record of births that contains data sufficient to duplicate the birth certificate. The requirement may be met:
- A) by retaining the yellow "hospital copy" of the birth certificate properly bound in chronological order, or
 - B) by retaining this copy with the individual medical record.
- i) Reports
- 1) Each hospital that provides maternity service shall submit a monthly

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perinatal activities report on forms provided for this purpose by the Department. This report shall be signed by a representative of the department preparing the document and shall be mailed not later than the 15th of the following month.

- 2) Maternal Death Report
 - A) The hospital shall submit an immediate report of the occurrence of a maternal death to the Department, in accordance with the Department's rules titled Maternal Death Review (77 Ill. Adm. Code 657). Maternal death is the death of any woman dying of any cause whatsoever while pregnant or within one year after termination of the pregnancy, irrespective of the duration of the pregnancy at the time of the termination or the method by which it was terminated. A death shall be reported regardless of whether the death occurred in the maternity division or any other section of the hospital, or whether the patient was delivered in the hospital where death occurred, or elsewhere.
 - B) The filing of this report shall in no way preclude the necessity of filing a death certificate or of including the death on the Maternity Activities Report.
- 3) The hospital shall comply with the laws of the State and the regulations of the Department as regards the preparation and filing of birth, stillbirth, and death certificates.
- 4) Epidemic and Communicable Disease Reporting
 - A) The hospital shall develop a protocol for [the](#) management and reporting of infections consistent with the Control of Communicable Diseases Code and with Guidelines for Perinatal Care and Guidelines for Women's Health Care and as approved by the Infection Control Committee. These policies shall be known to maternity and nursery personnel.
 - B) The facility shall particularly address those infections specifically related to mothers and infants, including but not limited to diarrhea of the newborn, staphylococcal infections occurring in infants

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~~younger than~~ 28 days of age, and ophthalmia neonatorum.

j) Formula

- 1) If pasteurized, commercially prepared formula is used exclusively and no formula is prepared by the hospital, a formula room and formula room equipment are not required. ~~However; however~~, adequate space, equipment and procedures acceptable to the Department for processing, handling and storing of commercially prepared formula shall be provided. Procedures and aseptic techniques shall be established and enforced. Provisions ~~shall~~must be made for the preparation of special formula.
- 2) All hospitals providing maternity or pediatric services that prepare their own formula shall provide a well-ventilated and well-lighted formula room, which shall be adequately supervised and used exclusively for the preparation of formulas.
- 3) Equipment shall include hand-washing facilities with hot and cold running water with knee, foot or elbow controlled valves; a double-section sink for washing and rinsing bottles; facilities for storing cleaning equipment, refrigeration facilities; utensils in good condition for preparation of formulas; cupboard and work space and a work table; an autoclave and a supply of individual formula bottles, nipples and protecting caps, adequate to prepare a 24-hour supply of formula and water for each infant. Procedures shall be established by the hospital and enforced.

k) Visiting regulations

- 1) The visiting regulations set forth in Subpart B shall apply to maternity departments, except as modified in this subsection.
- 2) It is recommended that visitors be limited to two per patient at any one time.
- 3) Contact with the infant shall be restricted to the father, or one other adult selected by the mother, except as provided in subsection (k)(4) of this Section or as part of a rooming-in program as provided in Section 250.1850.

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- 4) Siblings and grandparents may have contact with the infant only if the hospital has established specific policies and procedures for such a program. The program shall include:
 - A) Approval of the program by the hospital's Infection Control Committee and Governing Board;
 - B) A requirement for written consent of the mother for visitation by specific siblings or grandparents;
 - C) A procedure for hand washing by visitors prior to having contact with the infant; and
 - D) A policy on the location where visitation will occur.
- 5) The presence of the father or individual selected by the mother in the delivery room shall be discretionary with the individual hospital. If the father or the individual selected by the mother of the baby is to be admitted to the delivery room of any hospital, the hospital shall first have adopted a policy statement on the matter that includes the following conditions:
 - A) Written consent of both the mother and the attending physician;
 - B) Prior orientation preparation of the father of the baby or the selected individual and mother to this experience; and
 - C) Application of safeguards against the introduction of infection or other hazard by the father of the baby or selected individual.
- 6) Smoking shall be prohibited in the delivery rooms, nurseries, corridors and other areas in accordance with [hospital facility](#) policy. (See Section 250.250(g).)
- 7) Visiting hours shall not correspond with periods during which infants are with the mothers or with periods during which mothers are receiving nursing care, nor interfere with the care of patients.
- 8) Visitors shall neither sit nor place their clothing upon the beds.

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- 1) *Every hospital shall demonstrate to the Department that the following have been adopted:*
 - 1) *Procedures designed to reduce the likelihood that an infant patient will be abducted from the hospital. The procedures may include, but need not be limited to, architectural plans to control access to infant care areas, video camera observation of infant care areas, and procedures for identifying hospital staff and visitors.*
 - 2) *Procedures designed to aid in identifying allegedly abducted infants who are recovered. The procedures may include, but need not be limited to, footprinting infants by staff who have been trained in that procedure, photographing infants, and obtaining and retaining blood samples for genetic testing. (Section 6.15 of the Act)*

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

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- 1) Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities
- 2) Code Citation: 89 Ill. Adm. Code 147
- 3) Section Numbers: Adopted Action:
147.5 Amendment
147.TABLE B Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: June 11, 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 materials 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. 16779; October 27, 2006
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences Between Proposal and Final Version: In Section 147.5(a), deleted "Section 147" and added "of this Part" after "Table B". In Section 147.5(b), deleted "Section 147" in the first line and changed "indictors" to "indicators". In Section 147.5(c), deleted "Section 147" and "thirty (30) percent" and added "30 percent". In Section 147.5(c)(1), changed "five (5) percent" to "five percent". In Section 147.5(c)(2)(A), changed "ten (10) percent" to "10 percent". In Section 147.5(c)(2)(B), changed "five (5) percent" to "five percent". In 147.5(c)(3), changed "five (5) percent" to "five percent". In Section 147.5(d)(1), deleted "Section 147", changed "wage(s)" to "wages" and added a comma after "service". In 147.5(d)(1)(E)(i), changed "the" to "a" in the first line. In 147.5(d)(1)(E)(ii), changed "Section 147.150(c)(1)(E)(i)" to "Section 147.5(d)(1)(E)(i)". In 147.5(e), deleted the period after the first line and added a space between "subsection" and "(d)(1)". In Section 147.5(f), deleted the comma after "MDS-MH" and deleted "Section 147". In Section 147.5(g), deleted "Section 147" and "(1)" and changed "twenty (20)" to "20". In Section 147.5(h), changed the "l" to an "I" after "Class" and changed "sixty (60)" to "60". In Section 147.5(i), deleted "Section 147". In the Section heading for 147. Table B, changed "Table" to "TABLE". In the first table, removed all column

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headers other than the initial ones at the beginning of the table. In the 2nd table, centered the 1st header and bolded those secondary headings that begin with 'Compute Intermediate', 'Computer CPS' and 'Convert'. In the 2nd column of the row beginning with 'Computer CPS Level 2', the final number in the equation was changed from "4" to "2". The spaces between the equal signs and numbers were removed throughout the table.

- 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 these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These adopted amendments allow the agency to implement a nursing component reimbursement methodology for Class I Institutions for Mental Diseases (IMDs), based on the Illinois Minimum Data Set for Mental Health (MDS-MH), that will be effective July 1, 2010. The nursing component will be the rate in effect on July 1, 2006, until data can be collected under a payment methodology using the MDS-MH as described in the attached Section 147. Table B.
- 16) Information and questions regarding these adopted amendments 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 Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 147

REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section

147.5	<u>Minimum Data Set-Mental Health (MDS-MH) Based Reimbursement System</u> Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Repealed)
147.15	Comprehensive Resident Assessment (Repealed)
147.25	Functional Needs and Restorative Care (Repealed)
147.50	Service Needs (Repealed)
147.75	Definitions (Repealed)
147.100	Reconsiderations (Repealed)
147.105	Midnight Census Report
147.125	Nursing Facility Resident Assessment Instrument
147.150	Minimum Data Set (MDS) Based Reimbursement System
147.175	Minimum Data Set (MDS) Integrity
147.200	Minimum Data Set (MDS) On-Site Review Documentation
147.205	Nursing Rates (Repealed)
147.250	Costs Associated with the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) (Repealed)
147.300	Payment to Nursing Facilities Serving Persons with Mental Illness
147.301	Sanctions for Noncompliance
147.305	Psychiatric Rehabilitation Service Requirements for Individuals With Mental Illness in Residential Facilities (Repealed)
147.310	Inspection of Care (IOC) Review Criteria for the Evaluation of Psychiatric Rehabilitation Services in Residential Facilities for Individuals with Mental Illness (Repealed)
147.315	Comprehensive Functional Assessments and Reassessments (Repealed)
147.320	Interdisciplinary Team (IDT) (Repealed)
147.325	Comprehensive Program Plan (CPP) (Repealed)
147.330	Specialized Care – Administration of Psychopharmacologic Drugs (Repealed)
147.335	Specialized Care – Behavioral Emergencies (Repealed)
147.340	Discharge Planning (Repealed)
147.345	Reimbursement for Program Costs in Nursing Facilities Providing Psychiatric Rehabilitation Services for Individuals with Mental Illness (Repealed)

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147.350	Reimbursement for Additional Program Costs Associated with Providing Specialized Services for Individuals with Developmental Disabilities in Nursing Facilities
147.TABLE A	Staff Time (in Minutes) and Allocation by Need Level
147.TABLE B	MDS-MH Staff Time (in Minutes and Allocation by Need Level) Staff Time and Allocation for Restorative Programs (Repealed)
147.TABLE C	Comprehensive Resident Assessment (Repealed)
147.TABLE D	Functional Needs and Restorative Care (Repealed)
147.TABLE E	Service (Repealed)
147.TABLE F	Social Services (Repealed)
147.TABLE G	Therapy Services (Repealed)
147.TABLE H	Determinations (Repealed)
147.TABLE I	Activities (Repealed)
147.TABLE J	Signatures (Repealed)
147.TABLE K	Rehabilitation Services (Repealed)
147.TABLE L	Personal Information (Repealed)

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

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140.Table H and 140.Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 6238, effective April 18, 1991; amended at 15 Ill. Reg. 7162, effective April 30, 1991; amended at 15 Ill. Reg. 9001, effective June 17, 1991; amended at 15 Ill. Reg. 13390, effective August 28, 1991; emergency amendment at 15 Ill. Reg. 16435, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4035, effective March 4, 1992; amended at 16 Ill. Reg. 6479, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13361, effective August 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 14233, effective August 31, 1992;

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amended at 16 Ill. Reg. 17332, effective November 6, 1992; amended at 17 Ill. Reg. 1128, effective January 12, 1993; amended at 17 Ill. Reg. 8486, effective June 1, 1993; amended at 17 Ill. Reg. 13498, effective August 6, 1993; emergency amendment at 17 Ill. Reg. 15189, effective September 2, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2405, effective January 25, 1994; amended at 18 Ill. Reg. 4271, effective March 4, 1994; amended at 19 Ill. Reg. 7944, effective June 5, 1995; amended at 20 Ill. Reg. 6953, effective May 6, 1996; amended at 21 Ill. Reg. 12203, effective August 22, 1997; amended at 26 Ill. Reg. 3093, effective February 15, 2002; emergency amendment at 27 Ill. Reg. 10863, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18680, effective November 26, 2003; expedited correction at 28 Ill. Reg. 4992, effective November 26, 2003; emergency amendment at 29 Ill. Reg. 10266, effective July 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18913, effective November 4, 2005; amended at 30 Ill. Reg. 15141, effective September 11, 2006; expedited correction at 31 Ill. Reg. 7409, effective September 11, 2006; amended at 31 Ill. Reg. 8654, effective June 11, 2007.

Section 147.5 Minimum Data Set-Mental Health (MDS-MH) Based Reimbursement System~~Reimbursement For Nursing Costs For Geriatric Residents In Group-Care Facilities (Repealed)~~

- a) For Class I Institution for Mental Diseases (IMDs), until data can be collected and the payment methodology implemented using the Illinois Minimum Data Set-Mental Health (IL MDS-MH), appropriate for the care needs of the IMD resident population, as described in Table B of this Part, the nursing component shall be the rate in effect on July 1, 2006. The payment methodology using the IL MDS-MH shall be implemented on July 1, 2010.
- b) To receive payment based on Table B, Class I IMDs shall obtain software that produces the Mental Health Assessment Protocols, outcome measures, and quality indicators, which are part of the MDS-MH system, and train staff to utilize this clinical information in resident treatment and care planning.
- c) The nursing component of the rate shall be calculated annually and may be adjusted semi-annually. The determination of rates shall be based upon a composite of MDS-MH data collected from each eligible resident in accordance with Table B for those eligible residents who are recorded in the Department's Medicaid Management Information System as of 30 days prior to the rate period as present in the facility on the last day of the six-month period preceding the rate period. Residents for whom MDS-MH resident identification information is missing or inaccurate, or for whom there is no current MDS-MH record for that

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period, shall be placed in the lowest MDS-MH acuity level for calculation purposes for that rate period. The nursing component of the rate may be adjusted on a semi-annual basis if any of the following conditions are met:

- 1) Total variable nursing time for a rate period as calculated in subsection (d)(1) of this Section exceeds total variable nursing time calculated for the previous rate period by more than five percent.
 - 2) Total variable nursing time for a rate period as calculated in subsection (d)(1) of this Section exceeds:
 - A) total variable nursing time as calculated for the annual rate period by more than 10 percent;
 - B) total variable nursing time as recalculated and adjusted for the annual period by more than five percent.
 - 3) Total variable nursing time for a rate period as calculated in subsection (d)(1) of this Section declines from the total variable nursing time as calculated for the annual period by more than five percent. No semi-annual nursing component rate reduction shall exceed five percent from the annual rate determination.
- d) Per diem reimbursement rates for nursing care in nursing facilities consist of three elements: variable time reimbursement; fringe benefit reimbursement; and reimbursement for supplies, consultants, medical directors and nursing directors.
- 1) Variable Time Reimbursement. Variable nursing time is that time necessary to meet the major service needs of residents that vary due to their physical or mental conditions. Each need level or specific nursing service measured by the MDS-MH is associated with an amount of time and staff level (Table B). Reimbursement is developed by multiplying the time for each service by the wages of the type of staff performing the service, except for occupational therapy, physical therapy and speech therapy. If more than one level of staff are involved in delivering a service, reimbursement for that service will be weighted by the wage and number of minutes allocated to each staff type. In calculating a facility's rate, the figures used by the Department for wages will be determined in the following manner:

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- A) The mean wages for the applicable staff levels (licensed staff, RNs, LPNs, certified nursing assistants (CNAs), social workers), as reported on the cost reports and determined by regional rate area, will be the mean wages.
- B) Fringe benefits shall be calculated in accordance with Section 147.150(c)(1)(B).
- C) The base wage shall be calculated in accordance with Section 147.150(c)(1)(C).
- D) Special minimum wage factor shall be calculated in accordance with Section 147.150(c)(1)(D).
- E) Beginning July 1, 2010, Class I IMDs shall be paid a rate based upon the sum of the following:
 - i) The facility MDS-MH system based rate multiplied by a ratio the numerator of which is the quotient obtained by dividing the funds appropriated specifically to pay for rates based upon the MDS-MH methodology by the total number of Medicaid patient days utilized by facilities covered by the MDS-MH based system and the denominator of which is the difference between the weighted mean rate obtained by the MDS-MH methodology and the weighted mean rate direct care rate for IMDs in effect on July 1, 2006.
 - ii) The facility rate in effect on July 1, 2006, multiplied by one minus the ratio computed in subsection (d)(1)(E)(i).
- 2) Vacation, sick leave and holiday time shall be calculated in accordance with Section 147.150(c)(2).
- 3) Special supplies, consultants and the Director of Nursing shall be calculated in accordance with Section 147.150(c)(3).
- e) Determination of Facility Rates

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An amount for each resident will be calculated by multiplying the number of minutes from the assessment by the appropriate wages for each assessment item (see subsection(d)(1) of this Section), adding the amounts for vacation, sick and holiday time (see Section 147.150(c)(2)), and supplies, consultants, and the Director of Nursing (see Section 147.150(c)(3)). The average of the rates for eligible residents assessed will become the facility's per diem reimbursement rate for each eligible resident in the facility.

- f) In order to code any item on the MDS-MH and receive subsequent reimbursement according to Table B, Class I IMDs shall follow all criteria and specific guidelines in the IL MDS-MH manual (Hirdes et al., RAI-MH Training Manual and Resource Guide 2.0, Toronto, Ontario Joint Policy and Planning Committee, 2003).
- g) In order for services to qualify for reimbursement according to Table B, Class I IMDs shall maintain a minimum ratio for Psychiatric Rehabilitation Services Coordinator staff of one for every 20 residents.
- h) The Department shall not pay for any new admissions to the Class I IMDs who are age 60 years or older or do not have a severe mental illness as determined by the State's mental health pre-admission screening program.
- i) Service providers under Section L, Service Utilization/Treatments, of the MDS-MH shall be coded in column A when services are delivered by staff employed by the facility. Column B shall be coded for services delivered by outside individuals not employed by the facility. The Medicaid rate shall reflect only those services delivered by staff that is employed by the facility.
- j) The Medicaid rate determined by Table B for Class I IMDs shall be the combination of a nursing component and socio-development component.
- k) The Department of Healthcare and Family Services and the Department of Human Services-Division of Mental Health shall have the right of entry and inspection to all Class I IMD facilities in order to assess resident mix, monitor data quality, develop service quality indicators, and conduct studies, such as staff time samples, in order to test and refine the payment method.

(Source: Section repealed at 27 Ill. Reg. 18680, effective November 26, 2003; new Section added at 31 Ill. Reg. 8654, effective June 11, 2007)

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Section 147. TABLE B MDS-MH Staff Time (in Minutes) and Allocation by Need Level~~Staff Time and Allocation for Restorative Programs (Repealed)~~

As part of the transition to a new reimbursement system for Class I IMDs, Table B sets forth the initial criteria that may likely be used to incentivize provision of clinically appropriate services to individual residents of these facilities. The Department intends to secure data and begin analyzing this data, including a sample time study, prior to implementation of this payment model.

Each MDS-MH item in Table B includes a description of the item from the MDS-MH, and the variable time assigned to each level represents the type of staff that should be delivering the service (aide, licensed, RN, LPN and social services) and the number of minutes allotted to that service item.

<u>MDS Item</u>	<u>Description of Medical Services</u>	<u>Aide</u>	<u>Licensed</u>	<u>RN</u>	<u>LPN</u>	<u>Social Service</u>
	<u>Program Base</u>	<u>25</u>	<u>11</u>	<u>1</u>	<u>1</u>	<u>25</u>
<u>G1a=2</u> <u>G1=3</u>	<u>Hygiene 1</u> <u>Hygiene 2</u>	<u>8</u> <u>12</u>	<u>1</u> <u>1</u>		<u>1</u> <u>1</u>	<u>3</u> <u>3</u>
<u>G1b=3 or G1c=3</u> <u>G1b=4 or G1b=5 or</u> <u>G1c=4 or G1c=5</u>	<u>Mobility 1</u> <u>Mobility 2</u>	<u>12</u> <u>17</u>		<u>1</u> <u>1</u>	<u>1</u> <u>1</u>	<u>1</u> <u>1</u>
<u>G1d=2</u> <u>G1d=3</u>	<u>Toilet 1</u> <u>Toilet 2</u>	<u>10</u> <u>14</u>	<u>1</u> <u>1</u>	<u>1</u>	<u>1.5</u> <u>1</u>	<u>1</u> <u>1</u>
<u>G1e=2</u> <u>G1e=3</u>	<u>Eating 1</u> <u>Eating 2</u>	<u>10</u> <u>16</u>	<u>1</u> <u>1</u>	<u>1</u>	<u>1</u>	<u>2</u> <u>1</u>
<u>G1f=2</u> <u>G1f=3</u>	<u>Bathing 1</u> <u>Bathing 2</u>	<u>10</u> <u>14</u>	<u>2</u> <u>1</u>	<u>1</u>	<u>1</u>	<u>3</u> <u>2</u>
<u>H1=2 or H1=3</u>	<u>Hearing 1</u>	<u>3</u>			<u>1</u>	<u>3</u>
<u>H2=2</u> <u>H2=3 or H2=4</u>	<u>Vision 1</u> <u>Vision 2</u>	<u>3</u> <u>3</u>	<u>1</u>		<u>1</u> <u>1</u>	<u>3</u> <u>3</u>

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<u>H3=2 or H3=3</u> <u>H3=4</u>	<u>Expression 1</u> <u>Expression 2</u>	<u>6</u> <u>8</u>	<u>2</u> <u>2</u>			<u>4</u> <u>7</u>
<u>H4=2 or H4=3</u> <u>H4=4</u>	<u>Understanding 1</u> <u>Understanding 2</u>	<u>6</u> <u>8</u>	<u>2</u> <u>2</u>			<u>4</u> <u>7</u>
<u>ICD-9=250 to 250.9</u>	<u>Diabetes 1</u>	<u>8</u>		<u>2</u>	<u>4</u>	<u>2</u>
<u>N2a=1 or N2b=1 or N2c=1 or N2d=1 or Hyperlipidemia (ICD-9=272.0 to 272.9)</u>	<u>Nutrition 1</u>	<u>5</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>2</u>
<u>N3a=1 or N3b=1 or N3c=1 or N4=1</u>	<u>Eating Disorders 1</u>	<u>5</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>
<u>L2a=1 or L2b=1 or L2c=1</u>	<u>Nursing Interventions 1</u>	<u>2</u>		<u>0.5</u>	<u>0.5</u>	
<u>L2a=2 or L2b=2 or L2c=2</u>	<u>Nursing Interventions 2</u>	<u>2.5</u>	<u>1</u>	<u>0.5</u>	<u>0.5</u>	<u>1</u>
<u>L2a=3 or L2b=3 or L2c=3</u>	<u>Nursing Interventions 3</u>	<u>3.5</u>	<u>1</u>	<u>1.5</u>	<u>1.5</u>	<u>1</u>
<u>L2a=4 or L2b=4 or L2c=4</u>	<u>Nursing Interventions 4</u>	<u>4.5</u>	<u>1</u>	<u>1.5</u>	<u>1.5</u>	<u>2</u>
<u>L2a=5 or L2b=5 or L2c=5</u>	<u>Nursing Interventions 5</u>	<u>5.5</u>	<u>1</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>L2a=6 or L2b=6 or L2c=6</u>	<u>Nursing Interventions 6</u>	<u>6</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>L2a=7 or L2b=7 or L2c=7</u>	<u>Nursing Interventions 7</u>	<u>7</u>	<u>2</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>CPS=3 or 4</u>	<u>Cognitive Problems 1</u>	<u>4</u>	<u>2</u>			<u>5</u>
<u>CPS=5 or 6</u>	<u>Cognitive Problems 2</u>	<u>6</u>	<u>3</u>			<u>7</u>

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<u>Number of E1a to E1g scoring >1=1 or 2</u>	<u>Behavior Disturbance 1</u>	<u>5</u>	<u>2</u>			<u>5</u>
<u>Number of E1a to E1g scoring >1=3 or 4</u>	<u>Behavior Disturbance 2</u>	<u>10</u>	<u>2</u>			<u>8</u>
<u>Number of E1a to E1g scoring >1=5 or more</u>	<u>Behavior Disturbance 3</u>	<u>15</u>	<u>3</u>			<u>10</u>
<u>D1a=1</u>	<u>Self Injury 1</u>	<u>2</u>				<u>2</u>
<u>D1a=2</u>	<u>Self Injury 2</u>	<u>3</u>	<u>2</u>			<u>5</u>
<u>D1a=3 or D1a=4</u>	<u>Self Injury 3</u>	<u>10</u>	<u>5</u>	<u>1</u>	<u>2</u>	<u>10</u>
<u>D1b=1</u>	<u>Intent to Kill Self 1</u>	<u>4</u>	<u>2</u>			<u>5</u>
<u>D1a=0 and D1c=1</u>	<u>Considered Self Injurious Act 1</u>	<u>5</u>	<u>2</u>			<u>1</u>
<u>D1a=0 and D1d=1</u>	<u>At Risk for Self Injury 1</u>	<u>2</u>	<u>2</u>			<u>5</u>
<u>D2a=1</u>	<u>Violence 1</u>	<u>2</u>				<u>2</u>
<u>D2a=2</u>	<u>Violence 2</u>	<u>3</u>	<u>2</u>			<u>5</u>
<u>D2a=3 or D2a=4</u>	<u>Violence 3</u>	<u>10</u>	<u>5</u>	<u>1</u>	<u>2</u>	<u>10</u>
<u>D2b=1</u>	<u>Intimidation Threats to Others 1</u>	<u>2</u>				<u>2</u>
<u>D2b=2</u>	<u>Intimidation Threats to Others 2</u>	<u>3</u>	<u>2</u>			<u>5</u>
<u>D2b=3 or D2b=4</u>	<u>Intimidation Threats to Others 3</u>	<u>10</u>	<u>5</u>			<u>10</u>
<u>D2c=2</u>	<u>Violent Ideation 1</u>	<u>2</u>				<u>1</u>
<u>D2c=3 or D2c=4</u>	<u>Violent Ideation 2</u>	<u>4</u>	<u>2</u>			<u>7</u>
<u>K2b=1</u>	<u>Medication Support 1</u>	<u>6</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>5</u>
<u>K5>0</u>	<u>Acute Control</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>2</u>	<u>5</u>

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	<u>Medications 1</u>					
<u>M3a>0</u>	<u>Required Staff Accompaniment</u>	<u>5</u>				<u>2</u>
<u>A5a=1 or 2</u>	<u>Hx Crim Justice Viol 1</u>		<u>2</u>			<u>3</u>
<u>A5a=3 or 4</u>	<u>Hx Crim Justice Viol 2</u>		<u>4</u>			<u>5</u>
<u>A5b=1 or 2</u>	<u>Hx Crim Justice Nonviol 1</u>		<u>1</u>			<u>2</u>
<u>A5b=3 or 4</u>	<u>Hx Crim Justice Nonviol 2</u>		<u>2</u>			<u>4</u>
<u>M2a>0 or M2b>0</u>	<u>Close or Constant Observation 1</u>	<u>15</u>	<u>5</u>			<u>5</u>
<u>M2c>0 or M2d>0 or M2e>0</u>	<u>Close or Constant Observation 2</u>	<u>30</u>	<u>10</u>			<u>10</u>
<u>P3= 5 and L4a>1</u>	<u>Discharge Planning 1</u>		<u>10</u>			<u>25</u>
<u>L1i= 3</u>	<u>PRS Director or Coordinator Counseling</u>					<u>5</u>
<u>L3a or L3b=2 or 3 and L4aA=2 or 3 and P3<5</u>	<u>Community Reintegration</u>	<u>3</u>	<u>3</u>			<u>5</u>
<u>L3b=2 or 3 and L4bA=2 or 3</u>	<u>Social/Family Functioning</u>	<u>3</u>	<u>3</u>			<u>12</u>
<u>L3b or L3d + 2 or 3 and L4cA=2 or 3</u>	<u>Psych Rehab/Recover Readiness and Support</u>	<u>3</u>	<u>4</u>			<u>15</u>
<u>L3b=2 or 3 and L4dA=2 or 3</u>	<u>Skills Training and Generalization</u>	<u>5</u>	<u>5</u>			<u>20</u>

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<u>L3a, L3b or L3d=2 or 3 and L4eA=2 or 3 and C1>1 or C2=2</u>	<u>Substance Use/Abuse Management</u>	<u>6</u>	<u>5</u>			<u>15</u>
<u>L3a or L3b=2 or 3 and L4fA=2 or 3</u>	<u>Vocational/Academic Development</u>	<u>2</u>	<u>3</u>			<u>12</u>
<u>L3a or L3b + 2 or 3 and L4gA=2 or 3 and D2a=2 or D2b=3 or D2c=3 or Elc>1</u>	<u>Aggression/Anger Management</u>		<u>5</u>			<u>15</u>
<u>L3a or L3b=2 or 3 and L4hA=2 and E1b or E1d or E1e>0</u>	<u>Behavior Management</u>	<u>2</u>	<u>3</u>			<u>13</u>
<u>L3b=2 and L4iA=2</u>	<u>Enhanced Activity Program</u>	<u>5</u>	<u>3</u>			<u>12</u>
<u>L3a or L3b=2 and L4jA=2</u>	<u>Work Program (Department of Labor Compliant)</u>		<u>5</u>			<u>25</u>
<u>L3b=2 or 3 and L4kA=2 or 3</u>	<u>Illness Self-Management (SAMHSA Toolkit)</u>	<u>5</u>	<u>5</u>			<u>20</u>
<u>L3a and L3b=2 or 3 and L4lA=2 or 3</u>	<u>Specialized Therapies (DBT)</u>		<u>5</u>			<u>25</u>
<u>L5=1</u>	<u>Adherence with Programs 1</u>	<u>10</u>	<u>4</u>			<u>10</u>
<u>L6=1</u>	<u>Required staff accompaniment to medical appointment</u>	<u>10</u>				

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	<u>mandated by the outside medical provider</u>					
<u>Psychotropic Medications as Listed in Section R</u>	<u>Psychotropic Medication Monitoring</u>	<u>7</u>		<u>8</u>	<u>8</u>	

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<u>Compute Cognition Category Using Cognitive Performance Scale (CPS)</u>	
<u>Compute Intermediate Cognition Variables</u>	
<u>Count of Non-Independence Items for CPS (Cog1)</u>	<u>If (F1a=1) add 1 to Cog 1</u> <u>If (F2=1 or 2 or 3) add 1 to Cog 1</u> <u>If (H3=1 or 2 or 3 or 4) add 1 to Cog 1</u>
<u>Count of Moderate to Severe Impairments for CPS (Cog 2)</u>	<u>If (F2=2 or 3) add 1 to Cog 2</u> <u>If (H3=3 or 4) add 1 to Cog 2</u>
<u>Compute CPS</u>	
<u>Compute CPS Level 1</u>	<u>If (Cog 1=1) CPS=1</u>
<u>Compute CPS Level 2</u>	<u>If (Cog 1=2 or 3 and Cog 2=0) CPS=2</u>
<u>Compute CPS Level 3</u>	<u>If (Cog 1=2 or 3 and Cog 2=1) CPS=3</u>
<u>Compute CPS Level 4</u>	<u>If (Cog 1=2 or 3 and Cog 2=2) CPS=4</u>
<u>Compute CPS Level 5</u>	<u>If (F2=4 or 5 and G1e <6) CPS=5</u>
<u>Compute CPS Level 6</u>	<u>If (F2=4 or 5 and G1e=6 or 8) CPS=6</u>
<u>Convert CPS to Cognition Reimbursement Categories</u>	

(Source: Section repealed at 27 Ill. Reg. 18680, effective November 26, 2003; new Section added at 31 Ill. Reg. 8654, effective June 11, 2007)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Policy and Procedures Manual for Fire Protection Personnel
- 2) Code Citation: 41 Ill. Adm. Code 140
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
140.1	Repeal
140.2	Repeal
140.3	Repeal
140.8	Repeal
140.11	Repeal
140.12	Repeal
140.13	Repeal
140.15	Repeal
140.16	Repeal
140.18	Repeal
140.20	Repeal
140.25	Repeal
140.50	Repeal
140.55	Repeal
140.60	Repeal
140.65	Repeal
140.70	Repeal
140.80	Repeal
140.90	Repeal
140.110	Repeal
140.130	Repeal
140.140	Repeal
140.150	Repeal
140.160	Repeal
140.171	Repeal
140.180	Repeal
140.185	Repeal
140.190	Repeal
140.200	Repeal
140.210	Repeal
140.215	Repeal
140.220	Repeal
140.225	Repeal
140.230	Repeal

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140.232	Repeal
140.234	Repeal
140.236	Repeal
140.238	Repeal
140.240	Repeal
140.241	Repeal
140.242	Repeal
140.243	Repeal
140.245	Repeal
140.246	Repeal
140.260	Repeal
140.290	Repeal
140.300	Repeal
140.305	Repeal
140.310	Repeal
140.315	Repeal
140.320	Repeal
140.325	Repeal
140.350	Repeal
140.360	Repeal
140.380	Repeal
140.390	Repeal
140.400	Repeal
140.420	Repeal
140.430	Repeal
140.500	Repeal

- 4) Statutory Authority: Sections 8 and 11 of the Illinois Fire Protection Training Act [50 ILCS 740/8 and 11] and the Peace Office Fire Investigation Act [20 ILCS 2910]
- 5) Effective Date of Adopted Repealer: June 5, 2007
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this adopted repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL and is available for public inspection.

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- 9) Notice of Proposed Repealer published in the Illinois Register: March 2, 2007; 31 Ill. Reg. 3257
- 10) Has JCAR issued a Statement of Objection to this Repealer? No
- 11) Differences between proposed and final versions: None
- 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 repealer replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending to this part? No
- 15) Summary and Purpose of Repealer: The repeal of the rules is to allow recodification of the provisions in an improved format.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Susie Alwerdt
Division of Personnel Standards and Education
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

Facsimile: 217/782-1062

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- 1) Heading of the Part: Policy and Procedures Manual for Fire Protection Personnel
- 2) Code Citation: 41 Ill. Adm. Code 141
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
141.10	New
141.15	New
141.20	New
141.30	New
141.40	New
141.50	New
141.60	New
141.100	New
141.110	New
141.115	New
141.120	New
141.125	New
141.200	New
141.210	New
141.220	New
141.230	New
141.240	New
141.300	New
141.302	New
141.304	New
141.306	New
141.308	New
141.310	New
141.312	New
141.314	New
141.316	New
141.318	New
141.320	New
141.322	New
141.324	New
141.326	New
141.328	New
141.330	New
141.332	New

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141.334	New
141.336	New
141.338	New
141.340	New
141.342	New
141.344	New
141.346	New
141.348	New
141.350	New
141.352	New
141.354	New
141.356	New
141.358	New
141.360	New
141.362	New
141.364	New
141.366	New
141.367	New
141.368	New
141.370	New
141.372	New
141.380	New
141.400	New
141.405	New
141.410	New
141.415	New
141.420	New
141.425	New
141.450	New
141.460	New
141.500	New
141.505	New

- 4) Statutory Authority: Sections 8 and 11 of the Illinois Fire Protection Training Act [50 ILCS 740/8 and 11] and the Peace Office Fire Investigation Act [20 ILCS 2910]
- 5) Effective Date of Adopted Rules: June 5, 2007

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- 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 principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield IL, and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: March 2, 2007; 31 Ill. Reg. 3356
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposed and final versions: Some non-substantial organizational and clarifying changes were made throughout the rulemaking.
- 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 to this Part? No
- 15) Summary and Purpose of Rulemaking: These rulemakings are intended to update the training requirements to the current national standards, add new certification levels, and repeal certain certifications for lack of participation and consolidation with other certifications.
- 16) Information and questions regarding these adopted rules shall be directed to:

Susie Alwerdt
Division of Personnel Standards and Education
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

Facsimile: 217/782-1062

The full Text of the Adopted Rules begin on the next page:

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TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 141

POLICY AND PROCEDURES MANUAL
FOR FIRE PROTECTION PERSONNEL

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141.40	Requirements for Participation in Training, Certification and Reimbursement
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141.354	Trench Operations
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AUTHORITY: Implementing and authorized by Sections 8 and 11 of the Illinois Fire Protection Training Act [50 ILCS 740/8 and 11] and the Peace Officer Fire Investigation Act [20 ILCS 2910].

SOURCE: Adopted at 31 Ill. Reg. 8672, effective June 5, 2007.

SUBPART A: GENERAL

Section 141.10 Purpose

- a) The Illinois Fire Protection Training Act [50 ILCS 740] requires the Office of the State Fire Marshal to establish training programs and to assist the development of training of firefighters throughout the State. Section 1 of the Act requires the Office, in a Division of Personnel Standards and Education, to *encourage and aid municipalities, counties and other local governmental agencies of this State in their efforts to raise the level of local fire protection by upgrading and maintaining a high level of training for fire protection personnel. It is declared to*

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be the responsibility of the Office of the State Fire Marshal to encourage the participation of local governmental units in the programs established by the Office and to aid in the establishment of adequate training facilities.

- b) Subpart D of this Part specifies the requirements to obtain State certification from the Office and Subpart E describes the opportunities for local governments to request reimbursement for training expenses.

Section 141.15 Definitions

Unless the context requires otherwise, the following terms have the meanings ascribed in this Section:

"Accredit" means to supply with credentials or authority or authorize or certify as meeting a prescribed standard.

"Accreditation" means the act of accrediting or the state of being accredited, especially the granting of approval to an institution of learning by an official review board after the school has met specific requirements.

"Act" means the Illinois Fire Protection Training Act [50 ILCS 740].

"Application for Certification/Validation-Attestation" means the official document submitted to the Office, signed by the employing Fire Chief and qualified instructor, verifying successful completion of a series of prerequisites as required by this Part.

"Certification" means the official documentation awarded by the Office to eligible firefighters/allied field agency personnel after successful completion of a series of assigned tasks, both cognitive and psychomotor. This certificate is the award for the completion of tasks, such as a school diploma, and, as such, remains in the possession of the individual.

"Division" means the Office's Division of Personnel Standards and Education.

"Fire Brigade" means an entity, privately owned, possessing those resources necessary for fire suppression in its own premises.

"Fire Department" or "Department" means an entity, public or private, possessing

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those resources necessary for fire administration, fire prevention, fire suppression, fire education and arson investigation.

"Fire Protection Personnel" and "Firefighter" mean any person engaged in fire administration, fire prevention, fire suppression, fire education and arson investigation, including any permanently employed trainee or volunteer firefighter, whether or not such person, trainee or volunteer is compensated for all or any fraction of his/her time. (Section 2 of the Act)

"Fire Service Experience" means fire suppression training, fire administration, fire investigation or fire prevention experience in a fire department, including executive support.

"Fire Service Organizations" means the organizations listed in Section 141.308(e)(4)(C).

"Member" means an individual engaged by a fire department or fire brigade to carry out assigned duties, whether or not that person is compensated for all or any fraction of his/her time.

"NFPA" means National Fire Protection Association, Batterymarch Park, Quincy MA 02269; pamphlet or standard number will appear after the abbreviation and the edition will appear in parentheses.

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

"Request for Examination Form" means the form provided by the Office that a fire department or school will complete and send to the Office requesting the Office to schedule a date for an examination.

"School" means any school located within the State of Illinois, whether privately or publicly owned, that offers a course in fire protection training or related subjects and that the Office has approved.

"Standards" means the applicable NFPA standard.

"Student Performance Objectives" means the course objectives that have been established and implemented by the Office.

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"Trainee" means a recruit firefighter required to complete initial minimum basic training at an approved training facility to be eligible for permanent employment as a firefighter.

"Training Facility" means an organization, institution, fire department, school, college or other entity certified by the Office, under Section 141.100 or 141.110, to provide the training of fire protection personnel required by this Part.

Section 141.20 Incorporations by Reference

- a) All incorporations by reference in this Section are incorporated as of the date specified and contain no later editions or amendments.
- b) The following national standards and regulations are incorporated by reference in this Part:
 - 1) National Fire Protection Association
1 Batterymarch Park
Quincy MA 02169-7471
www.nfpa.org

NFPA 472: Professional Competence of Responders to Hazardous Materials Incidents (2002)

NFPA 610: Guide for Emergency and Safety Operations at Motorsports Venues (2003)

NFPA 921: Guide for Fire and Explosion Investigations (2004)

NFPA 1001: Fire Fighter Professional Qualifications (2002)

NFPA 1002: Fire Apparatus Driver/Operator Professional Qualifications (2003)

NFPA 1003: Airport Firefighter Professional Qualifications (2005)

NFPA 1021: Fire Officer Professional Qualifications (2003)

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- NFPA 1031: Professional Qualifications for Fire Inspector and Plan Examiner (2003)
- NFPA 1033: Professional Qualifications for Fire Investigator (2003)
- NFPA 1035: Professional Qualifications for Public Fire and Life Safety Educator (2005)
- NFPA 1041: Fire Service Instructor Professional Qualifications (2002)
- NFPA 1403: Live Fire Training Evolutions (2002)
- NFPA 1451: Fire Service Vehicle Operations Training Program (2002)
- NFPA 1500: Fire Department Occupational Safety and Health Program (2007)
- NFPA 1521: Fire Department Safety Officer (2002)
- NFPA 1670: Operations and Training for Technical Rescue Incidents (2004)
- NFPA 1901: Automotive Fire Apparatus (2003)
- NFPA 1971: Protective Ensembles for Structural Firefighting and Proximity Firefighting (2007)
- NFPA 1983: Fire Service Life Safety Rope and Equipment for Emergency Services (2006)
- 2) Code of Federal Regulations
- A) US Department of Labor - Occupational Safety and Health Administration
- 29 CFR 1910.120 (2006)
- 29 CFR 1910.146 (1998)

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29 CFR 1926, subpart P (1994)

B) US Environmental Protection Agency

40 CFR 311 (1990)

Section 141.30 Advisory Committees

- a) The purpose of this Section is to establish standing committees and to provide for the establishment of ad hoc committees from time to time to advise the Office on training programs.
- 1) Ad hoc committees shall be made up of members of each of the organizations that have ex-officio members on the Illinois Fire Advisory Commission (as provided in 20 ILCS 2905/3) and individuals assigned by the Office who are deemed to have expertise in the training programs.
- A) Each organization shall have at least one member and one alternate member.
- B) The head of each of the organizations identified under subsection (a)(1) shall be contacted as to whom he or she desires to have serve on any given committee. In the case of the Illinois Fire Service Institute, the Director will be solicited for persons to serve.
- i) Because each committee will deal with specific areas of expertise, the solicitation will be based on specific qualifications. Committee members shall also be solicited from various geographical areas of the State consistent with geographical distribution of expertise to insure input reflecting a general consensus of the total fire service.
- ii) In considering appointment of members to committees, the Division will not rely on an individual's rank in a given department, but will concentrate on that individual's area of responsibility and his or her level of certification.
- C) Committees shall be established by the Division Manager of Personnel Standards and Education when a problem or issue arises

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in an area of firefighter training not covered by a standing committee or when creation of a new program is under consideration. Each committee shall be designated a specific duty and area of responsibility. Subcommittees shall be established by the Division Manager when additional expertise or personnel are needed.

- 2) The following standing committees are created with the following duties:
 - A) Fire Officer Committee – review applications and develop and evaluate curriculum, examinations and proposals for all levels of Fire Officer certification and evaluate the existing ones;
 - B) Technical Review Committee – develop curriculum, examinations and proposals for Firefighter II and III and evaluate the existing ones;
 - C) Hazardous Materials Committee – develop and evaluate curriculum, examinations and proposals for all levels of hazardous materials and evaluate the existing ones;
 - D) Instructor Committee – develop and evaluate curriculum, examinations and proposals for all levels of Fire Service Instructor and evaluate the existing ones;
 - E) Fire Prevention and Investigation Committee – develop and evaluate curriculum, examinations and proposals for these areas of certification and evaluate the existing ones;
 - F) Airport Firefighter Committee – develop and evaluate curriculum, examinations and proposals for Airport Firefighter and evaluate the existing ones;
 - G) Fire Apparatus Engineer Committee – develop and evaluate curriculum, examinations and proposals for Fire Apparatus Engineer and evaluate the existing ones;
 - H) Rescue Committee – develop and evaluate curriculum, examinations and proposals for all levels of Rescue and evaluate

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the existing ones; and

- I) Juvenile Firesetter Intervention Specialist Committee – develop and evaluate curriculum, examinations and proposals for Juvenile Firesetter Intervention Specialist and evaluate the existing ones.
- b) Committees shall advise the Division Manager of Personnel Standards and Education on programs, procedures, courses, and other matters relating to the Act within the duties and areas designated. The committees are advisory only. Committees shall meet only at the direction of the Division Manager.
- c) Committee members shall not be paid a salary for their services, but may be reimbursed for their necessary travel expenses and room and board according to the requirements and limitations of this Part and 80 Ill. Adm. Code 2800 (Travel).

Section 141.40 Requirements for Participation in Training, Certification and Reimbursement

All local governmental agencies and individuals may elect to participate in the training and certification program of the Office, subject to this Part. Units of local government and individuals may elect to participate for certification only, or for certification and reimbursement for training expenses as described in the Illinois Fire Protection Training Act [50 ILCS 740].

- a) The local government agency must pass an ordinance agreeing to participate if reimbursement funding is to be sought.
 - 1) The Office will provide the governing body with a copy of a model ordinance upon request.
 - 2) For participation for reimbursement, each local governmental agency must pass an ordinance requiring trainees to be certified at the Firefighter II level by the end of the probationary period. The ordinance must state the length of the probationary period. A certified copy of the required ordinance must be sent to the Office.
 - A) Local governmental agencies under the Illinois Municipal Code [65 ILCS 5] are limited to probationary periods not to exceed one year for all firefighters except those having paramedic duties.

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- B) All local governmental agencies that participate for reimbursement and file a certified copy of the required ordinance shall be eligible for reimbursement from the date a certified copy of the ordinance is received by the Office. Reimbursement for trainees and permanent fire protection personnel will be paid only for courses begun after the date of the receipt of the certified copy of the ordinance.
- C) Failure of any trainee to complete the prescribed basic training and certification within the required period will render that individual and local governmental agency ineligible for reimbursement for basic training for that individual in the year in which his/her probationary period ends. The individual may later become certified without reimbursement.
- 3) Personnel who are department members prior to the date of the ordinance are not required by the Office to become certified as Firefighter II but may do so on a voluntary basis. Reimbursement is available for such training for three years from the date that a certified copy of the ordinance is filed with the Office.
- 4) Individuals may receive reimbursement for training costs if employed by a unit of local government that participates for reimbursement and the individual is otherwise eligible. Such reimbursement is limited to out-of-pocket expenses not paid or reimbursed, in whole or in part, by a local governmental agency.
- 5) Individual firefighters and departments may participate in all aspects of the programs for certification without passage of a local governmental ordinance. The ordinance is required, however, to qualify an agency and its individual firefighters to receive reimbursement.
- 6) The Board of Police and Fire Commissioners, or the Civil Service Commission, or the local department of personnel or any other department or commission charged with the authority to make rules and regulations concerning Firefighter II certification must file with the Office a copy of its rules requiring certification prior to commencing regular employment as a firefighter. Any subsequent changes to the rules must be sent to the Office.

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- b) Facility Approval
 - 1) A training facility must have a Provisionally Approved Training Facility to offer Firefighter II, Hazardous Materials First Responder – Operations, Fire Service Vehicle Operator and all Awareness training. (See Section 141.100.)
 - 2) A training facility must have an Unlimited Approved Training Facility to offer all other levels of training. (See Section 141.110.)
 - 3) A training facility must have a Facility Approval to operate as a regional training center.
 - 4) A training facility may use the facilities of a regional training center or the Illinois Fire Service Institute for approved firefighter training.
- c) Instructor Certification. The Fire Service Instructors must meet the requirements of Section 141.115(c).
- d) Course Approval. Courses must be approved in accordance with Section 141.115 of this Part.

Section 141.50 Appeal Process

The appeal process for the Division will be governed by 41 Ill. Adm. Code 210.

Section 141.60 Reciprocity

The Office will examine the certification credentials of individuals certified by other entities to determine which level of Illinois certification, if any, is applicable according to Section 141.120.

SUBPART B: TRAINING FACILITIES

Section 141.100 Resources Required for Certification as a Provisionally Approved Training Facility

Any training facility may, upon submitting an application and an inventory to the Office, be certified as an approved training facility for conducting training required by this Part.

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- a) The administrator of a training facility may request, in writing, a re-evaluation of the facility's level of certification at any time. The Office will cause such a review to be conducted and, when justified, re-certify the facility at the appropriate level.
- b) A training facility at which all of the listed resources are not readily available may be certified as a Provisional Facility for conducting training in those subject areas for which adequate resources are available. Specific requirements for Provisional Facility approval are:
 - 1) A fire station that serves as a classroom or access to a classroom facility;
 - 2) A pumper apparatus equipped in accordance with NFPA 1901;
 - 3) A current set of applicable reference manuals;
 - 4) Improve to provide all learning experiences required in the Firefighter II, Hazardous Materials First Responder - Operations, Fire Service Vehicle Operator and all Awareness courses; and
 - 5) Keep the complete approved training records required by Section 141.115(g).

Section 141.110 Resources Required for Certification as an Unlimited Training Facility or Regional Training Center

In order to qualify for Unlimited Facility Certification, a training facility must possess, or have readily available for use, the following facilities, apparatus, equipment, reference material, established records, procedures and staff:

- a) Facilities
 - 1) Training tower, not less than two stories in height, for use as a training structure for ladder evolutions, rescue drills, hose advancement and rope work;
 - 2) Classroom with adequate environmental control and seating capacity for the anticipated trainee population (not adequate means obvious

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unsuitability, complaints received and other factors deemed relevant by the Office);

- 3) Forcible entry and ventilation drill facilities, including a means of providing the trainee an opportunity to practice opening a variety of doors, windows, roofs, floors and partitions that are representative of the type and construction found in the community;
 - 4) A smoke and fire room or building suitable for containing, and equipped for simulating, fire atmospheres and conditions. Any or all of these facilities may be combined into one structure; and
 - 5) Facilities for conducting live fire training (by permission and within restrictions of environmental control agencies and in accordance with NFPA 1403) and rescue that must include:
 - A) Structural fires;
 - B) Flammable liquid fires;
 - C) LP and natural gas fires; and
 - D) Automobile fires.
- b) Apparatus
Pumper apparatus, fully equipped as prescribed in NFPA 1901.
- c) Equipment
- 1) All current types and classes of portable fire extinguishers;
 - 2) Forcible entry tools such as: pry-axe, pick head axe, pike pole, wrecking bar, hatchet, wire and bolt cutters, claw and Kelly tool, crow bar, Halligan tool, manual and power saws and jacks;
 - 3) Ropes of assorted lengths, which can be used for rescue, rappeling and practicing knots and lashings;
 - 4) All equipment specified by NFPA 1901;

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- 5) Salvage and overhaul equipment, including covers, carry-alls, cleaning and patching equipment and sprinkler kits;
- 6) Self-contained breathing equipment in sufficient numbers to enable each student to wear the equipment for at least the life of one canister or breathing air tank during his/her training;
- 7) Standard first-aid supplies for the teaching of the Standard American Red Cross first aid course or its equivalent;
- 8) Electronic audio, video and projection equipment;
- 9) Standard classroom equipment: chalk board, speaker's rostrum;
- 10) Protective clothing, in accordance with NFPA 1971 (one full set for each student), including the structural helmet with a face shield. (Students should provide their own clothing while training at a facility other than their duty station);
- 11) Any equipment needed to complete the subject objectives established by the Office; and
- 12) Other instructional aids as may be needed, such as cutaways of equipment, models, flip charts.

Section 141.115 Course Approval

All training facilities wishing to offer courses leading to certification must submit a Course Approval Form to the Office according to the following schedule:

- a) Fire Departments
 - 1) Fire departments must submit a Course Approval Form every five years. New forms must be submitted if:
 - A) A new Fire Chief or Training Facility Director is employed; or
 - B) Additional courses are added to the training schedule.

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- 2) Forms are due January 1. The Office will not reimburse a department or trainee for a course until the course approval is renewed.
 - 3) Approvals will be granted on a calendar year basis.
- b) Training Facilities
- 1) End-of-course examinations, course syllabi and content shall be correlated to the Office established objectives. A Course Approval Form must be submitted every five years, along with the following materials:
 - A) Appropriate course correlation form;
 - B) Syllabi and course content; end-of-course examination; name and credentials of instructor.
 - 2) If the required course curriculum is changed due to a change in the applicable standards or rules before the course approval cycle has ended, the curriculum and end-of-course examinations for the course must be resubmitted for approval.
- c) Instructor Requirements. Approval will be granted upon proof of the following: certification, experience, education and/or training indicating competence in the technical area to be taught. In making the determination of competency, the Office shall consider, but is not limited to, transcripts, certificates, job descriptions or other evidence of experience and training.
- 1) Instructor qualifications for Firefighter II, Hazardous Materials Awareness, Hazardous Materials First Responder – Operations, Fire Service Vehicle Operator, and Technical Rescue Awareness require certifications as Instructor I and the level being taught, except in specialty certifications where noted.
 - 2) Instructor qualifications for all other certifications require certification as Instructor II and the level being taught, except in specialty certifications where noted.

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- 3) Instructors of Juvenile Firesetter Intervention Specialist (JFIS) courses must, in addition to meeting all other applicable requirements of this Section, have three years' experience as a JFIS.
 - 4) Instructors of Arson Investigator courses must, in addition to meeting all other requirements of this Section, have demonstrated experience in education in the technical areas to be taught and must be approved by the Office and the Illinois Law Enforcement Training and Standards Board prior to the course offering.
- d) When updating a certification program to a new edition of NFPA or updated reference materials as specified in the applicable certification program or any other reason, instructor quality is critical to the success of training. Due to the expanded skills in the courses, instructors should have to demonstrate competency, both written and practical, to teach a new course. The Office is committed to providing professional development to the instructors in this area by providing standardized measurable objectives and minimum course outline. For course quality reasons, only those instructors who can demonstrate knowledge of the course materials should be certified to teach the course. All job performance requirements for any level of fire service instructor shall be performed to a level of competence that shall be established by the authority having jurisdiction. The training facility shall:
- 1) Select instructors who have appropriate subject matter skill, knowledge and ability.
 - 2) Establish a policy and procedure that identifies and verifies the minimum experience and training requirements necessary to instruct a topic or subject matter.
- e) Validation-Attestation and course completion rosters must be submitted to the Office listing individuals who successfully complete courses.
- f) The Office reserves the right to monitor and evaluate the delivery of all approved courses. Training facilities shall:
- 1) Provide records of student attendance (i.e., a minimum of 80% is required) and student evaluations of the course.

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- 2) Maintain all financial records for a minimum of five years after the conclusion of the course.
 - 3) The length of time required to retain training records shall be determined by the local government based on its records retention schedule, but shall be retained for at least five years for audit purposes.
 - 4) Maintain complete student records of course completion and test scores for at least five years.
 - A) If a course involves college credit, the student's transcript is the complete student record.
 - B) If a course is non-credit, the training facility shall obtain a written student waiver-of-privacy and shall provide complete student records to the Division at the completion of the course.
- g) Records and Established Procedures
An established system of records maintenance that includes:
- 1) Training records that reflect who was trained, objectives of subject taught referenced in the applicable Instructor Reference Manual, hours trained, by whom, how, when and where conducted.
 - 2) A system of evaluating the effectiveness of the class, the instructor and all participants, including:
 - A) Testing technique utilized: oral, written, practical or combination; and
 - B) Performance appraisal and evaluation, such as ranking, factor comparison, grading, graphic rating scale, checklist.
 - 3) Individual training records that show when each person began training in each subject area, the instructor to whom he/she is responsible, the objective of his/her training, intermediate goals, performance criteria, ultimate goal and estimated completion date.
 - 4) Records of Training. A training facility shall maintain and submit to the

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Office training records that contain the following:

- A) Location of training.
 - B) Dates of training.
 - C) Hours of training and hours trained.
 - D) Name of instructor - printed and signature.
 - E) Name of trainee - printed and signature.
 - F) Academic/practical training record.
 - G) Subject training record correlated to objectives.
 - H) Receipts of training expenses.
 - I) Training facility documentation of training.
- 5) Computerized records of training. The Office accepts computerized training records as long as they are printed (individually for each student) and signed off by instructors and students at least once per month. This monthly printout must contain items listed in subsections (g)(4)(A)-(G) and be filed in the department at a location readily available for Office review.
- h) The Office may revoke course approvals if an agency is found to be in violation of this Part. In determining whether to revoke, the Office shall consider the seriousness and frequency of the offenses.

Section 141.120 Course Approval Equivalency

Courses not having prior Office approval, but that correlate with the content areas of the required courses by meeting the performance objectives required of the applicable NFPA Standard, may be granted equivalent status by the Office. The course must conclude with an evaluation of the individual's retention of course materials and will be approved for certification purposes only, not for training cost reimbursement. Equivalency for an approved course will be granted if the following conditions are met:

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- a) Complete course outline with measurable objectives is submitted to the Office for review. College catalog descriptions of a paragraph or less are not sufficient documentation for review. The request for equivalency must be accompanied by a fee of \$100. This fee is non-refundable and must be in the form of a certified check or money order made payable to the Office of the State Fire Marshal. No personal checks are accepted. A minimum of 80% of the course requirements must relate to the measurable objectives as illustrated by a checklist that may be requested from the Office.
- b) Courses will be audited by a member of the Division staff or another person designated by the Office.
- c) If a course is approved, a completion roster must be submitted, along with a record of attendance (hours).
- d) When a course is granted equivalency, the course participant will be allowed to take the State written and practical skills examinations one time. Failure of either the written or practical skills examination will invalidate the equivalency determination and require the course participant to successfully complete the Office approved program prior to taking the State written and practical examinations a second time.

Section 141.125 Course Approval Standards

In determining whether to grant approval of courses, instructors, or tests, the Office will consider, but is not limited to, whether the applicant for approval:

- a) Is prepared to maintain the records required by this Part.
- b) Has appropriate staff, facilities and equipment to teach all required topics of the course.
- c) Is prepared to utilize end-of-course testing methods approved by the Office in compliance with Section 141.230 of this Part.
- d) Will utilize instructors approved by the Office under Section 141.115(c).

SUBPART C: EXAMINATION

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Section 141.200 State Examinations

Except as otherwise noted in this Part, all State written examinations will be developed, provided, and administered by Office personnel. Local instructors desiring to schedule State examinations should contact the Office to establish a time and place for the examination. While the Office will endeavor to schedule examinations at sites throughout the State as requested, the number of examination requests may necessitate delays and regional testing. The training facility requesting the State examinations be given should have facilities for the examination. When large numbers of persons are to be tested, Office personnel may request additional assistance of the facility or fire department in monitoring the administration of a test.

- a) Class rooms, lecture rooms, municipal and fire protection department training rooms shall be acceptable facilities provided that space is available for the number of persons requesting to take the examination; desks or tables and chairs shall be provided by the examination center. The room in which the examination is to be given shall be a room customarily used for quiet activities and not subject to loud noise or other activities nearby that might interfere with taking the written examinations. Students must be spaced to ensure that they cannot readily observe another's answer sheet. The following specifications for the facility and the administration of the examination must be adhered to:
 - 1) Candidates not present in the room at the time the proctor starts the examination will be disqualified from taking the examination.
 - 2) There can be nothing on the walls at the test site that could pertain to examination questions.
 - 3) The test administrator must be provided a table at least 6 feet in length.
 - 4) Loudspeakers, monitors, portable radios, cell phones and beepers must be turned off.
 - 5) The department hosting the test must supply a representative from the department at the test site during the examination. This will be the only representative of the department allowed in the test room at the time of the test.
 - 6) The test site must have toilet facilities in proximity in the same building.

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- 7) All candidates must be in clear view of the proctor's table.
- 8) The test site must have temperature control for comfort of candidates.
- b) All State written examinations will require a 70% overall passing rate. In the case of modular examinations, a 70% overall passing rate for each module is required.
- c) Examination results will be sent to the individual taking the examination through the employing fire department, the chief of the individual's fire department and, when applicable, the training facility that provided training. The Office will maintain these scores and shall use them internally for statistical and/or employment purposes. Otherwise, the Office will not release the examination scores of any individual without the prior written approval of the individual.
- d) State certifications for qualified fire service personnel may be awarded to individuals employed by local governmental agencies and fire brigades and to State of Illinois employees, after successful completion of all requirements. It is the responsibility of the Fire Chief, Chief Executive Officer or designee to sign off, verifying completion of all requirements, on all Requests for Examination and Applications for Certification/Validation-Attestation. If the Fire Chief or Chief Executive Officer refuses to attest to the verification, the individual applying for certification may petition the office for a waiver by submitting in writing all pertinent facts. Upon investigation and verification by the Office, a waiver of attestation may be granted by the Director.
- e) Prerequisites. A candidate for Firefighter II examination must be engaged in firefighting in an organized Illinois fire department as a fire protection person or trainee according to the Act as attested to by the employing Illinois Fire Chief of the individual seeking certification.
- f) Procedure to Request State Administered Certification Examination
 - 1) At least 30 days prior to the anticipated day for testing at a given training facility, the Office shall be in receipt of a completed form entitled Request for Examination, signed by the Fire Chief or training facility Director, or his/her designee, and the Certified Instructor that will attest to the fact that each individual has:

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- A) A documented learning experience in each of the subject areas of the course required;
 - B) Satisfactory scores on all local examinations; and
 - C) Demonstrated the proficiency required by each skill requirement for the level of certification by having been observed and evaluated by a Certified Instructor (of the proper level) and an officer of the fire department or his/her designee in the accomplishment of these skills, and that local records are maintained that contain copies of the evaluator's checklists and evaluation sheets for each individual.
- 2) In the case of all State required practical examinations, Application for Certification/Validation-Attestation must be submitted to the Division before certifications may be issued.
- g) No person will be allowed to take the written examination for State certification without having completed all of the above requirements. End-of-course written examinations conducted by approved training facilities that show satisfactory completion of the learning experience requirements are acceptable.
 - h) Persons who have not met all prerequisites listed in subsection (e) will not be examined, nor will persons who are ill, persons on duty who may be called out during the examination, or persons obviously under the influence of drugs or alcohol. In making the determination of drug or alcohol impairment, the Office will consider, but is not limited to, observation of demeanor, slurred speech, odor of alcohol, general behavior and other considerations that would help in making the determination.
 - i) The proctor will not be permitted to discuss or answer questions regarding any questions on the examination. No one will be permitted to enter once the examination has started. Students are not permitted to have notes or reference material in their possession, including calculators and slide rules. The only paper allowed in the test center will be distributed in single sheets by the proctor according to the examination directions. There will be no scheduled breaks during examination. Persons should be advised at the beginning of the examination that no one will be allowed to leave the room before completing the examination except in an emergency, and then only one at a time. The examination begins after the proctor has read the instructions, at which time all

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discussion will cease. Candidates will not be permitted to speak to each other or to the proctor, and all instructions to the candidates contained in the proctor instructions will be followed. The proctor will begin the examination with the words "you may begin" and the examination will end with the proctor announcing "you are to stop now".

- j) Results of examinations taken for the purpose of State certification will be retained in the Office. All participants who examine and receive certification will have notification sent to their employing department.
- k) Re-examination
 - 1) No person shall be re-examined without further documented learning experiences in each of the subject areas.
 - 2) The Request for Examination form contains an attestation that proof exists that the individual has had the required additional learning experience before re-examination.
 - 3) There is no limit set by the Office for the number of times that an individual may take the written or practical portion of a State certification examination, except when the examinations are allowed under Section 141.120.
 - 4) The battery of examinations to be given will be determined by the Office.
- l) Practical skills examinations required by the Office for all certifications other than Firefighter II and III remain valid for 12 months. If an individual has not passed the written examination within 12 months after the practical skills evolutions, the candidate will be required to retake the State practical skills examinations.
 - 1) Passing rate of the Fire Apparatus Engineer practical skills examinations is 70%.
 - 2) Passing rate of all other practical skills examinations is 100%.
- m) State required practical skills evolutions for Firefighter II and III may be administered at any time during the course of training. It is the responsibility of the Certified Instructor to follow the Office's standards and assure currency of

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skills.

- n) If firefighters from a given fire department experience excessive or repeated failures of a firefighter examination, the Fire Chief and appropriate officers of the department are encouraged to contact the Office for assistance.
- o) Certification will not be granted until the State written examination is successfully passed and the course completion documentation and the Application for Certification/Validation-Attestation for the practical skills examinations is submitted to the Office.
- p) If the completion of the State written examination is more than 10 years old and a certification was not awarded at the time even though all other prerequisites were met, the individual will be required to successfully complete the current State practical skills examinations. Certification will be awarded when receipt of passage for the current practical skills examinations is received.

Section 141.210 Invalidation of a Student's State Examination Score

- a) When the examination proctor observes an individual looking at unauthorized notes or reference materials, obviously looking directly at another person's answer sheet or talking during the examination, the proctor shall immediately confiscate and invalidate the individual's examination.
 - 1) The proctor shall also confiscate any unauthorized notes or reference materials.
 - 2) The proctor shall submit a written explanation of the facts involved in the invalidation of the student's examination with any confiscated materials to the Division Manager of Personnel Standards and Education.
- b) Confiscated materials will be retained by the Office.
- c) When the Office determines that evidence involved in the invalidation of an individual's State examination is accurate, then:
 - 1) The individual will not be permitted to take another State examination for 120 days.

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- 2) The Office shall inform the individual's Chief of the invalidation.
- d) Any individual whose examination paper is confiscated under subsection (a) may request a hearing within 20 days after the event. The hearings will be governed by Section 141.50.
- e) In case of a training facility's failure to maintain records of training and to produce those records before the individual takes the examination or claims reimbursement for training costs, the individual's exam grades for that subject will be invalidated.

Section 141.220 Certificates Earned by Bypass Examination

- a) Certification at the level of Fire Prevention Officer, Juvenile Firesetter Intervention Specialist, Fire Service Executive Support, Fire Investigator or Arson Investigator may be achieved after successful completion of a Bypass Examination in lieu of meeting the prerequisite of Firefighter II or Firefighter III. The use of the Bypass Examination is limited to personnel employed for the specific positions identified above and will not have fire suppression responsibilities within the fire department. No person employed by a local governmental agency who has current fire suppression responsibilities as a firefighter, fire officer, or fire service instructor shall be able to take a Bypass Examination.
- b) If an individual is assigned to fire suppression duties, he/she must take and pass the Firefighter II examination before proceeding with advanced certifications.

Section 141.230 Examination Procedures for End-of-Course Examinations Not Administered by the Office

Certification of personnel is contingent upon the successful completion of competency-based examinations. Only those courses that conclude with a prescribed written, practical, or practice teaching examination, as required, will be approved. A minimum of one question per cognitive objective, but not fewer than 50 written examination questions is required at the end of the course. The end-of-course examination must be submitted to the Office, notated with the correct answer and correlated to both the applicable Office objective and reference source. Questions are to be developed by the training facility. All questions are to be keyed directly to the material contained in the course outline and should be constructed in such a manner as to test the student's knowledge and retention of the material to which the student has been exposed in the course. A

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70% score is required to pass. Facility authorities are required to submit end-of-course examinations to the Office for approval, prior to administration. Any changes in approved examinations must be submitted to the Office for review and approval prior to administration. A current copy of each approved end-of-course examination will be kept on file at the Office. The Office reserves the right to rescind approval of any or all approved end-of-course examinations without recourse. Since the purpose of the written examination is to test retention, open book and other similar examinations are not acceptable. The end-of-course examinations must use objective test items and be kept secure.

Section 141.240 Bypass Examination

This examination is provided for special fire and police personnel and allied field agencies who are charged with duties governing fire prevention, fire inspection, fire investigation, and arson investigation, but who do not have, or will not be assigned, fire suppression duties and/or responsibilities. Recognition of this condition in the State Training and Certification Program is accomplished through the implementation of the Bypass Examination. The Bypass Examination is limited to personnel identified as fire protection non-sworn personnel and the law enforcement personnel seeking Arson Investigator certification. This examination does not provide State certification as a firefighter, but provides a method for individuals who may not receive Firefighter II or Firefighter III certification to participate in the Fire Prevention Officer, Juvenile Firesetter Intervention Specialist, Fire Service Executive Support, Fire Investigator, and Arson Investigator programs.

- a) Passage of the State written examination (see Section 141.200).
- b) Individuals choosing to take the Bypass Examination must plan to enter into or have completed the training program for Fire Prevention Officer, Juvenile Firesetter Intervention Specialist, Fire Service Executive Support, Fire Investigator or Arson Investigator.

SUBPART D: CERTIFICATION

Section 141.300 Firefighter II

An Illinois Firefighter II program meets or exceeds the level identified in NFPA 1001. The term synonymous with Firefighter II is Operative Firefighter and identifies the expected level of supervision.

- a) Prerequisites. A candidate for Firefighter II certification must be engaged in

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firefighting in an organized Illinois fire department as a fire protection person or trainee according to the Act as attested to by the employing Fire Chief of the individual seeking certification.

- b) Reimbursement may be received for training costs for a Firefighter II (see Subpart E).
- c) No specific hours of training or fire service experience is required; however, no person may take the State written examination for Firefighter II certification until the appropriately certified Fire Service Instructor (see Section 141.115(c)) and employing Fire Chief or his/her designee sign the Request for Examination Form.
- d) The Fire Service Instructor must meet the requirements of Section 141.115(c).
- e) The course and facility must be approved by the Office as provided in Sections 141.100 and 141.115.
- f) **Modular Training**
Firefighter II training can be taken in a series of modules or as a complete course. The State written examination (see Section 141.200) can be taken by module or by taking the complete examination. When an individual takes the examination by modules, the passed modules will be kept on file until all modules are passed. If an individual is training by module, and then enters a training facility or a college program that instructs the complete program mode, any previously passed modules cannot be used to exempt any portion of the examination; the complete examination must be taken. If an individual fails the complete examination, he or she may elect to then test using the modular system. When an individual elects to be trained using the modular system, he or she may select the order of any module and its examination. (See Section 141.200.)
- g) **Firefighter II Certification**
For certification as a Firefighter II, the firefighter trainee shall meet the job performance requirements in NFPA 1001, including requirements defined in Chapter 2, Competencies for the First Responder at the Awareness Level of NFPA 472, and NFPA 1500, as it applies to Firefighter II.
- h) **Education and Training**
 - 1) Employing fire department officials will determine when the education

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and training are to be received by the Firefighter II candidate.

- 2) Employing fire department officials will determine when education, training and experience requirements have been met to be awarded the Firefighter II certificate.
 - 3) All requirements of the Office shall be met for each certification level before certificates will be issued. This includes passing the State written examination and State practical skills examinations and submission of the course completion documentation and Application for Certification/Validation-Attestation to the Office.
- i) State Certification Practical Skills Examination
- 1) Training facilities are responsible for administering the practical skills examinations prepared by the Office.
 - 2) Records and documented proof of such tests must be maintained by the training facility/employing fire department for audit purposes. Training facilities are to acquire the identified equipment or to improvise where specific equipment is not available in the fire department or the mutual aid area to provide parallel learning experiences.
 - 3) Practical Skills Examinations
 - A) All practical skills examinations are supplied by the Division. The examination package consists of the lists of evolutions to be completed and the Practical Skills Examination Key. The evaluation package contains an attestation by the employing Fire Chief or Training Facility Director and certified instructor that all tasks have been successfully completed, with each task requiring a score of 100%.
 - B) The Application for Certification/Validation-Attestation shall be submitted to the Division before certification will be issued.
 - C) The practical skills examinations and key shall be retained in the employing fire department's trainee files for at least five years.

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- i) State Certification Written Examination. To be certified as a Firefighter II, candidates must take and pass the State written examination. (See Section 141.200.)

Section 141.302 Airport Firefighter

Professional qualifications for Airport Firefighter are identified in NFPA 1003. The Illinois program does not recognize Airport Firefighter as a rank because it is not possible to insure that every rank used by local fire or allied field agencies to identify employees would be consistent throughout the State. The Office defines the Airport Firefighter as a certified individual who has the required airport fire protection and prevention experience.

- a) Prerequisites
 - 1) Certification as a Firefighter II (see Section 141.300).
 - 2) Attainment of one year of experience in airport fire protection.
 - 3) Successful completion of the Airport Firefighter course.
 - 4) Passage of the State written examination (see Section 141.200).
 - 5) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(g)).
 - 6) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification.
 - 7) Application for Certification/Validation-Attestation.
 - 8) Credit for equivalent course may be available in accordance with Section 141.120.
- b) Reimbursement may be received for training costs for an Airport Firefighter (see Subpart E).
- c) The instructor must meet the requirements of Section 141.115(c).

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- d) The course and facility must be approved by the Office as provided in Sections 141.100, 141.110 and 141.115.

Section 141.304 Firefighter III

The Office recognizes the Firefighter III level as equivalent to or exceeding the Firefighter II level identified in NFPA 1001. The term synonymous with Firefighter III is Journeyman Firefighter and identifies the expected level of supervision.

- a) Prerequisites
 - 1) Certification as a Firefighter II (see Section 141.300) and Hazardous Materials First Responder – Operations (see Section 141.230).
 - 2) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification.
 - 3) Attainment of three years cumulative fire service experience in a fire department that may include any combination of full-time, paid-on-call, volunteer, and military service (if a person's primary responsibility was fire protection). Proof is required. Job descriptions and personnel records are examples of adequate proof.
 - 4) Successful completion of the Firefighter III course.
 - 5) Passage of the State written examination (see Section 141.200).
 - 6) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(g)).
- b) Reimbursement may be received for training costs for a Firefighter III (see Subpart E).
- c) The instructor of a Firefighter III course must meet the requirements of Section 141.115(c).
- d) The course and facility must be approved by the Office as provided in Sections 141.110 and 141.115.

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- e) **Modular Training**
Firefighter III training can be taken in a series of modules. The State written examination can be taken by module or by taking the complete examination. When an individual takes the examination by modules, the passed modules will be kept on file until all modules are passed. If an individual is training by module, and then enters a training facility or a college program that instructs the complete program mode, any previously passed modules cannot be used to exempt any portion of the examination; the complete examination must be taken. When an individual elects to be trained using the modular system, he or she may select the order of any module and its examination. (See Section 141.200.)
- f) **Firefighter III Certification**
For certification as a Firefighter III, the candidate shall meet the job performance requirements in NFPA 1001, including requirements defined in Chapter 3, Competencies of Responders to Hazardous Materials Incidents, and NFPA 1500 as it applies to Firefighter III.
- g) **Education and Training**
- 1) Fire department officials will determine when the education and training are to be received by the Firefighter III candidate.
 - 2) Fire department officials will determine when the education, training and experience of a candidate are adequate for the officials to sign a Request for Examination form authorizing the Firefighter III candidate to take the State examinations.
 - 3) All requirements of the Office shall be met for each certification level before certificates will be issued. This includes passing the State written examination and practical skills examinations and submission of the Validation-Attestation to the Office.
- h) **Refresher Training**
The Firefighter III is considered by the Office to be the senior technical level in the fire suppression career ladder and, therefore, is not required to progress to another level in order to maintain certification. In order to insure that Firefighter III personnel maintain their proficiency, they are encouraged to keep abreast of the state of the art by participating in refresher training reflecting applicable

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objectives.

Section 141.306 Fire Apparatus Engineer

The Fire Apparatus Engineer program is designed to meet a specialty need within the fire service. The designation equals or exceeds the requirements of NFPA 1002 and NFPA 1500.

- a) Prerequisites
 - 1) Certification as a Firefighter II (see Section 141.300).
 - 2) Engagement in firefighting in an organized Illinois fire department as a fire protection person or trainee according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
 - 3) Successful completion of the Fire Apparatus Engineer course of two modules: pumper operations and apparatus driving.
 - 4) Passage of the State written examination (see Section 141.200).
 - 5) Passage of the State practical skills examinations (see Section 141.200 and subsection (e) of this Section).
 - 6) Possession of the appropriate class of driver's license in accordance with the Illinois Vehicle Code [625 ILCS 5].
 - 7) Application for Certification/Validation-Attestation, which shall include driving validation by the employing Fire Chief that all practical driving skills as specified in NFPA 1002 have been taught. This application and driving validation must be sent to the Office before the certification is granted.
- b) Reimbursement may be received for training costs for a Fire Apparatus Engineer (see Subpart E).
- c) Instructor Qualifications. The instructor must meet the requirements of Section 141.115(c).
- d) Facility Certification and Delivery Systems. The course and facility must be

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approved by the Office as provided in Sections 141.110 and 141.115.

- e) State Certification Practical Skills Examinations
 - 1) The State practical skills examinations consist of a series of evolutions covering pumper operations and apparatus driving.
 - 2) All practical skills examinations must be administered by an Instructor II and Fire Apparatus Engineer and observed by two additional persons assigned by the Fire Chief.
 - 3) The driving validation practical skills examinations and Application for Certification/Validation-Attestation must be sent to the Office. A copy shall be retained in the employing fire department files.

Section 141.308 Fire Officer I

The Office recognizes three levels of Fire Officer: Fire Officer I, II, and III. These three levels meet and exceed the four levels of Fire Officer identified in NFPA 1021. The Office does not recognize Fire Officer as a rank because it is not possible to insure that every rank used by local fire or allied field agencies to identify employees would be consistent throughout the State. The Office defines the Fire Officer I as an individual having the responsibilities of Company Officer.

- a) Prerequisites
 - 1) Certification as Firefighter III (see Section 141.304) and as Fire Service Instructor I (see Section 141.318).
 - 2) Engagement in firefighting in an organized Illinois fire department as a fire protection person or trainee according to the Act as attested to by the employing Fire Chief of the individual seeking certification.
 - 3) Attainment of four years minimum current fire service experience in a fire department or as current full time staff instructor of the Fire Service Institute.
 - 4) Successful completion of the required three-semester credit (40 student-contact hours minimum) courses or equivalent (see Section 141.120). A course taken for certification credit of 40 student contact hours (minimum)

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can be used for only one area of career hierarchy.

- 5) Experience Requirements
 - A) Candidates for Fire Officer I certification must have a minimum of one year current experience as a Provisional Fire Officer I (see subsection (a)(5)(B)) or Fire Officer I trainee. The Office defines a Fire Officer I trainee as a person possessing Firefighter III certification assigned to supervise one or more companies (a company is a crew of fire protection personnel). The Certified Instructor and employing Fire Chief must document this current experience as a Provisional Fire Officer I or Fire Officer I trainee.
 - B) Until such time as the experience requirement is satisfied, the Fire Officer I candidate will receive a certificate attesting to his/her Provisional Qualification as a Fire Officer I. Provisional Qualification can only be given after completion of all required courses. Provisionally qualified status allows the individual to participate in Fire Officer II courses and training. Provisionally qualified status does not certify the individual as a Fire Officer I.
 - C) For purposes of figuring the year of experience, the applicant must have been assigned to Fire Officer I duties at least 80% of the time based on a 120 workday period (i.e., 96 days of 120 days).
- 6) Application for Certification/Validation-Attestation.
 - b) Reimbursement may be received for training costs for a Fire Officer I (see Subpart E).
 - c) Credit for equivalent courses may be available in accordance with Section 141.120.
 - d) Instructors for Fire Officer I courses must meet the requirements of Section 141.115(c).
 - e) Facility Certification and Delivery Systems
Educational institutions and fire service organizations desiring to offer the Fire Officer program will be required to receive approval from the Office. Approval

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requires:

- 1) Facility approval in accordance with Sections 141.100 and 141.110.
- 2) Course approval in accordance with Section 141.115.
- 3) End-of-course examinations in accordance with Section 141.230.
- 4) All courses will be delivered under the auspices of approved institutions, which are identified as follows:
 - A) All Fire Officer I and II courses may be delivered by any accredited college or university in Illinois.
 - B) All Fire Officer III courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.
 - C) The following fire service organizations may receive approval from the Office to deliver specialized courses:
 - i) The Illinois Fire Chiefs Association (IFCA).
 - ii) The Illinois Fire Inspectors Association (IFIA).
 - iii) The Illinois Society of Fire Service Instructors (ISFSI).
 - iv) The Illinois Firefighters Association (IFA).
 - v) The Associated Firefighters of Illinois (AFFI).
 - vi) The Illinois Association of Fire Protection Districts (IAFPD).
 - vii) The Illinois Professional Firefighters Association (IPFA).
 - viii) The Illinois Fire Safety Alliance (IFSA).
- 5) All organizations and institutions desiring to offer programs and/or courses shall meet all requirements established by the Office regarding

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curricula, student control, examinations, financial records maintenance and instructor's qualifications in Sections 141.100, 141.110, 141.115, 141.125 and 141.230.

- f) **State Certification Written Examination**
To be certified as a Fire Officer I, one of the following means of examination must be successfully passed, with proof of course completion and passage submitted to the Office:
- 1) Written examination administered by the training facility. Examinations must be approved by the Office as meeting the criteria in Sections 141.115 and 141.230.
 - 2) Written examination administered by the Office in accordance with Section 141.200.
 - 3) Examinations shall be taken either by subject area or entire certification requirements.

Section 141.310 Fire Service Executive Support

Professional qualifications for Fire Service Executive Support are identified in NFPA 1021. The Office recognizes the level of Fire Service Executive Support for those individuals who perform administrative duties in support of fire departments.

- a) **Prerequisites**
- 1) Successful completion of Bypass Examination. (See Sections 141.220 and 141.240.)
 - 2) Attainment of three years minimum experience in a fire department.
 - 3) Successful completion of Fire Service Executive Support courses.
 - 4) Validation of skills, completed and attested to by the employing Fire Chief/Administrator and submitted to the Office.
 - 5) Application for Certification/Validation-Attestation.

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- b) The instructor must meet the requirements of Section 141.115(c).
- c) The course and facility must be approved by the Office in accordance with Section 141.308(e).
- d) The end-of-course examination shall be approved in accordance with Section 141.308(f).

Section 141.312 Fire Department Incident Safety Officer

Professional Qualifications for Fire Department Incident Safety Officer are identified in NFPA 1521. Fire Department Incident Safety Officer is defined as an individual appointed to respond to or assigned at an incident scene by the incident commander to perform the duties and responsibilities as designated in this standard and NFPA 1500, whose duties entail promotion of the incident action plan, including the overall incident strategy, tactics, risk management, and member safety. This individual can also be the health and safety officer or it can be a separate function.

- a) Prerequisites
 - 1) Certification as a Fire Officer I (see Section 141.308), Hazardous Materials First Responder - Operations (see Section 141.344), and Technical Rescue Awareness (see Section 141.350).
 - 2) Successful completion of the Fire Department Incident Safety Officer course.
 - 3) Successful completion of an approved Strategy and Tactics II course.
 - 4) A candidate for Fire Department Incident Safety Officer certification must be engaged in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
 - 5) Passage of the State written examination (see Section 141.200).
 - 6) Application for Certification/Validation-Attestation.

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- b) Reimbursement may be received for training costs for Fire Department Incident Safety Officer (see Subpart E).
- c) The instructor must meet the requirements in Section 141.115(c).
- d) The course and facility must be approved by the Office in accordance with Section 141.308(e).

Section 141.314 Fire Officer II

The Office recognizes three levels of Fire Officer: Fire Officer I, II, and III. These three levels meet and exceed the four levels of Fire Officer identified in NFPA 1021. The Office defines Fire Officer II as a person having the responsibilities above Company Officer, but less than the responsibilities of the Fire Administrator, Fire Chief, head of the department, etc.

- a) Prerequisites
 - 1) Certification as a Fire Officer I (see Section 141.308) and as a Fire Service Instructor II (see Section 141.320).
 - 2) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
 - 3) Attainment of five years minimum current fire service experience in a fire department or as a current fulltime staff instructor of the Fire Service Institute.
 - 4) Successful completion of the identified 3-semester credit courses (40 student contact hours minimum) or equivalent, according to Section 141.120. A course taken for certification credit of 40 student contact hours (minimum) can be used for only one area in the career hierarchy.
 - 5) Experience Requirements
 - A) Candidates for Fire Officer II certification must have a minimum of one year current experience as a Provisional Fire Officer II (see subsection (a)(5)(B)) or a Fire Officer II trainee. The Office defines a Fire Officer II trainee as a person possessing Fire Officer

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I certification assigned to Fire Officer II duties. The Certified Instructor and Fire Chief must document this current experience as a Provisional Fire Officer II or Fire Officer II trainee.

- B) Until such time as the experience requirement is met, the Fire Officer II candidate will receive a certificate attesting to his/her Provisional Qualification as a Fire Officer II. Provisionally qualified status allows the individual to participate in Fire Officer III courses. Provisionally qualified status does not certify the individual as a Fire Officer II. Provisional Qualification can only be given after completion of all required courses.
 - C) An individual must be a certified Fire Officer I to receive a Provisional Fire Officer II certification.
 - D) For purposes of figuring the year of experience, the applicant must have been assigned to Fire Officer II duties at least 80% of the time based on a 120 workday period (i.e., 96 days of 120 days).
- 6) Application for Certification/Validation-Attestation.
- b) Reimbursement may be received for training costs for a Fire Officer II (see Subpart E).
 - c) Credit for equivalent courses may be available in accordance with Section 141.120.
 - d) Instructors of Fire Officer II courses must meet the requirements of Section 141.115(c).
 - e) A State written examination must be administered in accordance with Section 141.308(f).
 - f) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 141.308(e).

Section 141.316 Fire Officer III

The Office recognizes three levels of Fire Officer: Fire Officer I, II, and III. These three levels

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meet and exceed the four levels of Fire Officer identified in NFPA 1021. The Office identifies the Fire Officer III as a person who has administrative responsibilities, the authority to affect practices, policies and procedures of the department, and is, or reports directly to, the Fire Chief, Fire Administrator or head of department.

a) Prerequisites

- 1) Certified as a Fire Officer II (see Section 141.314).
- 2) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- 3) Attainment of ten years minimum fire service experience in a fire department.
- 4) Successful completion of the Fire Officer III required courses.
- 5) Experience Requirements
 - A) The applicant must have current experience in performing administrative duties for a minimum of two years to be certified. Individuals applying with prior experience shall be evaluated individually.
 - B) Documentation of work experience as a Provisional Fire Officer III (see subsection (a)(5)(C)) shall consist of:
 - i) Completion of a specified Office checklist showing completion of work experience related to objectives.
 - ii) The official job description of the applicant signed by the Fire Chief or, in the case of the applicant being the Fire Chief, the Supervisor of the Fire Chief (such as Mayor, President of Trustees, or similar official).
 - iii) An official, legible, definitive department organization chart on fire department letterhead, signed by the Fire Chief or, in the case of the applicant being the Fire Chief, the

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Supervisor of the Fire Chief (such as Mayor, President of Trustees, or similar official).

- C) Until such time as the experience requirement is met, the Fire Officer III candidate will receive a certificate attesting to his/her Provisional Qualification as a Fire Officer III. Provisionally qualified status does not certify the individual as a Fire Officer III. Provisional qualification can only be given after completion of all formal courses.
 - D) A person possessing a certificate as a Provisional Fire Officer II may take and be reimbursed for Fire Officer III courses (see Subpart E). However, an individual must be certified as a Fire Officer II to receive Provisional Fire Officer III certification.
- 6) Application for certification and documentation of work experience.
 - b) A State Written Examination must be administered in accordance with Section 141.308(f).
 - c) Reimbursement may be received for training costs for Fire Officer III (see Subpart E).
 - d) Credit for equivalent courses may be available in accordance with Section 141.120.
 - e) Instructors for Fire Officer III courses must meet the requirements in Section 141.115(c).
 - f) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 141.308(e).

Section 141.318 Fire Service Instructor I

Professional qualifications for Fire Service Instructor I are identified in NFPA 1041. Fire Service Instructor I is defined as an instructor who has demonstrated the knowledge of and ability to deliver instruction effectively from a prepared lesson plan, including instructional aids and evaluation instruments; adapt lesson plans to the unique requirements of the students and authority having jurisdiction; organize the learning environment so that learning is maximized;

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and meet the record keeping requirements of the authority having jurisdiction.

- a) Prerequisites
 - 1) Certification as a Firefighter II (see Section 141.300).
 - 2) Attainment of three years of documented cumulative fire service experience in a fire department.
 - 3) Successful completion of the Fire Service Instructor I course. A current State Teacher's Certification Board Certificate is deemed equivalent to the Fire Service Instructor I course. A copy of the teacher's certificate must be submitted with the Request for Examination form.
 - 4) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification.
 - 5) Application for Certification/Validation-Attestation.
- b) Reimbursement may be received for training costs for a Fire Service Instructor I (see Subpart E).
- c) The instructor of a Fire Service Instructor I course must meet the requirements in Section 141.115(c).
- d) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 141.308(e).
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

Section 141.320 Fire Service Instructor II

Professional qualifications for Fire Service Instructor II are identified in NFPA 1041. The Illinois program does not recognize Fire Service Instructor as a rank because it is not possible to insure that every rank used by local fire or allied field agencies to identify employees would be consistent throughout the State. Fire Service Instructor II is a fire service instructor who, in addition to meeting Fire Service Instructor I qualifications, has demonstrated the knowledge and

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ability to coordinate other instructors and who is capable of using a variety of teaching strategies to develop lesson plans and instructional aids based on a task analysis.

- a) Prerequisites
 - 1) Certification as a Firefighter III (see Section 141.304) and as a Fire Service Instructor I (see Section 141.318).
 - 2) Attained five years of documented fire service experience in a fire department.
 - 3) Successful completion of the Fire Service Instructor II course.
 - 4) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
 - 5) Application for Certification/Validation-Attestation.
- b) Reimbursement may be received for training costs for a Fire Service Instructor II (see Subpart E).
- c) Instructors of a Fire Service Instructor II course must meet the requirements of Section 141.115(c).
- d) Credit for equivalent courses may be available in accordance with Section 141.120.
- e) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 141.308(e).

Section 141.322 Fire Service Instructor III

Professional qualifications for Fire Service Instructor III are in NFPA 1041. The Illinois program does not recognize Fire Service Instructor as a rank because it is not possible to insure that every rank used by local fire or allied field agencies to identify employees would be consistent throughout the State. The Fire Service Instructor III is a certified individual serving in a fire department or allied field agency who, in addition to meeting Fire Service Instructor II qualifications, has demonstrated the knowledge and ability to develop comprehensive training

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curricula and programs for use by single or multiple organizations; conduct organization needs analysis; and develop training goals and implementation strategies.

- a) Prerequisites
 - 1) Certification as a Fire Service Instructor II (see Section 141.320).
 - 2) Attained a minimum of three years in the capacity of a Fire Service Instructor.
 - 3) Successful completion of the Fire Service Instructor III course.
 - 4) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
 - 5) Application for Certification/Validation-Attestation.
- b) Reimbursement may be received for training costs for a Fire Service Instructor III (see Subpart E).
- c) The instructor of a Fire Service Instructor III course must meet the requirements in Section 141.115(c).
- d) Credit for equivalent courses may be available in accordance with Section 141.120.
- e) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 141.308(e).

Section 141.324 Training Program Manager

Professional qualifications for a Training Program Manager are identified in NFPA 1041. The Illinois program does not recognize Training Program Manager as a rank because it is not possible to insure that every rank used by local fire or allied field agencies to identify employees would be consistent throughout the State. The Training Program Manager is a certified individual serving in a fire department or allied field agency who, in addition to meeting Fire Service Instructor II qualifications, has demonstrated the knowledge and ability to administer

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and manage a fire service training program, including budget preparation, personnel management, maintenance of positive public relations and organizational goal setting.

- a) Prerequisites
 - 1) Certification as a Fire Service Instructor II (see Section 141.320).
 - 2) Attained a minimum of five years in the capacity of a Fire Service Instructor II or training officer.
 - 3) Successful completion of the Training Program Manager course.
 - 4) Application for Certification/Validation-Attestation.
 - 5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for a Training Program Manager (see Subpart E).
- c) The instructor of a Training Program Manager course must meet the requirements in Section 141.115(c).
- d) Credit for equivalent courses may be available in accordance with Section 141.120.
- e) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 141.308(e).

Section 141.326 Fire Prevention Officer

Professional qualifications for Fire Prevention Officer, except firefighter qualifications, are identified in NFPA 1031, 1033 and 1035. A Fire Prevention Officer is a person serving in a fire department or allied agency whose primary duties are inspections of a variety of structures, reporting inspection results of fire safety conditions, conducting basic fire investigation, and performing basic fire prevention education activities. The term synonymous with Fire Prevention Officer is Technical Specialist.

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- a) Prerequisites
- 1) Certification as a Firefighter III (see Section 141.304) or successful completion of the Bypass Examination (see Sections 141.220 and 141.240). Entrance into this program through the Bypass Examination is limited to:
 - A) Office personnel.
 - B) Persons employed by fire departments and fire protection districts in fire prevention areas who are prohibited from work in fire suppression.
 - 2) Attainment of three years cumulative fire service experience, which must include one year of experience in fire prevention.
 - 3) Successful completion of the Fire Prevention Officer course.
 - 4) Successful completion of the State written examination (see Section 141.200).
 - 5) Application for Certification/Validation-Attestation.
- b) Modular Training
Fire Prevention Officer training can be taken in a series of modules or as a complete course. The State written examination (see Section 141.200) can be taken by module or by taking the complete examination. When an individual takes the examination by modules, the passed modules will be kept on file until all modules are passed. If an individual is training by module, and then enters a training facility or a college program that instructs the complete program mode, any previously passed modules cannot be used to exempt any portion of the examination; the complete examination must be taken. If an individual fails the complete examination, he or she may elect to then test using the modular system. When an individual elects to be trained using the modular system, he or she may select the order of any module and its examination. (See Section 141.200.)
- c) Reimbursement may be received for training costs for a Fire Prevention Officer (see Subpart E).

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- d) Credit for equivalent courses may be available in accordance with Section 141.120.
- e) The instructor of a Fire Prevention Officer course must meet the requirements in Section 141.115(c).
- f) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 141.308(e).

Section 141.328 Juvenile Firesetter Intervention Specialist

Professional qualifications for a Juvenile Firesetter Intervention Specialist (JFIS) are identified in NFPA 1035. A JFIS is an individual who has the knowledge, skills and responsibility to serve in a fire department or allied field agency to facilitate case management of identified juvenile firesetters for assessment, education and referral purposes.

- a) Prerequisites
 - 1) Certification as Firefighter II (see Section 141.300) or successful completion of the Bypass Examination (see Sections 141.220 and 141.240).
 - 2) Achievement of the following:
 - A) Basic knowledge of educational methods and types of interventions, interagency protocols and abuse, neglect and legal issues as they apply.
 - B) High school diploma or equivalent.
 - 3) The authority having jurisdiction shall attest that the applicant has the required knowledge, skills, education and experience. Application for Certification/Validation-Attestation must be submitted to the Office before the certification is granted.
 - 4) Successful completion of the Juvenile Firesetter Intervention Specialist course.

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- 5) Successful completion of the State written examination (see Section 141.200).
- b) Instructor Requirements
 - 1) See Section 141.115(c).
 - 2) Attainment of three years experience as a Juvenile Firesetter Intervention Specialist.
- c) Credit for equivalent courses may be available in accordance with Section 141.120.
- d) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 141.308(e).

Section 141.330 Public Fire and Life Safety Educator II

Professional qualifications for Public Fire and Life Safety Educator II are identified in NFPA 1035. A Public Fire and Life Safety Educator II is an individual serving in a fire department or allied agency with primary responsibility for the development and dissemination of fire prevention education materials and programs.

- a) Prerequisites
 - 1) Certification as a Fire Prevention Officer (see Section 141.326).
 - 2) Attainment of three years of documented fire prevention experience.
 - 3) Successful completion of the Public Fire and Life Safety Educator II course.
 - 4) Application for Certification/Validation-Attestation.
- b) Reimbursement may be received for training costs for a Public Fire and Life Safety Educator II (see Subpart E).
- c) Credit for equivalent courses may be available in accordance with Section 141.120.

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- d) The instructor of a Public Fire and Life Safety Educator II course must meet the requirements of Section 141.115(c).
- e) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 141.308(e).

Section 141.332 Public Fire and Life Safety Educator III

Professional qualifications for Public Fire and Life Safety Educator III are identified in NFPA 1035. A Public Fire and Life Safety Educator III is a person serving in a fire department or allied agency assigned supervisory and administrative responsibilities within a public fire education program.

- a) Prerequisites
 - 1) Certification as a Public Fire and Life Safety Educator II (see Section 141.330).
 - 2) Attainment of five years of documented fire prevention experience with two years in fire education.
 - 3) Successful completion of the Public Fire and Life Safety Educator III course.
 - 4) Application for Certification/Validation-Attestation.
- b) Reimbursement may be received for training costs for a Public Fire and Life Safety Educator III (see Subpart E).
- c) Credit for equivalent courses may be available in accordance with Section 141.120.
- d) The instructor of a Public Fire and Life Safety Educator III course must meet the requirements of Section 141.115(c).
- e) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 141.308(e).

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Section 141.334 Fire Investigator

Professional qualifications for Fire Investigator are identified in NFPA 1033 and NFPA 921. The Illinois program does not recognize Fire Investigator as a rank because it is not possible to insure that every rank used by local fire departments or allied field agencies to identify persons serving as Fire Investigators would be consistent throughout the State. A Fire Investigator is an individual, serving in an agency or a fire department, specifically responsible for the investigation of fire incidents. The term synonymous with Fire Investigator is Technical Specialist.

- a) Prerequisites
 - 1) Certification as a Firefighter II (see Section 141.300) or successful completion of the Bypass Examination (see Sections 141.220 and 141.240).
 - 2) Successful completion of the Fire Investigator course consisting of three Modules, or Modules I and II and the Arson Investigator course (see Section 141.336).
 - 3) Application for Certification/Validation-Attestation.
 - 4) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for a Fire Investigator (see Subpart E).
- c) The instructor of a Fire Investigator course or an Arson Investigator course must meet the requirements of Section 141.115(c).
- d) Credit for equivalent courses may be available in accordance with Section 141.120.
- e) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 141.308(e).
- f) Re-certification requirements:

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- 1) Certifications expire four years after issuance date.
- 2) Certification as a Fire Investigator.
- 3) Completion of refresher training following the established course objectives identified in NFPA 1033 and NFPA 921, totaling 100 points over a four-year period, attested to by the employing Fire Chief, based on the divisional point system. Point dissemination will be determined by the applicable ad hoc committee. Records of the training will be retained in the fire department records.
- 4) Application for re-certification, signed by employing Fire Chief, verifying completion of training points.
- 5) If certification is not renewed within 90 days after the expiration date, the individuals will be required to complete an approved Fire Investigator Course.

Section 141.336 Arson Investigator

The Illinois program does not recognize Arson Investigator as a rank because it is not possible to insure that every rank used by local fire and police departments or allied field agencies to identify persons serving as Arson Investigators would be consistent throughout the State. An Arson Investigator is an individual who is a full-time paid and sworn employee of the Office or a local governmental agency specifically responsible for the investigation of suspected arson fire incidents.

- a) Prerequisites
 - 1) Certification as a Firefighter II (see Section 141.300) or successful completion of the Bypass Examination (see Sections 141.220 and 141.240).
 - 2) Successful completion of Modules I and II of the Fire Investigator Course (see Section 141.334) or equivalent course (see Section 141.120).
 - 3) Successful completion of an Arson Investigator course approved by the Office and the Illinois Law Enforcement Training and Standards Board, or

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provide proof of equivalent courses to be evaluated by the Executive Director of the Illinois Law Enforcement Training and Standards Board.

- 4) Be employed full-time by a local governmental agency, the Office, or other organization investigating fires and explosions believed to be arson.
 - 5) Application for Certification/Validation-Attestation.
- b) Reimbursement may be received for training costs for an Arson Investigator (see Subpart E).
 - c) Instructor Requirements. Instructors must have demonstrated experience and education in the technical areas to be taught and must be approved by the Office and the Illinois Law Enforcement Training and Standards Board prior to the course offering.
 - d) Firearms Training. Upon successful completion of the Firearms and Physical Training portion of the Arson Investigator program, records of completion shall be forwarded to the Illinois Law Enforcement Training and Standards Board for personnel of fire and police departments or allied field agencies. The Board will review the records and issue appropriate firearms training certificates.
 - e) The Office will issue the Arson Investigator certificate upon receipt of firearms training, physical training, and all other documents from the Illinois Law Enforcement Training and Standards Board.
 - f) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 141.308(e).
 - g) Credit for equivalent courses may be available in accordance with Section 141.120.
 - h) Re-certification requirements:
 - 1) Certifications expire four years after issuance date.
 - 2) Certification as an Arson Investigator.

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- 3) Completion of refresher training following the established course objectives identified in NFPA 1033 and NFPA 921, totaling 100 points over a four-year period, attested to by the employing Fire Chief, based on the divisional point system. Point dissemination will be determined by the applicable ad hoc committee. Records of the training will be retained in the fire department records.
- 4) Application for re-certification, signed by the employing Fire Chief, verifying completion of training points.
- 5) If certification is not renewed within 90 days after the expiration date, the individuals will be required to complete an approved Fire Investigator course.

Section 141.338 Fire Inspector II and Plan Examiner I

Professional qualifications for Fire Inspector II and Plan Examiner I are identified in NFPA 1031. A Fire Inspector II and Plan Examiner I is a person serving in a fire department or allied agency assigned fire inspection and supervisory responsibilities. The term synonymous with Fire Inspector II and Plan Examiner I is Senior Technician.

- a) Prerequisites
 - 1) Certification as a Fire Prevention Officer (see Section 141.326).
 - 2) Attainment of three years of documented experience in fire inspection.
 - 3) Successful completion of the Fire Inspector II and Plan Examiner I course.
 - 4) Application for Certification/Validation-Attestation.
 - 5) Passage of the State written examination (see Section 141.200).
- b) Reimbursement may be received for training costs for a Fire Inspector II and Plan Examiner I (see Subpart E).
- c) Credit for equivalent courses may be available in accordance with Section 141.120.

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- d) An instructor of a Fire Inspector II and Plan Examiner I course must meet the requirements of Section 141.115(c).
- e) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 141.308(e).

Section 141.340 Fire Inspector III and Plan Examiner II

Professional qualifications for Fire Inspector III and Plan Examiner II are identified in NFPA 1031. A Fire Inspector III and Plan Examiner II is a person serving in a fire department or allied agency assigned primarily supervisory and administrative responsibilities within a fire prevention program.

- a) Prerequisites
 - 1) Certification as a Fire Inspector II and Plan Examiner I (see Section 141.338).
 - 2) Attainment of five years of documented experience in fire inspection.
 - 3) Successful completion of the Fire Inspector III and Plan Examiner II course.
 - 4) Application for Certification/Validation-Attestation.
 - 5) Passage of the State written examination (see Section 141.200).
- b) Reimbursement may be received for training costs for a Fire Inspector III and Plan Examiner II (see Subpart E).
- c) Credit for equivalent courses may be available in accordance with Section 141.120.
- d) An instructor of a Fire Inspector III and Plan Examiner II course must meet the requirements of Section 141.115(c).
- e) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 141.308(e).

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Section 141.342 Hazardous Materials Awareness

Hazardous Materials Awareness personnel are fire personnel trained to the level of awareness defined by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) at 29 CFR 1910.120 or the United States Environmental Protection Agency (USEPA) at 40 CFR 311, whichever is appropriate for their jurisdiction. Fire protection personnel at this level of certification are persons who are likely to witness or discover a hazardous substance release or potential release and who have been trained to initiate an emergency response sequence by notifying the proper authorities (local, State, federal, or private resources) of the release. Professional qualifications for Hazardous Materials Awareness personnel are identified in NFPA 472.

- a) Prerequisites
 - 1) Certification as a Firefighter II (see Section 141.300).
 - 2) Successful completion of a Hazardous Materials Awareness course.
 - 3) Passage of the State written examination (see Section 141.200).
 - 4) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for Hazardous Materials Awareness personnel (see Subpart E).
- c) An instructor of a Hazardous Materials Awareness course must meet the requirements of Section 141.115(c).
- d) The course and facility must be approved by the Office as provided in Sections 141.100, 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

Section 141.344 Hazardous Materials First Responder – Operations

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First responders, for the purpose of this level of certification, are fire protection personnel trained to the levels of Awareness and First Responder – Operations as defined in 29 CFR 1910.120. First Responders shall be trained to meet requirements of OSHA (29 CFR 1910.120) or USEPA (40 CFR 311), whichever is appropriate for their jurisdiction. Fire protection personnel at this level of certification are both: persons who are likely to witness or discover a hazardous substance release or potential release and who have been trained to initiate an emergency response sequence by notifying the proper authorities (local, State, federal, or private resources) of the release; and persons who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures. Hazardous Materials First Responder – Operations is designed as the introductory step in the acquisition of knowledge and skills required to safely mitigate a release or potential release of hazardous substances and is defined as meeting the requirement for fire protection personnel under 29 CFR 1910.120. Professional qualifications for Hazardous Materials First Responder – Operations are identified in NFPA 472.

- a) Prerequisites
 - 1) Certification as a Firefighter II (see Section 141.300).
 - 2) Successful completion of a Hazardous Materials First Responder – Operations course.
 - 3) Passage of a State practical skills examination (see Sections 141.200 and 141.300(g)).
 - 4) Passage of the State written examination (see Section 141.200).
 - 5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for a Hazardous Materials First Responder – Operations (see Subpart E).
- c) An instructor of a Hazardous Materials First Responder - Operations course must meet the requirements of Section 141.115(c).

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- d) The course and facility must be approved by the Office as provided in Sections 141.100, 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

Section 141.346 Hazardous Materials Technician

Hazardous Materials Technician is a series of two courses designed for the training and development of Hazardous Materials Response Team Members. Hazardous Materials Technicians are individuals who respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role than a First Responder at the operations level in that they will approach the point of release in order to plug, patch or otherwise stop the release of a hazardous substance. Hazardous Materials Technician A involves procedures for and entry into the "hot zone". Hazardous Materials Technician B involves rescue procedures, tactics and strategy. Both Hazardous Materials Technician A and Technician B are required to satisfy the requirements in NFPA 472. Technicians are trained to meet requirements of OSHA (29 CFR 1910.120) or USEPA (40 CFR 311), whichever is appropriate for their jurisdiction. This program is designed to meet the requirements of 29 CFR 1910.120.

- a) Prerequisites – Hazardous Materials Technician A
 - 1) Certification as a Hazardous Materials First Responder – Operations (see Section 141.344).
 - 2) Successful completion of the Hazardous Materials Technician A course.
 - 3) Passage of the State written examination (see Section 141.200).
 - 4) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(g)).
 - 5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Prerequisites – Hazardous Materials Technician B

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- 1) Certification as a Hazardous Materials Technician A (see subsection (a)).
 - 2) Successful completion of the Hazardous Materials Technician B course.
 - 3) Passage of the State written examination (see Section 141.200).
 - 4) Passage of the State practical skills examination (see Sections 141.200 and 141.300(g)).
 - 5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- c) Reimbursement may be received for training costs for a Hazardous Materials Technician (see Subpart E).
 - d) An instructor of a Hazardous Materials Technician A or B course must meet the requirements of Section 141.115(c).
 - e) The course and facility must be approved by the Office as provided in Sections 141.100, 141.110 and 141.115.
 - f) Credit for equivalent courses may be available in accordance with Section 141.120.

Section 141.348 Hazardous Materials Incident Command

Hazardous Materials Incident Command is designed for the training of Certified Hazardous Materials First Responders and Technicians to manage a hazardous materials emergency incident. An Incident Command System fixes command on one particular individual or a group of individuals throughout the incident to ensure a strong visible direct command. If the incident is above the level of training of the Incident Commander, management of all tactical operations shall be delegated to an appropriately trained individual. This does not relieve the Incident Commander of the responsibilities outlined in OSHA 1910.120(q)(3). This course has been developed to meet the requirements of OSHA (29 CFR 1910.120) or USEPA (40 CFR 311), whichever is appropriate for the jurisdiction. Professional qualifications for Incident Command are identified in NFPA 472.

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- a) Prerequisites
 - 1) Certification as a Hazardous Materials First Responder – Operations (see Section 141.344).
 - 2) Successful completion of the Hazardous Materials Incident Command course.
 - 3) Passage of the State written examination (see Section 141.200).
 - 4) Passage of the State practical skills examination (see Sections 141.200 and 141.300(g)).
 - 5) Application for Certification/Validation-Attestation.
 - 6) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for a Hazardous Materials Incident Command (see Subpart E).
- c) An instructor of a Hazardous Materials Incident Command course must meet the requirements of Section 141.115(c).
- d) The course and facility must be approved by the Office as provided in Sections 141.100, 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

Section 141.350 Technical Rescue Awareness

Technical Rescue Awareness is designed to give first due companies a basic awareness of requirements and hazards at technical rescue incidents. Training will meet standards of NFPA 1670. Professional qualifications require completion of the approved Technical Rescue Awareness course. Technical Rescue Awareness is designed as the introductory step in the acquisition of knowledge and skills required for first due company operations.

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- a) Prerequisites
 - 1) Certification as a Firefighter II (see Section 141.300).
 - 2) Successful completion of the Technical Rescue Awareness course.
 - 3) Successful completion of the State written examination (see Section 141.200).
 - 4) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for Technical Rescue Awareness (see Subpart E).
- c) An instructor of a Technical Rescue Awareness course must meet the requirements of Section 141.115(c).
- d) The course and facility must be approved by the Office as provided in Sections 141.100, 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

Section 141.352 Rescue Specialist – Confined Space

Rescue Specialist – Confined Space is designed to give fire service personnel the basic knowledge and skills to safely perform confined space rescue as defined by the Illinois Department of Labor (56 Ill. Adm. Code 350.280) and OSHA (29 CFR 1910.146).

- a) Prerequisites
 - 1) Certification as a Rescue Specialist – Vertical I or Rope Operations (see Section 141.367).
 - 2) Successful completion of the Confined Space course. Prerequisite for taking the course is successful completion of Confined Space/Trench Awareness or Technical Rescue Awareness course and Vertical I course.

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- 3) Passage of the State written examination (see Section 141.200).
 - 4) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(g)).
 - 5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for a Rescue Specialist – Confined Space (see Subpart E).
 - c) Special Instructor Requirements
 - 1) Instructor of Record shall be certified as a Fire Service Instructor II (see Section 141.320) and Rescue Specialist – Confined Space.
 - 2) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record. There shall be at least one instructor for each six students.
 - 3) All other instructors on site shall be a minimum of Fire Service Instructor I (see Section 141.318) and certified as a Rescue Specialist – Confined Space.
 - d) The course and facility must be approved by the Office as provided in Sections 141.110 and 141.115.
 - e) Credit for equivalent courses may be available in accordance with Section 141.120.

Section 141.354 Trench Operations

Trench Operations is designed to give fire service personnel the basic knowledge and skills to safely perform trench stabilization, shoring equipment placement, and excavation and freeing of the victim from engulfment, as defined by NFPA 1670 and OSHA (29 CFR 1926, subpart P).

- a) Prerequisites

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- 1) Certification in Technical Rescue Awareness (see Section 141.350) or Rescue Specialist - Confined Space (see Section 141.352).
 - 2) Successful completion of the Trench Operations course. Prerequisite for taking the course is successful completion of Confined Space/Trench Awareness or Technical Rescue Awareness course (see Section 141.350).
 - 3) Passage of the State written examination (see Section 141.200).
 - 4) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(g)).
 - 5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for Trench Operations (see Subpart E).
- c) Special Instructor Requirements
- 1) Instructor of Record shall be certified as a Fire Service Instructor II (see Section 141.320) and certified in Trench Operations.
 - 2) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record. There shall be at least one instructor for each six students.
 - 3) All other instructors on site shall be a minimum of Fire Service Instructor I (see Section 141.318) and certified in Trench Operations.
- d) The course and facility must be approved by the Office as provided in Sections 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

Section 141.356 Trench Technician

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Trench Technician is designed to give fire service personnel the basic knowledge and skills to safely perform trench stabilization, shoring equipment placement, and excavation and freeing of the victim from engulfment as defined by NFPA 1670 and OSHA (29 CFR 1926, subpart P).

- a) Prerequisites
 - 1) Certification in Trench Operations (see Section 141.354) or Rescue Specialist/Trench.
 - 2) Successful completion of the Trench Technician course. Prerequisite for taking the course is successful completion of the Trench Operations (see Section 141.354) or Rescue Specialist/Trench course.
 - 3) Passage of the State written examination (see Section 141.200).
 - 4) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(g)).
 - 5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for Trench Operations (see Subpart E).
- c) Special Instructor Requirements
 - 1) Instructor of Record shall be certified as a Fire Service Instructor II (see Section 141.320) and certified in Trench Technician.
 - 2) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record. There shall be at least one instructor for each six students.
 - 3) All other instructors on site shall be a minimum of Fire Service Instructor I (see Section 141.318) and certified in Trench Technician.

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- d) The course and facility must be approved by the Office as provided in Sections 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

Section 141.358 Rescue Specialist – Vertical II

Rescue Specialist – Vertical II is designed to give fire service personnel the basic knowledge and skills to safely perform advanced high angle and below grade rescues as defined by NFPA 1983 and OSHA (29 CFR 1910.146).

- a) Prerequisites
 - 1) Certification as a Rescue Specialist – Vertical I or Rope Operations (see Section 141.367).
 - 2) Successful completion of the Vertical II approved course. Prerequisite for taking the Vertical II course is successful completion of the Rescue Specialist - Vertical I or Rope Operations (see Section 141.367) course.
 - 3) Passage of the State written examination (see Section 141.200).
 - 4) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(g)).
 - 5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for a Rescue Specialist – Vertical II (see Subpart E).
- c) Special Instructor Requirements
 - 1) Instructor of Record shall be certified as a Fire Service Instructor II (see Section 141.320) and Rescue Specialist – Vertical II.
 - 2) There shall be a minimum of two instructors per course, one of whom is

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an Instructor of Record. There shall be at least one instructor for each six students.

- 3) All other instructors on site shall be a minimum of Fire Service Instructor I (see Section 141.318) and certified in Rescue Specialist - Vertical II.
- d) The course and facility must be approved by the Office as provided in Sections 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

Section 141.360 Structural Collapse Operations

Structural Collapse Operations is designed to give fire service personnel the basic knowledge and skills to safely perform structural collapse rescues as defined by NFPA 1670.

- a) Prerequisites
 - 1) Certification in Technical Rescue Awareness (see Section 141.350).
 - 2) Successful completion of Structural Collapse Operations course. Prerequisite for taking the Structural Collapse Operations course is successful completion of the Technical Rescue Awareness (see Section 141.350) or Structural Collapse Awareness course.
 - 3) Passage of the State written examination (see Section 141.200).
 - 4) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(g)).
 - 5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for Structural Collapse Operations (see Subpart E).
- c) Special Instructor Requirements

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- 1) Instructor of Record shall be certified as a Fire Service Instructor II (see Section 141.320) and in Structural Collapse Operations.
- 2) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record. There shall be at least one instructor for each six students.
- 3) All other instructors on site shall be a minimum of Fire Service Instructor I (see Section 141.318) and certified in Structural Collapse Operations.
- d) The course and facility must be approved by the office as provided in Sections 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

Section 141.362 Structural Collapse Technician

Structural Collapse Technician is designed to give fire service personnel the basic knowledge and skills to safely perform structural collapse rescues as defined by NFPA 1670.

- a) Prerequisites
 - 1) Certification in Structural Collapse Operations (see Section 141.360).
 - 2) Successful completion of Structural Collapse Technician course. Prerequisite for taking the Structural Collapse Technician course is successful completion of the Structural Collapse Operations (see Section 141.360) course.
 - 3) Passage of the State written examination (see Section 141.200).
 - 4) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(g)).
 - 5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.

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- b) Reimbursement may be received for training costs for Structural Collapse Technician (see Subpart E).
- c) Special Instructor Requirements
 - 1) Instructor of Record shall be certified as a Fire Service Instructor II (see Section 141.320) and in Structural Collapse Technician.
 - 2) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record. There shall be at least one instructor for each six students.
 - 3) All other instructors on site shall be a minimum of Fire Service Instructor I (see Section 141.318) and certified as Structural Collapse Technician.
- d) The course and facility must be approved by the office as provided in Sections 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

Section 141.364 Vehicle and Machinery Operations

The Vehicle and Machinery Operations certification is designed to give fire service personnel the basic knowledge and skills to safely perform vehicle and machinery rescues as defined by NFPA 1670.

- a) Prerequisites
 - 1) Certification in Technical Rescue Awareness (see Section 141.350).
 - 2) Successful completion of the Vehicle and Machinery Operations course. Prerequisite for taking the Vehicle and Machinery Operations course is successful completion of the Technical Rescue Awareness (see Section 141.350).
 - 3) Passage of the State written examination (see Section 141.200).

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- 4) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(g)).
- 5) Engagement in fire fighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for Vehicle and Machinery Operations (see Subpart E).
- c) Special Instructor Requirements
 - 1) Instructor of Record shall be certified as a Fire Service Instructor II (see Section 141.320) and Vehicle and Machinery Operations.
 - 2) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record. There shall be at least one instructor for each eight students.
 - 3) All other instructors on site shall be a minimum of a Fire Service Instructor I (see Section 141.318) and certified in Vehicle and Machinery Operations.
- d) The course and facility must be approved by the Office as provided in Sections 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

Section 141.366 Vehicle and Machinery Technician

The Vehicle and Machinery Technician certification is designed to give fire service personnel the basic knowledge and skills to safely perform vehicle and machinery rescues as defined by NFPA 1670.

- a) Prerequisites

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- 1) Certification in Vehicle Machinery Operations (see Section 141.364), Hazardous Materials First Responder Operations (see Section 141.344) and Rope Operations (see Section 141.367).
 - 2) Successful completion of the Vehicle and Machinery Technician course. Prerequisite for taking the Vehicle and Machinery Technician course is successful completion of the Vehicle and Machinery Operations course (see Section 141.364).
 - 3) Passage of the State written examination (see Section 141.200).
 - 4) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(g)).
 - 5) Engagement in fire fighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for Vehicle and Machinery Technician (see Subpart E).
- c) Special Instructor Requirements
- 1) Instructor of Record shall be certified as a Fire Service Instructor II (see Section 141.320) and Vehicle and Machinery Technician.
 - 2) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record. There shall be at least one instructor for each eight students.
 - 3) All other instructors on site shall be a minimum of a Fire Service Instructor I (see Section 141.318) and certified as Vehicle and Machinery Technician.
- d) The course and facility must be approved by the Office as provided in Sections 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

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Section 141.367 Rope Operations

The Rope Operations certification is designed to give fire service personnel the basic knowledge and skills to safely perform rope rescues as defined by NFPA 1670.

- a) Prerequisites
 - 1) Certification in Rescue Specialist/Confined Space/Trench Awareness or Technical Rescue Awareness (see Section 141.350).
 - 2) Successful completion of the Rope Operations course. Prerequisite for taking the Rope Operations course is successful completion of the Rescue Specialist/Confined Space/Trench Awareness or Technical Rescue Awareness course (see Section 141.350).
 - 3) Passage of the State written examination (see Section 141.200).
 - 4) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(g)).
 - 5) Engagement in fire fighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for Rope Operations (see Subpart E).
- c) Special Instructor Requirements
 - 1) Instructor of Record shall be certified as a Fire Service Instructor II (see Section 141.320) and Rope Operations.
 - 2) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record. There shall be at least one instructor for each eight students.
 - 3) All other instructors on site shall be a minimum of a Fire Service Instructor II (see Section 141.318) and certified as Rope Operations.

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- d) The course and facility must be approved by the Office as provided in Sections 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

Section 141.368 Motorsports Safety Technician

Motorsports Safety Technician is designed to address planning, training, personnel, equipment and facilities as they relate to emergency and safety operations at motorsports venues as defined by NFPA 610.

- a) Prerequisites
 - 1) Certification in Firefighter II (see Section 141.300).
 - 2) Successful completion of Motorsports Safety Technician course.
 - 3) Passage of State written examination (see Section 141.200).
 - 4) Passage of State practical examinations (see Section 141.300(g)).
 - 5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for Motor Sports Fire and Rescue (see Subpart E).
- c) Instructor Requirements
 - 1) Instructor of Record shall be a certified Instructor II and Motorsports Safety Technician.
 - 2) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record, and one instructor for each additional six students.

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- 3) All other instructors on site shall be a minimum of Instructor I and certified Motorsports Safety Technician.
- d) The course and facility must be approved by the Office as provided in Sections 141.110 and 141.115.
- e) Credit for equivalency courses may be available in accordance with Section 141.120.

Section 141.370 Fire Service Vehicle Operator

Fire Service Vehicle Operator is designed to give fire service personnel the basic knowledge and skills to safely perform fire service vehicle operations as defined by NFPA 1451.

- a) Prerequisites
 - 1) Certification as Firefighter II (see Section 141.300) for full certification. If individual is not certified as a Firefighter II, a provisional certification will be awarded until Firefighter II certification is achieved.
 - 2) Successful completion of Fire Service Vehicle Operator course.
 - 3) Passage of the State written examination (see Sections 141.200).
 - 4) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(g)).
 - 5) Completion of an additional 8 hours of documented driving of the vehicles in use by the employing authority having jurisdiction.
 - 6) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for Fire Service Vehicle Operator (see Subpart E).
- c) An instructor of a Fire Service Vehicle course must meet the requirements of Section 141.115(c).

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- d) The course and facility must be approved by the Office as provided in Sections 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

Section 141.372 Water Operations

Water Operations is designed to give fire service personnel the basic knowledge and skills to safely perform water rescues as defined by NFPA 1670.

- a) Prerequisites
 - 1) Certification in Technical Rescue Awareness (see Section 141.350) and Rope Operations (see Section 141.367).
 - 2) Successful completion of Water Operations course. Prerequisite for taking the Water Operations course is successful completion of the Technical Rescue Awareness course (see Section 141.350) and Rope Operations course (see Section 141.367).
 - 3) Passage of the State written examination (see Section 141.200)
 - 4) Passage of the State practical skills examinations (see Sections 141.200 and 141.300(g)).
 - 5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act, as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for Water Operations (see Subpart E).
- c) Special Instructor Requirements
 - 1) Instructor of Record shall be certified as a Fire Service Instructor II (see Section 141.320) and Water Operations.

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- 2) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record. There shall be at least one instructor for each six students.
- 3) All other instructors on site shall be a minimum of Fire Service Instructor I (see Section 141.318) and certified in Water Operations.
- d) The course and facility must be approved by the Office as provided in Sections 141.110 and 141.115.
- e) Credit for equivalent courses may be available in accordance with Section 141.120.

Section 141.380 Invalidation of Certification

- a) Invalidation of certification will be processed when:
 - 1) Certification was awarded based on falsified office documentation, i.e., Application for Certification/Validation-Attestation, Request for Examination, etc.
 - 2) Certification was awarded based on falsified training records.
 - 3) The individual has been convicted of a felony, crime of moral turpitude, or criminal act arising out of employment as a firefighter according to applicable State of Illinois regulation.
 - 4) Cheating on the State examination, including obtaining the exam prior to the examination date.
- b) Records of invalidation of certifications will be retained by the Office.
- c) An individual whose certification is invalidated under subsection (a) may request a hearing within 20 days after the event. Section 141.50 will govern appeal hearings.

SUBPART E: REIMBURSEMENT

Section 141.400 Rules and Regulations for Reimbursement

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- a) The Illinois Fire Protection Training Act [50 ILCS 740] mandates the Office to reimburse *local governmental agencies or individuals participating in the training program in an amount equaling 1/2 of the sum total paid by them during the period established by the Office for tuition at training facilities, salary of trainees while in school, necessary travel expenses and room and board for each trainee.* In addition to reimbursement for trainees, *the Office in each year shall reimburse the local governmental agencies participating in the training program for permanent fire protection personnel in the same manner as trainees for each such training program.* (Section 10 of the Act)
- b) Section 10 of the Act also specifies that in the event that the annual appropriation for the reimbursement funding is insufficient to pay reimbursement in full (i.e., at the 50% level), *the appropriation shall be apportioned among the participating local governmental agencies.* Further, *no local government agency which shall alter or change in any manner any of the training programs as promulgated under the Act or fail to comply with rules and regulations promulgated under the Act shall be entitled to receive any matching funds under the Act.*
- c) Section 9 of the Act mandates that local governmental agencies *shall require by ordinance that a trainee complete a basic course approved by the Office, and pass the State test for certification at the basic level within the probationary period as established by the local governmental agency, as a prerequisite to reimbursement. A certified copy of the Ordinance must be on file with the Office.*

Section 141.405 Prerequisites for Participation for Reimbursement

- a) Local governmental agencies electing to participate for reimbursement under the Act shall so provide by local ordinance. A sample ordinance may be obtained from the Office. To apply for reimbursement, the local governmental agency must also agree to abide by all rules and regulations for the training of firefighters.
- b) Individuals who are employed as firefighters meeting the requirements in the Act by local governmental agencies that have elected to participate for reimbursement may submit claims for reimbursement for expenses incurred during the training period. Reimbursement for individuals is limited to tuition, travel expenses and room and board. Reimbursable expenses are subject to the requirements and limitations of this Part and 80 Ill. Adm. Code 2800 (Travel).

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- c) Payments to individuals, units of local government, and governmental agencies are limited to reimbursement.

Section 141.410 Requirements

The Office defines the minimum basic requirement to be completed by a recruit or trainee prior to becoming a permanent member of the fire department to be the Firefighter II level. All local governmental agencies electing to participate for reimbursement must have all firefighter trainees certified at the Firefighter II level by the end of their probationary period. The probationary period will be determined by the local governmental agency. The failure of any trainee to complete Firefighter II certification within the required probationary period will render that individual and local governmental agency ineligible for reimbursement funding for basic training for that individual in the calendar year in which his probationary period ends. The individual may later become certified without reimbursement.

Section 141.415 Claim Forms

Forms upon which to claim reimbursement for training expenses are available from the Office, Division of Personnel Standards and Education. These forms require local governmental agencies to prove costs of transportation, room and board, tuition, and salary for the training of firefighters. Receipts must be attached evidencing the claims. Facsimiles that have the same format as Office forms will be accepted, with prior approval.

Section 141.420 Claim Deadline

Municipalities, fire protection districts and individuals are encouraged to submit claims as soon as possible after the successful completion of any reimbursable training.

- a) Claims for reimbursement can be made only for training within dates specified by the Office and may not include prior or subsequent training.
- b) For a calendar year (January 1-December 31), the deadline for the receipt of claim forms is 5:00 p.m. on February 28.
- c) In the event that February 28 falls on a Saturday or Sunday, the claim forms must be received by the Office by 5:00 p.m. on the next business day.
- d) Claim forms must be received by the Office, and not mailed, by the specified

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dates. Any claim forms arriving after the deadline date will not be processed for reimbursement and will be denied.

Section 141.425 Amount of Reimbursement

The Office will reimburse up to 50% of the following costs:

- a) Salary
 - 1) Salary, according to an opinion from the Attorney General, is that sum actually paid to a trainee while in school by the employer (local governmental agency). It does not include employer contributions to insurance and pension programs, but does include contributions deducted from a trainee's salary for insurance and retirement.
 - 2) The formula for computing a trainee's hourly salary is yearly salary divided by the number of hours for which paid. It is realized that hourly shifts may vary from 40 to 56 or more hours per week. In such instances, the formula should be adjusted to most nearly reflect the above definition.
 - 3) If there is a variation in an individual's salary or between firefighters of equal grade, the claimant should explain these variations on the claim form, e.g.:

A) Promotion	100 hours @ \$4.65
	50 hours @ \$5.28
	OR
B) 1½ time overtime	100 hours @ \$4.65
	50 hours @ \$6.98
- b) Tuition and/or registration fees.
- c) Food, not to exceed amounts allowed by 80 Ill. Adm. Code 2800.
- d) Transportation costs, not to exceed amounts allowed by 80 Ill. Adm. Code 2800.
 - 1) If the course is five or more consecutive days and lodging is available

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(availability means that hotels, motels, dormitories, or other sleeping facilities may be hired for overnight lodging in the nearby vicinity), the Office will reimburse for one round trip to the training center per week for the duration of the course.

- 2) If the course is offered on non-consecutive days, the Office will reimburse round trip transportation costs for each day.
- 3) If the course is offered on consecutive days (e.g., Saturday and Sunday) and overnight lodging is available, the Office will reimburse for only one round trip per consecutive day period (e.g., six round trips for a course offered on six weekends).
 - A) If the travel distance is less than 50 miles, the Office will only reimburse for each round trip.
 - B) If the travel distance is 50 miles or greater and lodging is available, the Office will reimburse for one round trip and lodging costs per consecutive day period.
- 4) Reimbursement for mileage will only be provided for one person when two or more persons travel together, as in car pools.
- e) Lodging, not to exceed lodging costs approved under 80 Ill. Adm. Code 2800.
- f) The Office will reimburse for other expenses in the amount authorized for Office employees by 80 Ill. Adm. Code 2800 or the amount requested by the local governmental agency or individual, whichever is less.
- g) Applicants for reimbursement can contact the Office for a list of current reimbursement limits prescribed by 80 Ill. Adm. Code 2800.
- h) The following are the maximum hours for which reimbursement may be claimed:
 - 1) Firefighter II 450 hours
 - 2) Airport Firefighter 54 hours
 - 3) Firefighter III 450 hours

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4) Fire Apparatus Engineer	54 hours
5) Fire Officer I	324 hours
6) Fire Department Incident Safety Officer	54 hours
7) Fire Officer II	324 hours
8) Fire Officer III	400 hours
9) Fire Service Instructor I	54 hours
10) Fire Service Instructor II	54 hours
11) Fire Service Instructor III	54 hours
12) Training Program Manager	54 hours
13) Fire Prevention Officer	120 hours
14) Public Fire and Life Safety Educator II	40 hours
15) Public Fire and Life Safety Educator III	40 hours
16) Fire Investigator	120 hours
17) Arson Investigator	200 hours
18) Fire Inspector II and Plan Examiner I	120 hours
19) Fire Inspector III and Plan Examiner II	40 hours
20) Hazardous Materials Awareness	450 hours
21) Hazardous Materials First Responder - Operations	450 hours
22) Hazardous Materials Technician A and B	108 hours
23) Hazardous Materials Incident Command	24 hours
24) Technical Rescue Awareness	12 hours
25) Rescue Specialist - Confined Space	54 hours
26) Trench Operations	24 hours
27) Trench Technician	32 hours
28) Rescue Specialist - Vertical II	54 hours

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29) Structural Collapse Operations	54 hours
30) Structural Collapse Technician	54 hours
31) Vehicle and Machinery Operations	54 hours
32) Vehicle and Machinery Technician	54 hours
33) Motor Sports Fire and Rescue	16 hours
34) Fire Service Vehicle Operator	12 hours
35) Water Operations	32 hours

- i) Reimbursement is not available for repeat courses.

Section 141.450 Appropriations

In accordance with the enabling legislation, in the event that the appropriation for reimbursement for training of fire protection personnel is insufficient to meet all claims at the 50% level, all claims will be reduced proportionately and all claims will be paid in the same proportion. No more than 50% of the reimbursements distributed to local governmental agencies in any calendar year shall be distributed to local governmental agencies of more than 500,000 persons.

Section 141.460 Advanced Training Programs

Municipalities may participate in training programs beyond the Firefighter II level at their option. Municipalities participating in these advanced training programs will be subject to the applicable rules and regulations for advanced training, and are eligible for reimbursement funding for those courses.

SUBPART F: FEES

Section 141.500 Fees

The Office hereby adopts the following fee schedule for the Division of Personnel Standards and Education:

- | | |
|---|-------|
| a) Approval Review of Facilities (Sections 141.100 and 141.110) | \$0 |
| b) Review of Equivalency Courses (Section 141.120) | \$100 |

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c) Review of Course Approval Requests (Section 141.115)	\$0
d) Fee for Certificates (all training levels)	\$0
e) Fee for Special Examination Sites Not on Regular Schedule	\$400

Section 141.505 Waiver of Fees

The Office, at its sole discretion, may waive the fee required by Section 141.500(e) if the department demonstrates, to the satisfaction of the Division Director, one of the following:

- a) The department is volunteer or paid on call;
- b) There is no fee charged any attendee for the class, not including instructional materials;
- c) Attendance at the examination by department personnel would reduce the level of available responders below minimum safety standards;
- d) Attendance at a regularly scheduled examination would cause detrimental effects on attendees' full-time job responsibilities;
- e) The department budget is less than 100 times the cost of the examination; or
- f) The department makes a specific request and provides justification for an exemption.

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1) Heading of the Part: Pyrotechnic Distributor And Operator Licensing Rules

2) Code Citation: 41 Ill. Adm. Code 230

<u>Section Numbers:</u>	<u>Adopted Action:</u>
230.10	New
230.20	New
230.25	New
230.30	New
230.40	New
230.50	New
230.60	New
230.70	New
230.80	New
230.90	New
230.100	New
230.110	New
230.120	New
230.130	New
230.140	New
230.150	New
230.160	New
230.170	New
230.180	New
230.190	New
230.200	New
230.210	New
230.220	New
230.230	New
230.240	New
230.250	New
230.260	New
230.270	New
230.280	New
230.APPENDIX A	New
230.APPENDIX B	New

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- 4) Statutory Authority: Authorized by implementing Section 4.1 of the Fireworks Use Act [425 ILCS 35/4.1] and Section 30 of the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/30]
- 5) Effective Date of Adopted Rules: June 5, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL, and is available for public inspection.
- 9) Notice of Proposed Rules published in the Illinois Register: February 16, 2007; 31 Ill. Reg. 2795
- 10) Has JCAR issued a Statement of Objection to this rulemaking? Yes
 - A) Statement of Objection: June 1, 2007; 31 Ill. Reg. 7668
 - B) Agency Response: June 8, 2007; 31 Ill. Reg. 8879
- 11) Differences between proposed and final versions:

In Section 230.20 deleted: ", and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act."

In Section 230.70 deleted language: "equivalent training, as approved by the Office" and inserted:

 - c) The applicant must provide proof of successful completion of the DNR training program for pyrotechnic displays, including a current DNR individual explosives license number, "or another program that OSFM determines to be substantially equivalent."

In Section 230.200 added language in parenthesis to subparagraph (d):

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- d) The Office may require other information from the licensee relating to displays "(for example, how safe was the device, how was the device used, why was this device chosen over another, what type of powder was used, etc.).".
- 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 to this Part? No
- 15) Summary and Purpose of Rules: The rules are intended to carry out the purpose and requirements of the Fireworks Use Act and the Pyrotechnic Distributor and Operator Act to insure the safety of the public before, during and after a pyrotechnic display in the State of Illinois.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

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

Facsimile: 217/782-1062

The full Text of the Adopted Rules begin on the next page :

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

Section	
230.10	Scope
230.20	Definitions
230.25	Incorporated and Referenced Materials
230.30	General Requirements for Pyrotechnic Displays
230.40	Compliance Standards
230.50	Qualifications for Distributor License
230.60	Qualifications for Limited Distributor License
230.70	Qualifications for Outdoor Professional License
230.80	Qualifications for Proximate Audience License
230.90	Qualifications for Flame Effect License
230.100	Application for License
230.110	Proximate Audience and Flame Effect Licensing Review Committee
230.120	Written Examination for Proximate Audience License and/or Flame Effect License
230.130	Use of Assistants
230.140	License Renewal
230.150	Fees
230.160	Possession of License
230.170	Notification to Office
230.180	Replacement and Duplicate License
230.190	Report of Theft or Loss of Fireworks
230.200	Reporting of Professional, Proximate Audience and Flame Effect Displays
230.210	Report of Injury or Property Damage
230.220	Inspections
230.230	Immediate Suspension
230.240	Administrative Actions
230.250	Appeal of an Administrative Action
230.260	Modifications to NFPA 1126
230.270	Modifications to NFPA 160
230.280	Criminal History Investigation
230.APPENDIX A	Propane Flow Diagram: Standard with No Accumulator
230.APPENDIX B	Propane Flow Diagram: Standard with Accumulator

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

SOURCE: Emergency rules adopted at 30 Ill. Reg. 1485, effective January 23, 2006; emergency expired June 21, 2006; adopted at 31 Ill. Reg. 8757, effective June 5, 2007.

Section 230.10 Scope

This Part implements the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227] and applies to all individuals who distribute display fireworks or conduct pyrotechnic displays, or are responsible for the safety, setup, discharge and supervision of a pyrotechnic display in this State. This Part is intended to supplement the requirements of any federal, State or local laws and regulations governing the distribution or sale of fireworks, including the safety, setup, discharge and supervision of pyrotechnic displays, but shall be construed, wherever possible, to avoid conflicting or duplicative requirements. In the event of a conflict between this Part and the laws and rules enforced by agencies of the federal government, including the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Occupational Safety and Health Administration, the laws and rules enforced by agencies of the federal government shall control. However, provisions of this Part shall not be deemed to be in conflict with federal requirements on the basis that they are more specific than, more stringent than, or impose requirements for which no like requirements are contained in, laws and rules enforced by agencies of the federal government. Further, should there be a conflict between this Part and the laws and rules enforced by the local governmental agency, this Part shall control to the extent that provisions of this Part are more specific than, more stringent than, or impose requirements for which no like requirements are contained in, laws and rules enforced by the local governmental agency.

Section 230.20 Definitions

For purposes of this Part, the term:

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

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"Act" means the Pyrotechnic Distributor and Operator Licensing Act.

"Applicant" means an individual applying for a license under this Part.

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

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

"Consumer fireworks" means fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 CFR Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by USDOT under 49 CFR 172.101. "Consumer fireworks" does not include a substance or article exempted under the Fireworks Use Act. [225 ILCS 227/5] USDOT assigns the following division numbers to the above-referenced fireworks identification numbers: UN0336 (1.4G) and UN0337 (1.4S). (See 49 CFR 172.101.)

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

"DNR" means the Illinois Department of Natural Resources.

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

"FBI" means the Federal Bureau of Investigation.

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

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

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

"ISP" means the Illinois Department of State Police.

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

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

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

"NFPA" means the National Fire Protection Association, a nationally recognized standards-making organization.

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

"Officer" means:

if the applicant is a political subdivision of the State, an appointed or elected official; or

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

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

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

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

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

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, commercial entity, state, municipality, or political subdivision of a state or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities. [225 ILCS 227/5]

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

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

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

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

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

"Special effects fireworks" means pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or

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other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such and must be identified as "intended for indoor use". Special effects fireworks are classified as fireworks UN0431 or UN0432 by USDOT under 49 CFR 172.101. [225 ILCS 227/5] USDOT assigns the following division numbers to the above-referenced pyrotechnic article identification numbers: UN0431 (1.4G) and UN0432 (1.4S). (See 49 CFR 172.101.)

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

"USDOT" means the United States Department of Transportation.

Section 230.25 Incorporated and Referenced Materials

- a) The following national regulations and standards are incorporated in this Part:
 - 1) National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471:
 - A) NFPA 101, Life Safety Code (2000)
 - B) NFPA 160, Standard for the Use of Flame Effects Before an Audience (2006)
 - C) NFPA 1123, Code for Fireworks Display (2006)
 - D) NFPA 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience (2006)
 - 2) Federal Statutes
Federal Explosives Law, 40 USC 841
 - 3) Federal Regulations
 - A) ATF
27 CFR 555, Commerce in Explosives (2006)

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- B) Consumer Product Safety Commission
 - i) 16 CFR 1500, Hazardous Substance and Articles; Administration and Enforcement Regulations
 - ii) 16 CFR 1507, Fireworks Devices
- C) USDOT
 - 49 CFR 172.101, Purpose and Use of Hazardous Materials Table (2005)
- b) All incorporations by reference of NFPA standards and federal regulations refer to the standards and regulations on the date specified and do not include any amendments or editions subsequent to the date specified.
- c) The following Illinois statutes and regulations are referenced in this Part:
 - 1) Statutes
 - A) Fireworks Use Act [425 ILCS 35]
 - B) Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227]
 - C) Illinois Explosive Act [225 ILCS 210]
 - 2) State Regulations
 - Department of Central Management Services
 - Travel (80 Ill. Adm. Code 2800)
 - Department of Natural Resources
 - The Illinois Explosive Act (62 Ill. Adm. Code 200)
 - Department of State Police

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Illinois Uniform Conviction Information Act (20 Ill. Adm. Code 1215)

Section 230.30 General Requirements for Pyrotechnic Displays

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

Section 230.40 Compliance Standards

- a) All pyrotechnic displays shall be conducted in accordance with the edition of the following copyrighted standards and recommended practices:
 - 1) NFPA 1123;
 - 2) NFPA 1126, as modified by Section 230.260; or
 - 3) NFPA 160, as modified by Section 230.270.
- b) Storage of display fireworks (1.3G and above) shall comply with the storage requirements set forth by ATF at 27 CFR 555 or by DNR pursuant to Article 3 of the Illinois Explosive Act. Should there be a conflict between the requirements established by ATF and DNR, those requirements that are more specific, more stringent, or impose requirements for which no like requirements are contained in the other agency's requirements shall control.

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- c) In addition to the preceding standards, all indoor pyrotechnic displays must meet the requirements of the Fireworks Use Act and shall only be held in one of the following types of buildings:
- 1) *Buildings having an automatic sprinkler system* protecting the seating area and stage [425 ILCS 35/2.1];
 - 2) Buildings having an automatic sprinkler system protecting the stage that is equipped with a proscenium curtain, as required by NFPA 101, that will automatically deploy in the event of a fire. In no event may an effect be downstage of the proscenium curtain, i.e., on the audience side of the curtain; or
 - 3) Stadia and arenas without automatic sprinkler system protection over the floor area used for contest, performance, or entertainment; over the seating areas; or over open-air concourses where, as required by NFPA 101, Section 12.3.5, Exception 4, an approved engineering analysis substantiated the ineffectiveness of the sprinkler protection due to building height and combustible loading.

Section 230.50 Qualifications for Distributor License

- a) Except as provided in this Section, no license shall be granted to an applicant who has not reached the age of 21 and met the requirements of the Act (in particular Section 35) and paid the required application fee.
- b) The applicant must have a current license from ATF. In the event the applicant's license has expired, the applicant must submit proof from ATF that the license is in the process of being renewed. The Office may issue the applicant temporary authorization to act until ATF renews the applicant's license. In the event the applicant distributes only flame effect pyrotechnic displays, the applicant must submit an affidavit, signed under penalties of perjury, identifying the full extent of pyrotechnic services the applicant provides, and all materials used. With respect to these pyrotechnic services, the applicant shall acknowledge that he or she does not transport, receive, distribute, possess, store, or acquire for use any material that requires an ATF license.
- c) The applicant must have a current Identification Number and Hazardous Materials Registration Number issued by USDOT. In the event the applicant distributes

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only flame effect pyrotechnic displays and/or the applicant never transports materials in quantities that require registration with USDOT, the applicant must submit an affidavit, signed under penalty of perjury. In this affidavit, the applicant shall identify all materials he/she uses in the display services provided, the quantity of each material transported for these displays, and an acknowledgement that the applicant never transports materials in quantities that require registration with USDOT. If the applicant never transports materials in quantities that require registration with USDOT, but takes possession of such materials at the display site, the applicant must maintain a file of all documentation concerning the transportation of those materials and provide copies of the documents to the Office upon request.

- d) At least one officer of a pyrotechnic distributor must be a licensed lead pyrotechnic operator for the type of display services provided.
- e) *An out-of-state person hired for or engaged in a pyrotechnic display must have a pyrotechnic distributor license issued by the Office. [225 ILCS 227/10]*

Section 230.60 Qualifications for Limited Distributor License

- a) Except as provided in this Section, no limited distributor's license shall be granted to an applicant that is not a political subdivision of the State, met the requirements of the Act (in particular Section 35) and paid the required application fee.
- b) Pursuant to Section 845(a)(3) of the Federal Explosives Law, the transportation, shipment, receipt, or importation of explosive materials for delivery to a political subdivision of the State does not require the political subdivision of the State to hold a license issued by ATF.
- c) The applicant must have a current Identification Number and Hazardous Materials Registration Number issued by USDOT. In the event the applicant distributes only flame effect pyrotechnic displays, and/or the applicant never transports materials in quantities that require registration with USDOT, the applicant must submit an affidavit, signed under penalty of perjury. In this affidavit, the applicant shall identify all materials he/she uses in the display services provided, the quantity of each material transported for these displays, and an acknowledgement that the applicant never transports materials in quantities that require registration with USDOT. If the applicant never transports materials in quantities that require registration with USDOT, but takes possession of such

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materials at the display site, the applicant must maintain a file of all documentation concerning the transportation of those materials and provide copies of the documents to the Office upon request.

- d) The applicant must provide, for approval by the Office, *proof of having the requisite knowledge, through training, examination, or continuing education*, of the pyrotechnic materials and pyrotechnic displays it provides. [225 ILCS 227/35(c)(8)]

Section 230.70 Qualifications for Outdoor Professional License

- a) No license shall be granted to an applicant who has not reached the age of 21 and met the requirements of the Act and paid the required application fee.
- b) The applicant must have a current license or a Letter of Clearance from ATF. In the event the applicant's license has expired, the applicant must submit proof from ATF that the license is in the process of being renewed. If an applicant has applied for, but not received, an ATF explosives license or a Letter of Clearance, or if the license is being renewed, the Office may issue the applicant temporary authorization to act until ATF issues the applicant an explosives license or Letter of Clearance, or renews the license.
- c) The applicant must provide proof of successful completion of the DNR training program for pyrotechnic displays, including a current DNR individual explosives license number, or another program that OSFM determines to be substantially equivalent.

Section 230.80 Qualifications for Proximate Audience License

- a) No license shall be granted to an applicant who has not reached the age of 21 and met the requirements of the Act and paid the required application fee.
- b) The applicant must have a current license or a Letter of Clearance from ATF. In the event the applicant's license has expired, the applicant must submit proof from ATF that the license is in the process of being renewed. If an applicant has applied for, but not received, an ATF explosives license or a Letter of Clearance, or if the license is being renewed, the Office may issue the applicant temporary authorization to act until ATF issues the applicant an explosives license or Letter of Clearance, or renews the license.

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- c) The applicant must provide proof of successful completion of the DNR training program for pyrotechnic displays, including a current DNR individual explosives license number, or another program that OSFM determines to be substantially equivalent.
- d) An applicant for a proximate audience license must achieve a passing score of 80% on a written examination administered by the Office in accordance with Section 230.120.
- e) The applicant must submit evidence of experience that includes active participation in the safe performance of at least 10 proximate audience displays. The applicant must have performed the duties of a lead operator in at least 2 of these displays (either pursuant to a license from another state or under the supervision of a lead operator).
- f) Acceptable documentation of experience includes:
 - 1) A copy of a display permit from an issuing authority that lists the applicant as an operator or assistant, including a letter from the issuing authority documenting that there were no injuries or property damage sustained from the display; or
 - 2) A copy of the Illinois Display Report (see Section 230.200).
- g) Due to the special nature of proximate audience displays, the Office may issue either a proximate audience license or a limited proximate audience license that will license the individual to conduct only certain types of displays or effects or limit the show to a certain venue.

Section 230.90 Qualifications for Flame Effect License

- a) No license shall be granted to an applicant who has not reached the age of 21 and met the requirements of the Act and paid the required application fee.
- b) An applicant for a flame effect license must achieve a passing score of 80% on a written examination administered by the Office in accordance with Section 230.120.

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- c) The applicant must submit evidence of experience, which must include active participation as a lead operator or assistant in the safe performance of at least 10 flame effect displays. The applicant must have performed the duties of a lead operator in at least 2 of these flame effect displays (either pursuant to a license from another state or under the supervision of a lead operator).
- d) Acceptable documentation of experience includes:
 - 1) A copy of a display permit from an issuing authority that lists the applicant as an operator or assistant, including a letter from the issuing authority documenting that there were no injuries or property damage sustained from the flame effect display; or
 - 2) A copy of the Illinois Display Report (see Section 230.200).
- e) Due to the special nature of a flame effect display, the Office may issue a flame effect license or a limited flame effect license that will license the individual to conduct only certain types of effects or conduct shows limited to a certain venue.

Section 230.100 Application for License

- a) All applications for a pyrotechnic distributor license shall be signed and submitted on forms provided by the Office and shall include the following information:
 - 1) The name and address of the business. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.
 - 2) The names and personal addresses of all officers of the business, including a copy of each officer's driver's license. This information shall be required from only one officer of a political subdivision of the State.
 - 3) The applicable license fee identified in Section 230.150.
 - 4) A Certificate of Insurance showing proof of not less than *\$1,000,000 in product liability insurance, \$1,000,000 in general liability insurance and proof of Illinois worker's compensation insurance.* [225 ILCS 227/35] The insurance coverage shall provide for 30 days minimum coverage prior to written notice of cancellation to the Office. Insurance coverage shall be

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an occurrence based policy, or its equivalent, and it shall cover all periods of time when pyrotechnic materials, including flame effect materials, are in the insured's actual or constructive possession, including those times when the materials are being stored, transported, handled, used, discharged and displayed. If a political subdivision of the State is self-insured, the applicant shall submit an affidavit acknowledging its self-insurance.

- 5) A copy of the current license issued by ATF or proof from ATF that a license is in the process of being renewed. In the event the applicant distributes only flame effect pyrotechnic displays, the applicant shall submit a sworn affidavit as set forth in Section 230.50(b). In the event the applicant is a political subdivision of the State, the applicant shall submit an affidavit acknowledging its status.
 - 6) The Identification Number and Hazardous Materials Registration Number issued by USDOT. In the event the applicant distributes only flame effect pyrotechnic displays and the applicant never transports materials in quantities that require registration with USDOT, the applicant shall submit a sworn affidavit as set forth in Section 230.50(c).
 - 7) Proof that the applicant met the requirements of Section 230.50.
 - 8) If providing display services, the name of the officer who is licensed for those types of services.
 - 9) In accordance with Section 230.280 of this Part, a fingerprint card in the form and manner required by ISP and the fee specified by ISP for processing fingerprint cards through the ISP criminal history record files (see 20 Ill. Adm. Code 1215.50) and through the FBI criminal history record files.
- b) The pyrotechnic distributor shall submit to the Office the applications of its employees applying for a lead pyrotechnic operator license. All applications for the license shall be signed by the applicant and submitted on forms provided by the Office and must be accompanied by the following additional information:
- 1) A copy of the applicant's driver's license or other government issued identification that includes the date of birth and photograph.

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- 2) A photograph, approximately 1¼" x 1½", taken within the preceding 2 years. The photograph must show the applicant from a front view with his or her full-face and head and shoulders visible. The Office will reject photographs showing the applicant wearing sunglasses, hats, scarves, or any object that obscures the applicant's identity.
- 3) A copy of a current license or a Letter of Clearance from ATF. In the event the applicant's license has expired, the applicant must submit proof from ATF that the license is in the process of being renewed. A current license or Letter of Clearance from ATF is required for both the outdoor display and proximate audience licenses. In the event the applicant has only applied for an ATF explosives license or Letter of Clearance, the applicant shall submit an affidavit, signed under penalty of perjury, with a copy of the completed ATF application attached, acknowledging when he/she submitted an application to ATF for processing.
- 4) In the event the applicant participates in only flame effect pyrotechnic displays, the applicant shall submit an affidavit, signed under penalty of perjury, acknowledging that he/she only participates in the safety, setup, discharge, and supervision of flame effect pyrotechnic displays. The affidavit shall acknowledge that, with regard to the services provided, the applicant does not transport, receive, distribute, possess, store, or acquire for use any material that requires an ATF license.
- 5) The applicable license fee identified in Section 230.150.
- 6) Proof that the applicant met the requirements of Section 230.70(c), 230.80(c) or 230.90(b), whichever is applicable to the respective license.
- 7) References from at least 3 individuals, who are not affiliated with the pyrotechnic distributor who employs the applicant, who can verify the experience reported or any training received by the applicant. All references must include the name, address, phone number, and agency or organization represented by the person submitting the reference. These references can be from permitting officials, law enforcement officials who had oversight at a display, fire department personnel who approved and reviewed pyrotechnic displays performed by the applicant in the past, and other individuals who can attest to the applicant's training, experience, and

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manner in performing displays. In addition, these letters should identify the basis for the opinion expressed in the letter, i.e., how does that person know the applicant and what facts support the opinion expressed in the letter.

- 8) In accordance with Section 230.280 of this Part, a fingerprint card in the form and manner required by ISP and the fee specified by ISP for processing fingerprint cards through the ISP criminal history record files (see 20 Ill. Adm. Code 1215.50) and through the FBI criminal history record files.
- c) Upon receipt and review of the application, the Office shall issue the appropriate license or shall notify the applicant of the reason for the denial of the license.
- d) Depending on an applicant's professional qualifications, as evidenced by information and documents submitted with his/her application, and on the nature and extent of an applicant's planned participation in permitted pyrotechnic displays, the Office may, within its sole discretion, issue a temporary license to an individual during the application process. The temporary license shall expire upon receipt of the appropriate license or notification of denial of the license.

Section 230.110 Proximate Audience and Flame Effect Licensing Review Committee

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

- a) The committee shall consist of the following 3 members:
 - 1) The State Fire Marshal or his/her designee, as chair;
 - 2) One representative from a fire department that has experience in permitting proximate audience and flame effect displays within its jurisdiction; and
 - 3) One representative from a company that has experience in setting up and firing proximate audience and flame effect displays.

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- b) Members shall serve without salary, but may receive reimbursement for reasonable expenses from the Office from appropriations for such purposes, in accordance with 80 Ill. Adm. Code 2800.
- c) All members shall have one vote.
- d) Members shall serve a term of 2 years.
- e) Upon the expiration of a member's term of office, the State Fire Marshal shall reappoint that member or appoint a successor who is a representative of the same interests, as identified in subsection (a).
- f) The State Fire Marshal may, at any time, remove any of the respective appointees for inefficiency or neglect of duty in office. In such instances, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests. Upon the death or incapacity of a member, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests.
- g) The committee shall meet each calendar quarter to review applications and at additional times as the committee deems necessary. The committee does not need to meet if there are no applications to review.

Section 230.120 Written Examination for Proximate Audience License and/or Flame Effect License

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

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- d) Persons failing to achieve a passing score of at least 80% are eligible to retake the examination after 30 days.

Section 230.130 Use of Assistants

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

Section 230.140 License Renewal

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

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- f) Licensees must provide evidence of satisfactory completion of at least 6 hours of continuing education in their respective area of licensure to ensure continued qualification of the licensee. Continuing education may be conducted by a federal or state agency, by an independent organization that has experience in the subject matter, or by the distributor.
- g) *Renewal and reinstatement fees shall be waived for persons who did not renew while on active duty in the military and who file for renewal or restoration within one year after discharge from the service.* [225 ILCS 227/50(b)] These licensees must satisfy all other requirements of this Section in order to renew a license. Proof of service discharge date will be required to receive a waiver of fees.

Section 230.150 Fees

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

Pyrotechnic Distributor License and each renewal	\$500
Limited Pyrotechnic Distributor License and each renewal (only available for political subdivisions of the State)	\$50
Outdoor Professional License and each renewal	\$100
Proximate Audience License, Limited Proximate Audience License and each renewal	\$300
Flame Effect License, Limited Flame Effect License and each renewal	\$300
Replacement license (lost, stolen, or destroyed) or duplicate license (worn, damaged, or address change)	\$25

Section 230.160 Possession of License

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

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Section 230.170 Notification to Office

- a) Written communication with the Office, as identified in this Part shall be mailed to:
- Office of the State Fire Marshal
Pyrotechnic Licensing
1035 Stevenson Drive
Springfield, Illinois 62703-4259
- b) The licensee shall notify the Office in writing within 5 business days after the following events:
- 1) Discovery that his/her license has been lost, stolen or destroyed.
 - 2) ATF license has expired or ATF has terminated, suspended or revoked a license or Letter of Clearance. A copy of any written notice of termination, suspension or revocation shall be sent to the Office.
 - 3) DNR explosives license has expired or DNR has terminated, suspended or revoked the license. A copy of any written notice of termination, suspension or revocation shall be sent to the Office.
 - 4) USDOT has changed the licensee's Identification Number. Proof of the licensee's new Identification Number shall be sent to the Office.
 - 5) USDOT has changed the licensee's Hazardous Materials Registration Number. Proof of the licensee's new registration number shall be sent to the Office.
 - 6) The licensee's insurance company or the licensee has changed any of its insurance coverage. A new Certificate of Insurance showing proof of not less than *\$1,000,000 in product liability insurance, \$1,000,000 in general liability insurance and proof of Illinois worker's compensation insurance* shall be sent to the Office. [225 ILCS 227/35] The insurance coverage shall provide for 30 days minimum coverage prior to written notice of cancellation to the Office and shall comply with Section 230.100(a)(4).

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- 7) A distributor licensee has changed its officers. A sworn statement listing all of the distributor's current officers' names and personal addresses, and copies of each officer's driver's license, shall be sent to the Office.
- 8) A distributor licensee no longer employs a lead operator. The distributor licensee shall provide the Office with the full name and last known address of the lead operator.
- c) The licensee shall notify the Office in writing within 10 days after a change in his/her address or name. Proof that the change in address or name had been done in accordance with the law shall be sent to the Office.

Section 230.180 Replacement and Duplicate License

- a) At any time a license has been lost, stolen or destroyed, the licensee shall notify the Office as required in Section 230.170. Upon receipt of the written notification and the replacement license fee, the Office will issue a replacement license.
- b) At any time a license becomes worn or damaged to the extent that it is illegible in any respect, or the licensee changes his/her address or name, the license must be returned to the Office. Upon receipt of the original license, proof of any changes necessary to maintain correct information as required in Section 230.170, and the duplicate license fee, the Office will issue a duplicate license.

Section 230.190 Report of Theft or Loss of Fireworks

- a) A licensee shall report the theft or loss of fireworks to local law enforcement, DNR, and ATF immediately and to the Office, by telephone, within 8 hours after discovery. The Office may be reached at 217-785-0969 during normal working hours and at the Illinois Emergency Management Agency dispatch number, 800-782-7860, outside normal working hours.
- b) Within 24 hours after discovery of the loss or theft, the Office must be provided written notice that includes a complete description of the fireworks, including the manufacturer, brand name, any manufacturer marking and quantity, and a description of the circumstances surrounding the theft or loss. The written notice shall also identify local law enforcement agencies contacted by the licensee and shall be executed under penalty of perjury.

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Section 230.200 Reporting of Professional, Proximate Audience and Flame Effect Displays

- a) Each licensee shall file an Illinois Display Report with the Office within 30 days following any pyrotechnic display in which he/she acted as the lead operator. The report shall be filed on forms provided by the Office and shall include the names and signatures of all lead operators and assistants.
- b) The licensee shall maintain a copy of the Illinois Display Report and also record and maintain with the report the manufacturer or type, quantity and description of the fireworks.
- c) Licensee shall keep the record for a minimum of 4 years from the date of the display.
- d) The Office may require other information from the licensee relating to displays (for example, how safe was the device, how was the device used, why was this device chosen over another, what type of powder was used, etc.).

Section 230.210 Report of Injury or Property Damage

- a) The licensee shall notify the Office within 8 hours after the following incident:
 - 1) A fire;
 - 2) An injury to any person resulting from the display; or
 - 3) Damage to property in excess of \$500, in the aggregate, resulting from the display.
- b) The Office may be reached at 217-785-0969 during normal working hours and at the Illinois Emergency Management Agency dispatch number, 800-782-7860, outside normal working hours.
- c) The licensee shall submit a written report to the Office within 3 days following a fireworks display conducted by the licensee if any of the following occurred:
 - 1) Any of the incidents identified in subsection (a); or

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- 2) Whenever an unsafe or defective pyrotechnic product or equipment was used or observed.
- d) The Office may require other information from the licensee relating to fireworks displays.

Section 230.220 Inspections

- a) A licensee shall make all records required pursuant to Sections 230.190, 230.200 and 230.210 available to authorized representatives of the Office or the local governmental agency having jurisdiction.
- b) A licensee shall permit the display site and licensee's facility to be inspected at all reasonable times by representatives of the Office or the local governmental agency.

Section 230.230 Immediate Suspension

- a) The Office shall issue an order immediately suspending the license whenever the Office finds, based upon reasonable belief from on-site observation, record inspection by Office personnel, information received from law enforcement personnel or information received from the public, that a licensee:
 - 1) Permitted a person to act as an assistant who did not meet the requirements of Section 230.130; or
 - 2) Violated the Act, this Part or compliance standard that may cause death or serious injury.
- b) The Office shall serve its order of immediate suspension of a license under this Section by personal service. The order shall also be sent by certified mail to the licensee's last known address.
- c) The Office shall serve with the order of immediate suspension a notice containing the information set forth in subsection (a).

Section 230.240 Administrative Actions

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

Section 230.250 Appeal of an Administrative Action

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

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

Section 230.260 Modifications to NFPA 1126

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

- a) Definitions for use in this Section:

"Loading" refers to preparing or mixing for use pyrotechnic material.

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"Mixing room" means the room within the facility used for mixing or loading of pyrotechnic materials. The room shall be secure and shall be proximate to the display area.

- b) The following are additions to the requirements of Chapter 5 (Storage of Pyrotechnic Materials and Devices):
- 1) At any time pyrotechnic materials are stored within the facility, they must be stored in the on-site storage magazine that must be, at minimum, a Type 3 Storage "Day Box" that complies with the requirements set forth by ATF and/or DNR (62 Ill. Adm. Code 200.700) for Type 3 magazines. The magazine shall be located in the mixing room.
 - 2) All pyrotechnic material in the lead operator's possession, when not in use or being loaded, must be stored in the magazine.
 - 3) The mixing room shall be placarded with a "1.4G" USDOT standard placard and a "No Smoking" placard that is 8½" x 11" with 1" lettering.
 - 4) At least one approved 2½ gallon pressurized water fire extinguisher shall be located within 10' of the mixing room and the door shall be locked when not attended. The lead operator shall have a key to the room.
 - 5) The mixing room shall not have carpeting on the floor.
- c) In addition to the requirements of Chapter 8.1 (General Fire Protection), at least 4 pressurized water or pump extinguishers shall be readily available for use (with the manufacturer's instructions).
- d) The following are additions to the requirements of Chapter 8.2 (Firing Prerequisites):
- 1) At no time shall the path of a rocket or grid rocket pass directly over an audience in its travel.
 - 2) All temporary suspended truss components, whether supported from the ground or from a building's ceiling, shall have either a steel aircraft cable 3/8" galvanized wire rope safety backup protecting standard polyester

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spansets (polyester roundslings) or use GACflex™ wire rope soft sling to attach truss to the chain motor.

- e) Section 8.3.6 of Chapter 8.3 (Firing Safeguards) is deleted in its entirety and replaced with the following:
 - 1) Warning signal lights must be used to indicate the impending firing of a concussion special effect. The warning signal lights shall be located at least 25' from the concussion effect but within a distance to warn working personnel and other individuals of the impending concussion effect firing.
 - 2) Warning signs shall be posted backstage and onstage by the warning light to indicate the purpose of the warning signal lights.
- f) In addition to the requirements of Chapter 8.3 (Firing Safeguards), prior to commencement of the live entertainment, an announcement to the patrons of the licensed premises must be made to inform the patrons of the locations of exits and fire escapes at the licensed premises.
- g) Section 8.5.7 of Chapter 8.5 (Safety Precautions) is deleted in its entirety and replaced with the following:

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

Section 230.270 Modifications to NFPA 160

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

- a) Definitions for use in this Section:

"Armed" means confirmation of ignition source.

"Arming" means the key is in the on position, sending a signal to the FSU to light pilot for flame verification.

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"Enable" means the system has power, safety valve open, accumulator charging/propane lines charging.

"ESSV" means Electronic Solenoid Safety Valve.

"FSU" means the Flame Safety Unit, a UL-Approved device to confirm an ignition source.

"Fuel tank " means the tank containing propane.

"Torch" means a gas flame effect no higher than 8" continuously burning, Group I effect.

- b) The following are additions to the requirements of Chapter 7 (Use of Flame Effects):
- 1) There shall be a horizontal clearance of at least 10' between the effect and any overhead obstructions.
 - 2) There shall be a horizontal clearance of at least 10' from any spotlight operator.
 - 3) All temporary suspended truss components, whether supported from the ground or from a building's ceiling, shall have either a steel aircraft cable 3/8" galvanized wire rope safety backup protecting standard polyester spansets (polyester roundslings) or use GACflex™ wire rope soft sling to attach truss to the chain motor.
- c) The following Sections of Chapter 9 (System Components, Flame Effects Control Systems, and Design) are deleted in their entirety and replaced as follows:
- 9.1.1. All flame effect control systems shall be designed and installed to prevent accidental firing and unintentional release of fuel. All firing systems must have at least one key safety interlock and that key should be with the Flame Operator when the unit is not in use.
 - 9.3.2.2. The amount of fuels that are supplied to the flame effects shall be limited to that amount necessary for operation.

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- 9.3.3. All flame effect control systems shall be manually and automatically enabled according to a prescribed sequence of operations outlined in the plan, which prepares the flame effect for subsequent arming and firing.
- 9.3.4. The arming of the effect shall be manually and automatically monitored and confirmed until the effect is fired.
- d) The following are additions to the requirements of Chapter 9 (System Components, Flame Effects Control Systems, and Design):
- 1) The maximum fuel tank size allowed inside a building or facility is 20 lbs.
 - 2) Hoses shall be located and protected to minimize exposure to physical damage or exposure to abnormally high temperatures, such as temperatures that might result from exposure to convection or radiation from heating equipment. Hoses shall be free from cuts or defects. Identified cuts or defects shall not be repaired. Defective or cut hoses shall be replaced. Hose that is exposed to moisture shall be constructed of noncorrosive materials or shall be protected against external corrosion.
 - 3) The hose, at no time, shall extend through the audience or seating area.
 - 4) The hose shall not extend from one room to another or pass through any partitions, walls, ceilings, or floors.
 - 5) If more than one such cylinder is located in a room, the cylinders shall be separated by at least 20'.
 - 6) All system components, including but not limited to hoses and connectors, shall be listed for their intended use and compatible with the products they contain.
 - 7) Any accumulators or hose shall be purged of all fuel prior to removal from its location.
 - 8) Appendices A and B of this Part are added to provide for the minimum layout of propane flame effect devices.

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- 9) All flame effect displays allowed before an audience are limited to Group V or Group VI control systems.
- e) The following are additions to the requirements of Chapter 11 (Fire Protection Provisions):
 - 1) At least 4 pressurized water or pump extinguishers shall be readily available for use (with the manufacturer's instructions).
 - 2) Prior to commencement of the live entertainment, an announcement to the patrons of the licensed premises must be made to inform the patrons of the locations of exits and fire escapes at the licensed premises.

Section 230.280 Criminal History Investigation

- a) The applicant shall submit with his or her application a fingerprint card, using one of the methods identified in subsections (b) or (c) below *to enable ISP to conduct a criminal history check on the applicant.* [225 ILCS 227/40]
- b) An applicant may submit his/her fingerprints electronically to ISP through a certified Livescan vendor. The applicant must notify the Livescan vendor that the Purpose Code for the criminal history check is PDA, and the ORI number for the Office is IL920690Z. When the Livescan vendor transmits the applicant's fingerprints to ISP, the Livescan vendor will collect the fee specified by ISP for processing fingerprint cards through the ISP and FBI criminal history record files and any additional processing fee charged by the Livescan vendor.
- c) In the event the applicant cannot submit his/her fingerprints through electronic means, he/she must obtain a Fee Applicant Card from ISP. An applicant may telephone the ISP Supply Room, 815-740-5216, to request a Fee Applicant Card. Because the Fee Applicant Card has a unique Transaction Control Number assigned to it, which ISP uses to process the criminal history check, fingerprint cards from other jurisdictions will not be accepted. Once completed, the applicant should mail the Fee Applicant Card directly to ISP at the address shown on the card, with the required processing fee described in subsection (d) below.
- d) An applicant who submits his/her fingerprints directly to ISP on a Fee Applicant Card shall pay the fee specified by ISP for processing fingerprint cards through the ISP criminal history record files (see 20 Ill. Adm. Code 1215.50) and through

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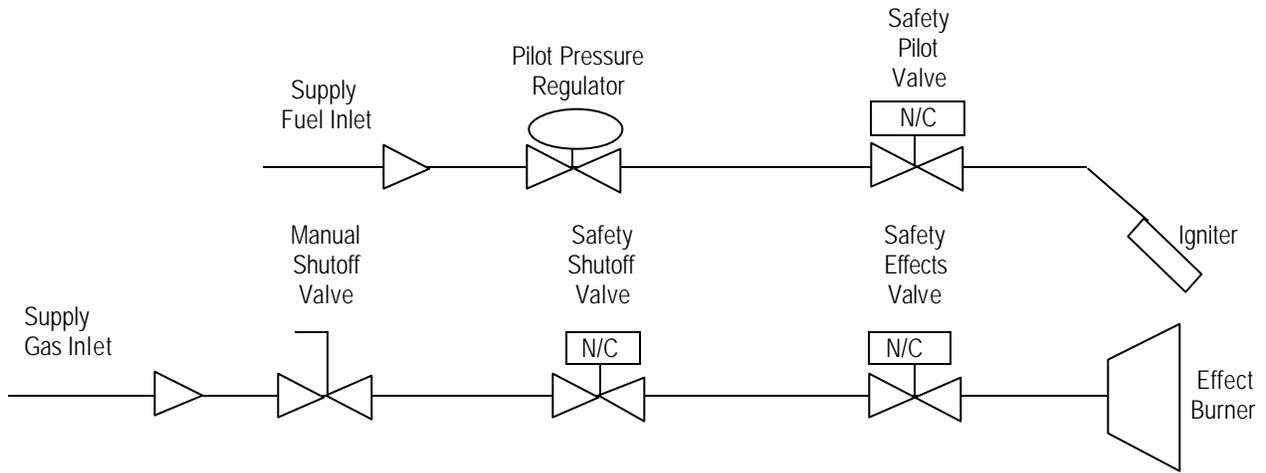
the FBI criminal history record files. The ISP required processing fee may be made payable to the State Police Services Fund and shall be remitted to ISP for deposit into that Fund (see 225 ILCS 227/40).

- e) If an applicant is a business entity, all officers of the applicant shall submit a fingerprint card for a criminal history investigation in the form and manner identified in this Section.

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



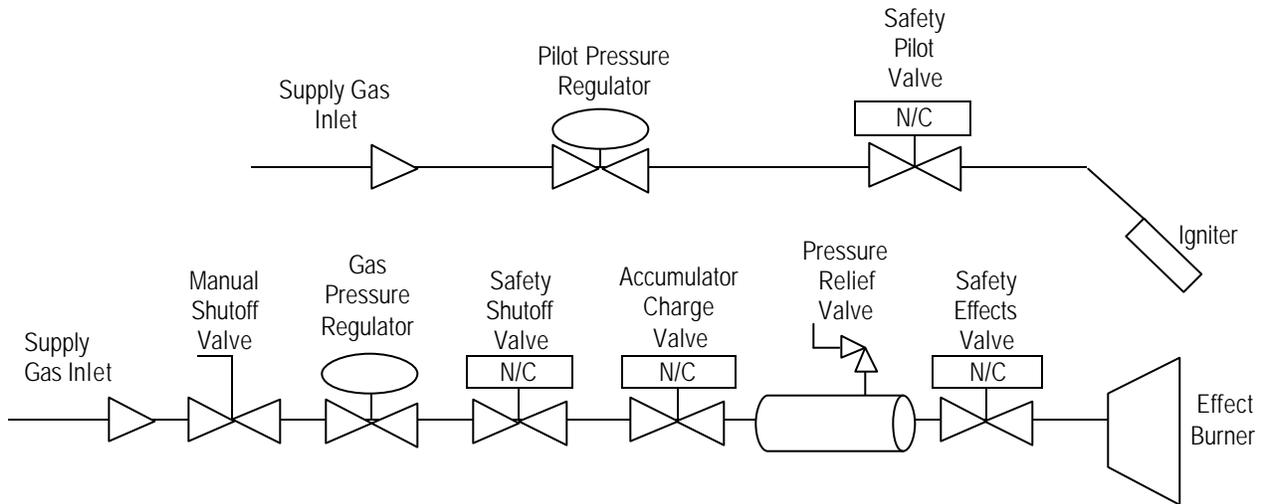
Propane nuts to be of the self sealing type or a manual shutoff valve to prevent fuel backflow

Pilot Flame Sensing Element

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



Propane nuts to be of the self sealing type or a manual shutoff valve to prevent fuel backflow

Pilot Flame Sensing Element

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
235.10	New
235.20	New
235.25	New
235.30	New
235.40	New
235.50	New
235.60	New
235.70	New
235.80	New
235.90	New
235.100	New
235.110	New
235.120	New
235.130	New
235.140	New
235.150	New
235.160	New
235.170	New
235.180	New
- 4) Statutory Authority: Authorized by implementing Section 4.1 of the Fireworks Use Act [425 ILCS 35/4.1] and Section 30 of the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/30]
- 5) Effective Date of Adopted Rules: June 5, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield IL and is available for public inspection.

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9) Notice of Proposed Rules published in the Illinois Register: February 16, 2007; 31 Ill. Reg. 2830

10) Has JCAR issued a Statement of Objection to these Rules? Yes

A) Statement of Objection: June 1, 2007; 31 Ill. Reg. 7669

B) Agency Response: June 8, 2007; 31 Ill. Reg. 8881

11) Differences between proposed and final versions:

In Section 230.20 deleted: ", and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act."

In Section 235.130 added "(a)" subsection label and added additional language to read:

"b) The items placed on the list for distribution will be those that the Consumer Fireworks Review Committee has approved for consumer use.

c) The criteria for allowing any particular type of pyrotechnic device (not by name) to be included on the list is based upon the following:

1) The experience or data relating to non-professional use of the type of pyrotechnic in Illinois.

2) The experience or data relating to non-professional use of the type of pyrotechnic in other states.

d) Individuals wishing to request that a particular type of firework be included or excluded from the list may submit a written request to OSFM outlining the reasoning and/or experiences behind their request."

In Section 235.140 added language to the section to read:

"d) The review committee shall approve or disapprove consumer fireworks based on a majority vote of the appointed members.

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- e) The time frame for review shall be dependent on the type of firework and the amount of information the committee needs to compile to order to generate a decision."
- 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 to this Part? No
- 15) Summary and Purpose of this Rulemaking: These rulemakings are intended to carry out the purpose and requirements of the Fireworks Use Act and the Pyrotechnic Distributor and Operator Act to insure the safety of the public before, during and after a pyrotechnic display in the State of Illinois.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

Facsimile: 217/782-1062

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

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

Section	
235.10	Scope
235.20	Definitions
235.25	Incorporated and Referenced Materials
235.30	General Requirements for All Pyrotechnic Displays and Consumer Fireworks Displays
235.40	Pyrotechnic Display Permit Requirements
235.50	1.3G Fireworks Display Compliance Standards
235.60	Indoor Special Effects Fireworks and Flame Effect Display Compliance Standards
235.70	Possession of License by Lead Operator
235.80	Consumer Operator Training
235.90	Consumer Fireworks Display Permit Requirements
235.100	Consumer Fireworks Display Compliance Standards
235.110	Consumer Distributors and Retailers
235.120	Forms
235.130	List of Approved Consumer Fireworks
235.140	Consumer Fireworks Review Committee
235.150	Record of Permits Issued
235.160	Report of Fire, Injury, or Property Damage
235.170	Report of Theft or Loss of Fireworks
235.180	Local Authority

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

SOURCE: Emergency rules adopted at 30 Ill. Reg. 1515, effective January 23, 2006; emergency expired June 21, 2006; adopted at 31 Ill. Reg. 8792, effective June 5, 2007.

Section 235.10 Scope

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This Part implements the pyrotechnic display and consumer fireworks display permitting requirements and applies to all pyrotechnic displays and consumer fireworks displays in this State, including displays using display fireworks, 1.3G fireworks, special effects fireworks, flame effects, and consumer fireworks. This Part is intended to supplement the requirements of any federal, State or local laws and regulations governing the safety, setup, discharge and supervision of pyrotechnic displays and consumer fireworks displays, but shall be construed, wherever possible, to avoid conflicting or duplicative requirements. In the event of a conflict between this Part and the laws and rules enforced by agencies of the federal government, including the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Occupational Safety and Health Administration, the laws and rules enforced by agencies of the federal government shall control. However, provisions of this Part shall not be deemed to be in conflict with federal requirements on the basis that they are more specific than, more stringent than or impose requirements for which no like requirements are contained in, laws and rules enforced by the federal government. Further, should there be a conflict between this Part and the laws and rules enforced by the local governmental agency, this Part shall control to the extent that provisions of this Part are more specific than, or more stringent than, or impose requirements for which no like requirements are contained in, laws and rules enforced by local governments.

Section 235.20 Definitions

For purposes of this Part, the term:

"1.3G fireworks" means those fireworks that are used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation (USDOT) under 49 CFR 172.101. [425 ILCS 35/1] USDOT assigns the following division numbers to the above-referenced fireworks identification numbers: UN0333 (1.1G), UN0334 (1.2G), and UN0335 (1.3G). (See 49 CFR 172.101.)

"Act" means the Fireworks Use Act.

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

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

"ATF" means the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

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

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

"Consumer fireworks" means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 CFR 1500 and 1507, and classified as fireworks UN0336 or UN0337 by USDOT under 49 CFR 172.101. "Consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; hand-held wire sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing .25 grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than .20 grains of explosive mixture; the sale and use of which shall be permitted at all times. [425 ILCS 35/1] USDOT assigns the following division numbers to the above-referenced fireworks identification numbers: UN0336 (1.4G) and UN0337 (1.4S). (See 49 CFR 172.101.)

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

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

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

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

"DNR" means the Illinois Department of Natural Resources.

"Fire chief of the local jurisdiction" means the chief of the fire department providing fire protection coverage to the area of display, or his/her designee when expressly provided in the Act.

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

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

"License" means the license issued by the Office pursuant to the Pyrotechnic Distributor and Operating Licensing Rules.

"Local governmental authority" means the appropriate city councils in cities, the president and board of trustees in villages and incorporated towns, and outside the corporate limits of cities, villages and incorporated towns, the county board.

"NFPA" means the National Fire Protection Association, a nationally recognized standards-making organization.

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

"Officer" means:

if the applicant is a political subdivision of the State, an appointed or elected official; or

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

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

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

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, commercial entity, state, municipality, or political subdivision of a state, or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities. [225 ILCS 227/5]

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

"Pyrotechnic display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of an exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged. [425 ILCS 35/1]

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

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

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

"USDOT" means the United States Department of Transportation.

Section 235.25 Incorporated and Referenced Materials

- a) The following national regulations and standards are incorporated in this Part:
- 1) National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471:
 - A) NFPA 101, Section 12.3.5, Exception 4, Life Safety Code (2000)
 - B) NFPA 160, Standard for the Use of Flame Effects Before an Audience (2006)
 - C) NFPA 1123, Code for Fireworks Display (2006)
 - D) NFPA 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience (2006)
 - 2) Federal Regulations
 - A) ATF
27 CFR 555, Commerce in Explosives (2006)
 - B) Consumer Product Safety Commission
 - i) 16 CFR 1500, Hazardous Substance and Articles; Administration and Enforcement Regulations
 - ii) 16 CFR 1507, Fireworks Devices
 - C) USDOT
49 CFR 172.101, Purpose and Use of Hazardous Materials Table (2005)

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- b) All incorporations by reference of NFPA standards and federal regulations refer to the standards and regulations on the date specified and do not include any amendments or editions subsequent to the date specified.
- c) The following Illinois statutes and regulations are referenced in this Part:
 - 1) Statutes
 - A) Fireworks Use Act [425 ILCS 35]
 - B) Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227]
 - C) Illinois Explosive Act [225 ILCS 210]
 - 2) State Regulations
 - A) Office of the State Fire Marshal
Pyrotechnic Distributor and Operating Licensing Rules (41 Ill. Adm. Code 230)
 - B) Department of Natural Resources
The Illinois Explosives Act (62 Ill. Adm. Code 200)
 - C) Department of Central Management Services
Travel (80 Ill. Adm. Code 2800)

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

- a) All pyrotechnic displays and consumer fireworks displays require a permit issued by the appropriate local governmental authority in accordance with the Act and this Part.
- b) All pyrotechnic displays require the services of a licensed pyrotechnic distributor and a licensed lead pyrotechnic operator in accordance with this Part.

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- c) A licensed lead pyrotechnic operator shall be present during any pyrotechnic display and shall personally supervise all assistants, including all phases of the pyrotechnic display.
- d) All consumer fireworks displays must be personally supervised by a consumer operator.
- e) The fire chief of the local jurisdiction must inspect and approve the display site for all pyrotechnic displays and consumer fireworks displays to ensure that the site is safe to conduct a display.

Section 235.40 Pyrotechnic Display Permit Requirements

- a) The local governmental authority may issue a pyrotechnic display permit to any adult applicant who meets the following minimum requirements:
 - 1) **Proof of License.** The issuing local governmental authority must verify that the pyrotechnic display services are provided by a licensed pyrotechnic distributor and that the individual responsible for the setup and firing of the display is a licensed lead pyrotechnic operator.
 - 2) **Proof of Insurance.** The local governmental authority issuing the permit shall require *proof of liability insurance in a sum not less than \$1,000,000* [425 ILCS 35/2.1]. The insurance shall be carried with an insurer authorized to do business in Illinois and shall insure the applicant against liabilities, judgments, costs, damages, and expenses that may accrue against, be charged to, or be recovered from the applicant on the reason of damage to property or injury to or death of any person arising from the pyrotechnic display or flame effect display. The insurance coverage shall be an occurrence based policy and it shall cover all periods of time when pyrotechnic materials, including flame effect materials, are in the insured's actual or constructive possession, including those times when the materials are being stored, transported, handled, used, discharged and displayed.
 - 3) **Fire Chief Approval.** The fire chief of the local jurisdiction must have inspected the site and determined that the display can be performed in full compliance with Sections 235.50 and 235.60 *and that the display shall not*

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be hazardous to property or endanger any person or persons. [425 ILCS 35/2.1]

- b) Time Frame to Apply. The applicant must submit a written application for a permit *at least 15 days in advance of the date of the pyrotechnic display, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display will occur.* [425 ILCS 35/2.1]
- c) No Permit Required. *No permit shall be required for supervised public displays by State or County Fair Associations.* [425 ILCS 35/2.1]
- d) Age of Assistants. The issuing local governmental authority must verify that all assistants will be at least 18 years of age.
- e) Identification and Signatures Required on the Permit. Each pyrotechnic display permit must identify the lead pyrotechnic operator and must contain the signature of the issuing officer for the local governmental authority and the fire chief.
- f) *After a permit has been granted, sales, possession, use, and distribution of display fireworks for the display shall be lawful for that purpose only. No permit shall be transferable.* [425 ILCS 35/2.1]

Section 235.50 1.3G Fire works Display Compliance Standards

All 1.3G fireworks displays and storage shall be conducted in accordance with NFPA 1123. Storage of display fireworks (1.3G and above) shall comply with the storage requirements set forth by ATF at 27 CFR 555 or by DNR pursuant to Article 3 of the Illinois Explosive Act. Should there be a conflict between the requirements established by ATF and DNR, those requirements that are more specific, more stringent, or impose requirements for which no like requirements are contained in the other agency's requirements shall control.

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

- a) All indoor special effects and/or flame effect displays and storage shall be conducted in accordance with:
 - 1) NFPA 1126, as modified by 41 Ill. Adm. Code 230.260; and/or

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- 2) NFPA 160, as modified by 41 Ill. Adm. Code 230.270.
- b) The building in which the display will occur must meet one of the following requirements:
- 1) The building must be protected throughout, including both the seating area and stage, by an automatic sprinkler system; or
 - 2) The stage must be protected by an automatic sprinkler system and have a proscenium curtain, as required by NFPA 101, that will automatically deploy in the event of a fire. No special effects fireworks device and/or flame effect device may be set up on the stage forward of the curtain, i.e., on the audience side of the curtain; or
 - 3) In stadia and arenas without automatic sprinkler system protection over the floor area used for contest, performance, or entertainment; over the seating areas; or over open-air concourses where, as required by NFPA 101, Section 12.3.5, Exception 4, an approved engineering analysis substantiated the ineffectiveness of the sprinkler protection due to building height and combustible loading. In the event a display will occur in a stadium or arena that does not have an automatic sprinkler system protecting the floor area used for contest, performance or entertainment, the seating areas or the open-air concourses, the applicant shall submit, to the local governmental authority and to the fire chief of the local jurisdiction or his/her designee, a written engineering analysis prepared by a licensed professional engineer and the written permission of the building owner.
- c) At any time pyrotechnic materials are on-site, they must be stored in the on-site storage magazine that must be, at minimum, a Type 3 Storage "Day Box" that complies with ATF and DNR (62 Ill. Adm. Code 200.700) requirements for Type 3 magazines.
- d) Each local governmental authority that intends to approve permits for indoor special effects displays or indoor flame effect displays must have at least one inspector who is knowledgeable about NFPA 160 and 1126 and who has received training from the Office in the safe setup of special fireworks and/or flame effect devices and the inspection of those displays.

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

Section 235.70 Possession of License by Lead Pyrotechnic Operator

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

Section 235.80 Consumer Operator Training

- a) The Office shall develop consumer fireworks training materials and related documents designed to instruct a person about the standards relating to safe practices for the storage, use, handling, discharge and display of consumer fireworks.
- b) The Office shall offer training classes periodically during the year, depending on demand, to individuals who a local governmental authority designates its Consumer Fireworks Trainer. The Office has the authority to charge a reasonable fee for this training and the related materials and documents. Upon completion of the class, the Consumer Fireworks Trainer will receive a certificate, valid for two years, that permits him/her to conduct consumer fireworks training classes in

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his/her jurisdiction. The Consumer Fireworks Trainer will also receive training materials and related documents from the Office to use when training consumer operators.

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

Section 235.90 Consumer Fireworks Display Permit Requirements

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

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- c) *After a permit has been granted, sales, possession, use, and distribution of consumer fireworks for display shall be lawful for that purpose only. No permit shall be transferable to another individual. [425 ILCS 35/2.2]*
- d) Signatures Required on the Permit. Each consumer display permit must contain the signature of the issuing officer for the local governmental authority and the fire chief.
- e) Assistants. If a consumer operator uses assistants at the display site, each assistant shall have successfully completed a consumer fireworks training class approved by the Office and must provide proof of his/her valid certificate of training to the local governmental authority prior to issuance of the permit.

Section 235.100 Consumer Fireworks Display Compliance Standards

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

- a) The location at which the consumer fireworks display will be detonated must be at least 200 feet, in all directions, away from any spectators, buildings, structures, or property lines, and must be free of any overhead obstructions.
- b) A fire extinguisher or water hose or buckets of water, sand and a shovel must be present while consumer fireworks are being prepared for firing, fired, and at all times after the display until all duds, misfires, and unused product have been properly disposed of and until the consumer operator has determined that fallout from the display does not pose a risk of fire.
- c) Consumer fireworks must be stored in a ready box, made of wood or metal, at all times. The ready box must be covered at all times, including during the discharge of a firework at the discharge site to prevent the accidental discharge of stored fireworks from fallout.
- d) The consumer operator must be in possession of and be able to produce his/her consumer fireworks display permit and certificate of training at all times he/she is present at the display site. If the consumer operator uses assistants, those assistants must be in possession of, and be able to produce, their certificates of training at all times they are present at the display site.

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Section 235.110 Consumer Distributors and Retailers

- a) Prior to distributing, selling, transferring or providing free of charge any consumer fireworks, consumer distributors and consumer retailers shall require an individual to provide proof that he/she has been issued a permit in accordance with Section 235.90, or that he/she has registered with the Office as a consumer distributor or consumer retailer in accordance with this Section.
- b) All consumer distributors and consumer retailers must register with the Office before distributing, selling, offering for sale, exchanging for consideration, transferring or providing free of charge consumer fireworks in the State of Illinois and before advertising or using any title implying that the person is a consumer distributor or retailer. The applicant shall register on forms provided by the Office that shall include:
 - 1) The name and address of the business. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.
 - 2) The names, telephone numbers, and personal addresses of all owners or officers of the registering business, including a copy of each person's driver's license or other governmental identification that includes the date of birth and photograph.
 - 3) If the business operates under an assumed name, a copy of the assumed name certificate.
 - 4) The address of each location from which consumer fireworks will be distributed or retailed.
 - 5) The applicant's taxpayer identification number and proof of payment of taxes to the Illinois Department of Revenue (DOR). If the applicant does not pay taxes to DOR, the applicant shall submit a statement, sworn to under penalty of perjury, from the applicant or its tax preparer identifying why taxes are not paid.
 - 6) The fee of \$50 shall be payable by check to the Office of the State Fire Marshal.

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- c) The Office shall issue a registration to transfer, provide, distribute and/or sell consumer fireworks or shall notify the applicant of the reason for the denial of registration.
- d) Registration shall permit the consumer distributor or consumer retailer to transfer, provide, distribute and/or sell consumer fireworks in Illinois for the calendar year in which registered.
- e) The consumer distributor or consumer retailer shall register each location from which it distributes or retails consumer fireworks separately.
- f) The registrant shall notify the Office in writing within 10 business days after the change in any of the information it provided to the Office to obtain registration. Proof that a change in name or address has been done in accordance with the law shall be sent to the Office, including copies of new assumed name certificates. In the event a business has changed its officers, a sworn statement listing all of the current officers' names and personal addresses, including copies of each officer's driver's license, shall be sent to the Office.
- g) *No person may sell to a single individual a quantity of consumer fireworks exceeding 499 pounds without prior approval by the Office. [425 ILCS 35/2.3]*
Requests for such approval shall be submitted in writing to the Office.

Section 235.120 Forms

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

Section 235.130 List of Approved Consumer Fireworks

- a) The Office will maintain a list of approved consumer fireworks. The list will be updated annually or as new consumer fireworks items are submitted to the Office for approval by consumer distributors.
- b) The items placed on the list for distribution will be those that the Consumer Fireworks Review Committee has approved for consumer use.
- c) The criteria for allowing any particular type of pyrotechnic device (not by name) to be included on the list is based upon the following:

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- 1) The experience or data relating to non-professional use of the type of pyrotechnic in Illinois.
- 2) The experience or data relating to non-professional use of the type of pyrotechnic in other states.
- d) Individuals wishing to request that a particular type of firework be included or excluded from the list may submit a written request to OSFM outlining the reasoning and/or experiences behind their request.

Section 235.140 Consumer Fireworks Review Committee

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

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

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- e) The time frame for review shall be dependent on the type of firework and the amount of information the committee needs to compile to order to generate a decision.

Section 235.150 Record of Permits Issued

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

Section 235.160 Report of Fire, Injury, or Property Damage

- a) Permit holders shall notify the local governmental authority issuing the permit within 24 hours after the following incident:
 - 1) A fire;
 - 2) An injury to any person resulting from the display; or
 - 3) Damage to property in excess of \$500, in the aggregate, resulting from the display.
- b) The local governmental authority issuing the permit shall notify the Office of any fire, injury to any person, or damage to property in excess of \$500 that resulted from the pyrotechnic or consumer display. This notification shall be made by telephone to 217-785-0969 or in writing within 3 days after learning of the incident. Written reports shall be mailed to the Office of the State Fire Marshal, Pyrotechnic Division, 1035 Stevenson Drive, Springfield IL 62703-4259.

Section 235.170 Report of Theft or Loss of Fireworks

- a) Licensed pyrotechnic distributors and licensed lead pyrotechnic operators shall report the theft or loss of fireworks to local law enforcement in accordance with 41 Ill. Adm. Code 230.190, DNR and ATF.
- b) Consumer distributors and consumer retailers shall report the theft or loss of fireworks in excess of \$150 to local law enforcement immediately. Within 24 hours after discovery of the theft or loss, consumer distributors and consumer

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retailers shall provide the Office with written notice that includes a complete description of the fireworks, including manufacturer, brand name, any manufacturer marking and quantity, and a description of the circumstances surrounding the theft or loss. The written notice shall also identify the local law enforcement agencies contacted and shall be executed under penalty of perjury.

- c) Consumer operators shall immediately report the theft or loss of fireworks in excess of \$150 to local law enforcement and to the local governmental authority that issued the operator a consumer display permit. Within three days after notification, the local governmental authority that issued the consumer display permit shall notify the Office in writing of the theft or loss.
- d) Written notice shall be mailed to the Office of the State Fire Marshal, Pyrotechnic Division, 1035 Stevenson Drive, Springfield IL 62703-4259.

Section 235.180 Local Authority

Nothing in this Part shall prohibit the local governmental authority:

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) Section Number: 300.640 Adopted Action: Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rulemaking: June 6, 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: September 15, 2006; 30 Ill. Reg. 14780
- 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:

In Section 300.640 (n)(1), "If there is a family council in the facility, or one is formed at the request of the family members or ombudsman, a facility shall make available information about the family councils, provided by the family council, prospective members or the ombudsman, to all current and prospective residents, their families and their representatives." was changed to "If there is a family council in the facility, or if one is formed at the request of family members or the ombudsman, a facility shall make information about the family council available to all current and prospective residents, their families and their representatives. The information shall be provided by the family council, prospective members or the ombudsman.".

The following changes were made in response to comments and suggestions of the JCAR:

DEPARTMENT OF PUBLIC HEALTH

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1. In Section 300.640(k), line 5, "*effect*" was struck and "*affect*" was inserted.

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
- 15) Summary and Purpose of Rulemaking: The Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300) regulates nursing home licensure. Section 300.640 (Residents' Advisory Council) specifies the requirements to which facilities must adhere regarding residents' advisory councils and maintaining relationships with the local community, including the establishment of family councils. The amendments require facilities to provide information regarding family councils to all prospective residents and their families, and to ensure that family councils have a place to meet.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section

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300.APPENDIX A	Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities (Repealed)
300.APPENDIX B	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
300.APPENDIX C	Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
300.APPENDIX D	Forms for Day Care in Long-Term Care Facilities
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300.APPENDIX F	Guidelines for the Use of Various Drugs
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300.TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
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AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983;

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amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective

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November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at 30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2, 2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813, effective June 6, 2007.

SUBPART C: POLICIES

Section 300.640 Residents' Advisory Council

- a) *Each facility shall establish a ~~residents'~~ ~~resident's~~ advisory council* consisting of at least five resident members. If there are not five residents capable of functioning on the residents' advisory council, as determined by the Interdisciplinary Team, residents' representatives shall take the place of the required number of residents. *The administrator shall designate another member of the facility staff other than the administrator to coordinate the establishment of, and render assistance to, the council.* (Section 2-203 of the Act)
- b) Each facility shall develop and implement a plan for assuring a liaison with concerned individuals and groups in the local community. Ways in which this requirement can be met include, but are not limited to, the following:
 - 1) the inclusion of community members such as volunteers, family members, residents' friends, residents' advocates, or community representatives, etc. on the ~~resident advisory~~ council;
 - 2) the establishment of a separate community advisory group with persons of the residents' choosing; or
 - 3) finding a church or civic group to "adopt" the facility; ~~;~~ ~~or~~;
 - 4) ~~the establishment of a family council made up of families and friends of residents who live in the community.~~

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- c) The resident members shall be elected to the council by vote of their fellow residents and the nonresident members shall be elected to the council by vote of the resident members of the council.
- d) In facilities of 50 or fewer beds ~~or less~~, the ~~resident advisory~~ council may consist of all of the residents of the facility, if the residents choose to operate this way.
- e) All ~~residents'~~~~resident~~ advisory councils shall elect at least a Chairperson or President and a Vice Chairperson or Vice President from among the members of the council. These persons shall preside at the meetings of the council, assisted by the facility staff person designated by the administrator to provide such assistance.
- f) Some facilities may wish to establish mini-~~residents'~~~~resident~~ advisory councils for various smaller units within the facility. If this is done, each such unit shall be represented on an overall facility residents' advisory council with the composition described in subsection (a) of this Section.
- g) All residents' advisory council meetings shall be open to participation by all residents and by their representatives.
- h) *No employee or affiliate of any facility shall be a member of any council. Such persons may attend to discuss interests or functions of the non-members when invited by a majority of the officers of the ~~residents' advisory~~ council. (Section 2-203(a) of the Act)*
- i) *The council shall meet at least once each month with the staff coordinator who shall provide assistance to the council in preparing and disseminating a report of each meeting to all residents, the administrator, and the staff. (Section 2-203(b) of the Act)*
- j) *Records of the council meetings shall be maintained in the office of the administrator. (Section 2-203(c) of the Act)*
- k) *The residents' advisory council may communicate to the administrator the opinions and concerns of the residents. The council shall review procedures for implementing resident rights and facility responsibilities and make recommendations for changes or additions which will strengthen the facility's policies and procedures as they ~~affect~~ residents' rights and facility*

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responsibilities. (Section 2-203(d) of the Act)

- l) *The council shall be a forum for:*
 - 1) *Obtaining and disseminating information;*
 - 2) *Soliciting and adopting recommendations for facility ~~programming~~~~programing~~ and improvements;*
 - 3) *Early identification of problems;*
 - 4) *Recommending orderly resolution of problems.* (Section 2-203(e) of the Act)
- m) *The council may present complaints on behalf of a resident to the Department, or to any other person it considers appropriate.* (Section 2-203(f) of the Act)
- n) Families and friends of residents who live in the community retain the right to form family councils.
 - 1) If there is a family council in the facility, or if one is formed at the request of family members or the ombudsman, a facility shall make information about the family council available to all current and prospective residents, their families and their representatives. The information shall be provided by the family council, prospective members or the ombudsman.
 - 2) If a family council is formed, facilities shall provide a place for the family council to meet.

(Source: Amended at 31 Ill. Reg. 8813, effective June 6, 2007)

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- 1) Heading of the Part: Sheltered Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 330
- 3) Section Number: 330.740 Adopted Action:
Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rulemaking: June 6, 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: September 15, 2006; 30 Ill. Reg. 14795
- 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:

In Section 330.740(m)(1), "If there is a family council in the facility, or one is formed at the request of the family members or ombudsman, a facility shall make available information about the family councils, provided by the family council, prospective members or the ombudsman, to all current and prospective residents, their families and their representatives." was changed to "If there is a family council in the facility, or if one is formed at the request of family members or the ombudsman, a facility shall make information about the family council available to all current and prospective residents, their families and their representatives. The information shall be provided by the family council, prospective members or the ombudsman.".

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

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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
- 15) Summary and Purpose of Rulemaking: The Sheltered Care Facilities Code (77 Ill. Adm. Code 330) regulates sheltered care facility licensure. Section 330.740 (Residents' Advisory Council) specifies the requirements to which facilities must adhere regarding residents' advisory councils and maintaining relationships with the local community, including the establishment of family councils. The amendments require facilities to provide information regarding family councils to all prospective residents and their families, and to ensure that family councils have a place to meet.
- 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:

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NOTICE OF ADOPTED AMENDMENT

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

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330.724	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006
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SUBPART D: PERSONNEL

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

SUBPART F: RESTORATIVE SERVICES

Section

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

SUBPART G: MEDICATIONS

Section

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

SUBPART H: RESIDENT AND FACILITY RECORDS

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Section

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

SUBPART I: FOOD SERVICE

Section

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

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section

330.2210	Maintenance
330.2220	Housekeeping
330.2230	Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

330.2410	Furnishings
330.2420	Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

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Section

330.2610	Codes
330.2620	Water Supply
330.2630	Sewage Disposal
330.2640	Plumbing

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

Section

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

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SUBPART N: FIRE PROTECTION STANDARDS FOR
NEW SHELTERED CARE FACILITIES

Section

330.3310	Applicable Requirements (Repealed)
330.3320	Applicability of These Standards
330.3330	Fire Protection
330.3340	Fire Department Service and Water Supply
330.3350	General Building Requirements
330.3360	Exit Facilities and Subdivision of Floor Areas
330.3370	Stairways, Vertical Openings, and Doorways
330.3380	Corridors
330.3390	Exit Lights and Directional Signs
330.3400	Hazardous Areas and Combustible Storage
330.3410	Fire Alarm and Detection System
330.3420	Fire Extinguishers, Electric Wiring, and Miscellaneous
330.3430	Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

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

Section

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

SUBPART P: FIRE PROTECTION STANDARDS FOR
EXISTING SHELTERED CARE FACILITIES

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Section

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

SUBPART Q: RESIDENT'S RIGHTS

Section

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

SUBPART R: DAY CARE PROGRAMS

Section

330.4510	Day Care in Long-Term Care Facilities
330.APPENDIX A	Interpretation, Components, and Illustrative Services for Sheltered Care Facilities (Repealed)
330.APPENDIX B	Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)
330.APPENDIX C	Forms for Day Care in Long-Term Care Facilities

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- 330.APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation
(Repealed)
- 330.APPENDIX E Guidelines for the Use of Various Drugs
- 330.TABLE A Heat Index Table/Apparent Temperature

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

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective October 15, 1994; amended at 19 Ill. Reg. 11567, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 552, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 10125, effective July 15, 1996; amended at 20 Ill. Reg. 12160, effective September 10, 1996; amended at 22 Ill. Reg. 4078, effective February 13, 1998; amended at 22 Ill. Reg. 7203, effective April 15, 1998; amended at 22 Ill. Reg. 16594, effective September 18, 1998; amended at 23 Ill. Reg. 1085, effective January 15, 1999; amended at 23 Ill. Reg. 8064, effective July 15, 1999; amended at 24 Ill. Reg. 17304, effective November 1, 2000; amended at 25 Ill. Reg. 4901, effective April 1,

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2001; amended at 26 Ill. Reg. 4859, effective April 1, 2002; amended at 26 Ill. Reg. 10559, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2202, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5473, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5886, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14218, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15880, effective September 25, 2003; amended at 27 Ill. Reg. 18130, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3541, effective November 15, 2003; amended at 28 Ill. Reg. 11195, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11879, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15156, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12891, effective August 2, 2005; amended at 30 Ill. Reg. 1439, effective January 23, 2006; amended at 30 Ill. Reg. 5260, effective March 2, 2006; amended at 31 Ill. Reg. 6072, effective April 3, 2007; amended at 31 Ill. Reg. 8828, effective June 6, 2007.

SUBPART C: POLICIES

Section 330.740 Residents' Advisory Council

- a) *Each facility shall establish a ~~residents'~~ residents' advisory council consisting of at least five resident members. If there are not five residents capable of functioning on the residents' advisory council, as determined by the Interdisciplinary Team, residents' representatives shall take the place of the required number of residents. The Administrator shall designate another member of the facility staff (other than the administrator) to coordinate the establishment of, and render assistance to, the council. (Section 2-203 of the Act)*
- b) Each facility shall develop and implement a plan for assuring a liaison with concerned individuals and groups in the local community. Ways in which this requirement can be met include, but are not limited to, the following:
 - 1) the inclusion of community members such as volunteers, family members, residents' friends, residents' advocates, or community representatives on the resident advisory council;
 - 2) the establishment of a separate community advisory group with persons of the residents' choosing; or

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- 3) finding a church or civic group to "adopt" the facility.~~;~~~~or~~
- 4) ~~the establishment of a family council made up of families and friends of residents who live in the community.~~
- c) The resident members shall be elected to the council by vote of their fellow residents and the nonresident members shall be elected to the council by vote of the resident members of the council.
- d) In facilities of 50 ~~or fewer~~ beds ~~or less~~, the ~~resident advisory~~ council may consist of all of the residents of the facility, if the residents choose to operate this way.
- e) All ~~resident advisory~~ councils shall elect at least a Chairperson or President and a Vice Chairperson or Vice President from among the members of the council. These persons shall preside at the meetings of the council, assisted by the facility staff person designated by the administrator to provide such assistance.
- f) Some facilities may wish to establish mini-~~residents'~~~~resident~~ advisory councils for various smaller units within the facility. If this is done, each such unit shall be represented on an overall facility residents' advisory council with the composition described in Section 330.740(a).
- g) All residents' advisory council meetings shall be open to participation by all residents and by their representatives.
- h) *No employee or affiliate of any facility shall be a member of any council.* Such persons may attend to discuss interests or functions of the nonmembers when invited by a majority of the officers of the ~~residents' advisory~~ council. (Section 2-203(a) of the Act)
- i) *The council shall meet at least once each month with the staff coordinator who shall provide assistance to the council in preparing and disseminating a report of each meeting to all residents, the Administrator, and the staff.* (Section 2-203(b) of the Act)
- j) *Records of the council meetings will be maintained in the office of the Administrator.* (Section 2-203(c) of the Act)

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- k) *The council shall be a forum for:*
- 1) *Obtaining and disseminating information;*
 - 2) *Soliciting and adopting recommendations for facility ~~programming~~*programming and improvements;**
 - 3) *Early identification of problems;*
 - 4) *Recommending orderly resolution of problems. (Section 2-203(e) of the Act)*
- l) *The council may present complaints on behalf of a resident to the Department, or to any other person it considers appropriate. (Section 2-203(f) of the Act)*
- m) Families and friends of residents who live in the community retain the right to form family councils.
- 1) If there is a family council in the facility, or if one is formed at the request of family members or the ombudsman, a facility shall make information about the family council available to all current and prospective residents, their families and their representatives. The information shall be provided by the family council, prospective members or the ombudsman.
 - 2) If a family council is formed, facilities shall provide a place for the family council to meet.

(Source: Amended at 31 Ill. Reg. 8828, effective June 6, 2007)

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- 1) Heading of the Part: Illinois Veterans' Homes Code
- 2) Code Citation: 77 Ill. Adm. Code 340
- 3) Section Number: 340.1430 Adopted Action: Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rulemaking: June 6, 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: September 15, 2006; 30 Ill. Reg. 14808
- 10) Has JCAR issued a Statement of Objection to this amendment? 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:

In Section 340.1430(k)(1), "If there is a family council in the facility, or one is formed at the request of the family members or ombudsman, a facility shall make available information about the family councils, provided by the family council, prospective members or the ombudsman, to all current and prospective residents, their families and their representatives." was changed to "If there is a family council in the facility, or if one is formed at the request of family members or the ombudsman, a facility shall make information about the family council available to all current and prospective residents, their families and their representatives. The information shall be provided by the family council, prospective members or the ombudsman.".

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

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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
- 15) Summary and Purpose of Rulemaking: The Illinois Veterans' Home Code (77 Ill. Adm. Code 340) regulates veterans' home licensure. Section 340.1430 (Residents' Advisory Council) specifies the requirements to which facilities must adhere regarding residents' advisory councils and maintaining relationships with the local community, including the establishment of family councils. The amendments require facilities to provide information regarding family councils to all prospective residents and their families, and to ensure that family councils have a place to meet.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 340
ILLINOIS VETERANS' HOMES CODE

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: POLICIES AND FACILITY RECORDS

Section

340.1300	Facility Policies
340.1305	Request for Resident Criminal History Record Information
340.1310	Admission, Retention and Discharge Policies
340.1314	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006

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340.1315	Identified Offenders
340.1316	Discharge Planning for Identified Offenders
340.1317	Transfer of an Identified Offender
340.1320	Disaster Preparedness
340.1330	Serious Incidents and Accidents
340.1335	Infection Control
340.1340	Facility Record Requirements
340.1350	Personnel Policies
340.1360	Initial Health Evaluation for Employees
340.1370	Administrator
340.1375	Personnel Requirements
340.1376	Registry of Certified Nursing Assistants
340.1377	Health Care Worker Background Check
340.1378	Resident Attendants
340.1380	Contacting Local Law Enforcement

SUBPART C: RESIDENT RIGHTS

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

SUBPART D: HEALTH SERVICES

Section	
340.1500	Medical Care Policies
340.1505	Medical, Nursing and Restorative Services
340.1510	Communicable Disease Policies
340.1520	Tuberculin Skin Test Procedures
340.1530	Physician Services
340.1535	Dental Programs
340.1540	Life-Sustaining Treatments

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340.1550	Obstetrical and Gynecological Care
340.1560	Nursing Personnel
340.1570	Personal Care
340.1580	Restraints
340.1590	Nonemergency Use of Physical Restraints
340.1600	Emergency Use of Physical Restraints
340.1610	Unnecessary, Psychotropic, and Antipsychotic Drugs
340.1620	Medication Administration (Repealed)
340.1630	Self-Administration of Medication (Renumbered)
340.1640	Vaccinations
340.1645	Language Assistance Services

SUBPART E: MEDICATIONS

Section

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

SUBPART F: RESIDENT LIVING SERVICES

Section

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

SUBPART G: RESIDENT RECORDS

Section

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

SUBPART H: FOOD SERVICE

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Section

340.1900	Food Service Staff
340.1910	Diet Orders
340.1920	Meal Planning
340.1930	Therapeutic Diets (Repealed)
340.1940	Menus and Food Records
340.1950	Food Preparation and Service
340.1960	Kitchen Equipment, Utensils and Supplies

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

Section

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

340.TABLE A Heat Index Table/Apparent Temperature

340.TABLE B Guidelines for the Use of Various Drugs

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

SOURCE: Emergency rule adopted at 18 Ill. Reg. 10391, effective June 21, 1994, for a maximum of 150 days; emergency rule expired November 18, 1994; adopted at 19 Ill. Reg. 5679, effective April 3, 1995; emergency amendment at 20 Ill. Reg. 496, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10045, effective July 15, 1996; amended at 20 Ill. Reg. 12013, effective September 10, 1996; amended at 22 Ill. Reg. 3959, effective February 13, 1998; amended at 22 Ill. Reg. 7162, effective April 15, 1998; amended at 23 Ill. Reg. 1038, effective January 15, 1999; amended at 23 Ill. Reg. 7931, effective July 15, 1999; amended at 24 Ill. Reg. 17225, effective November 1, 2000; amended at 25 Ill. Reg. 4869, effective April 1, 2001; amended at 26 Ill. Reg. 4870, effective April 1, 2002; amended at 26 Ill. Reg. 10589, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2222, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; amended at 27 Ill. Reg. 5903, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14230, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15904, effective September

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25, 2003; amended at 27 Ill. Reg. 18148, effective November 15, 2003; amended at 28 Ill. Reg. 11209, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11931, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15208, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12924, effective August 2, 2005; amended at 30 Ill. Reg. 1452, effective January 23, 2006; amended at 30 Ill. Reg. 5303, effective March 2, 2006; amended at 31 Ill. Reg. 6098, effective April 3, 2007; amended at 31 Ill. Reg. 8841, effective June 6, 2007.

SUBPART C: RESIDENT RIGHTS

Section 340.1430 Residents' Advisory Council

- a) *Each facility shall establish a residents' advisory council* consisting of at least five resident members. If there are not five residents capable of functioning on the residents' advisory council, as determined by the Interdisciplinary Team, residents' representatives shall take the place of the required number of residents. *The administrator shall designate a member of the facility staff to coordinate the establishment of, and render assistance to, the council.* (Section 2-203 of the Act)
- b) The resident members shall be elected to the council by vote of their fellow residents, and the nonresident members shall be elected to the council by vote of the resident members of the council.
- c) All residents' advisory council meetings shall be open to participation by all residents and by their representatives.
- d) *No employee or affiliate of a facility shall be a member of any council.* Such persons may attend to discuss interests or functions of the non-members when invited by members of the residents' advisory council. (Section 2-203(a) of the Act)
- e) *The council shall meet at least once each month with the staff coordinator who shall provide assistance to the council in preparing and disseminating a report of each meeting to all residents, the administrator, and the staff.* (Section 2-203(b) of the Act)
- f) *Records of the council meetings shall be maintained in the office of the administrator.* (Section 2-203(c) of the Act)

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- g) *The residents' advisory council may communicate to the administrator the opinions and concerns of the residents. The council shall review procedures for implementing resident rights and facility responsibilities and make recommendations for changes or additions which will strengthen the facility's policies and procedures as they affect residents' rights and facility responsibilities.* (Section 2-203(d) of the Act)
- h) *The council shall be a forum for:*
- 1) *Obtaining and disseminating information;*
 - 2) *Soliciting and adopting recommendations for facility programming and improvements;*
 - 3) *Early identification of problems;*
 - 4) *Recommending orderly resolution of problems.* (Section 2-203(e) of the Act)
- i) *The council may present complaints on behalf of a resident to the Department, the Long-Term Care Facility Advisory Board created by Section 2-204 of the Act, or to any other person it considers appropriate.* (Section 2-203(f) of the Act)
- j) Each facility shall develop and implement a plan for assuring a liaison with concerned individuals and groups in the local community. Ways in which this requirement can be met include, but are not limited to, the following:
- 1) the inclusion of community members such as volunteers, family members, residents' friends, residents' advocates, or community representatives, etc. on the resident advisory council;
 - 2) the establishment of a separate community advisory group with persons of the residents' choosing; or
 - 3) finding a church or civic group to "adopt" the facility; ~~or~~
 - 4) ~~the establishment of a family council made up of families and friends of residents who live in the community.~~

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- k) Families and friends of residents who live in the community retain the right to form family councils.
- 1) If there is a family council in the facility, or if one is formed at the request of family members or the ombudsman, a facility shall make information about the family council available to all current and prospective residents, their families and their representatives. The information shall be provided by the family council, prospective members or the ombudsman.
 - 2) If a family council is formed, facilities shall provide a place for the family council to meet.

(Source: Amended at 31 Ill. Reg. 8841, effective June 6, 2007)

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- 1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 350
- 3) Section Number: 350.650 Adopted Action: Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rulemaking: June 6, 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: September 15, 2006; 30 Ill. Reg. 14817
- 10) Has JCAR issued a Statement of Objection to this amendment? 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:

In Section 350.650(n)(1), "If there is a family council in the facility, or one is formed at the request of the family members or ombudsman, a facility shall make available information about the family councils, provided by the family council, prospective members or the ombudsman, to all current and prospective residents, their families and their representatives." was changed to "If there is a family council in the facility, or if one is formed at the request of family members or the ombudsman, a facility shall make information about the family council available to all current and prospective residents, their families and their representatives. The information shall be provided by the family council, prospective members or the ombudsman."

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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
- 15) Summary and Purpose of Rulemaking: The Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350) regulates licensure of developmentally disabled facilities. Section 350.650 (Residents' Advisory Council) specifies the requirements to which facilities must adhere regarding residents' advisory councils and maintaining relationships with the local community, including the establishment of family councils. The amendments require facilities to provide information regarding family councils to all prospective residents and their families, and to ensure that family councils have a place to meet.
- 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:

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

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

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

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

SUBPART B: ADMINISTRATION

Section	
350.510	Administrator

SUBPART C: POLICIES

Section	
350.610	Management Policies
350.620	Resident Care Policies
350.625	Determination of Need Screening and Request for Residents Criminal History Record Information
350.630	Admission, Retention and Discharge Policies
350.634	Criminal History Background Checks for Persons Who Were Residents on May 19, 2006
350.635	Identified Offenders
350.636	Discharge Planning for Identified Offenders
350.637	Transfer of an Identified Offender
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.681	Health Care Worker Background Check
350.682	Resident Attendants
350.683	Registry of Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Serious Incidents and Accidents

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350.750 Contacting Local Law Enforcement
350.760 Infection Control

SUBPART D: PERSONNEL

Section
350.810 Personnel
350.820 Consultation Services
350.830 Personnel Policies (Repealed)

SUBPART E: RESIDENT LIVING SERVICES

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

SUBPART F: HEALTH SERVICES

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

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SUBPART G: MEDICATIONS

Section

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

SUBPART H: RESIDENT AND FACILITY RECORDS

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

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

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

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Section

350.2010 Maintenance
350.2020 Housekeeping
350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

350.2210 Furnishings
350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

350.2410 Codes
350.2420 Water Supply
350.2430 Sewage Disposal
350.2440 Plumbing

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

Section

350.2610 Applicability of These Standards
350.2620 Codes and Standards
350.2630 Preparation of Drawings and Specifications
350.2640 Site
350.2650 Administration and Public Areas
350.2660 Nursing Unit
350.2670 Dining, Living, Activities Rooms
350.2680 Therapy and Personal Care
350.2690 Service Departments
350.2700 General Building Requirements
350.2710 Structural
350.2720 Mechanical Systems
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SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE
FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2910	Applicability
350.2920	Codes and Standards
350.2930	Preparation of Drawings and Specifications
350.2940	Site
350.2950	Administration and Public Areas
350.2960	Nursing Unit
350.2970	Living, Dining, Activities Rooms
350.2980	Treatment and Personal Care
350.2990	Service Department
350.3000	General Building Requirements
350.3010	Structural
350.3020	Mechanical Systems
350.3030	Plumbing Systems
350.3040	Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section

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

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

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350.3710	Applicability of Other Provisions of this Part
350.3720	Administration
350.3730	Admission and Discharge Policies
350.3740	Personnel
350.3750	Consultation Services and Nursing Services
350.3760	Medication Policies
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350.3780	Codes and Standards
350.3790	Administration and Public Areas
350.3800	Bedrooms
350.3810	Nurses Station
350.3820	Bath and Toilet Rooms
350.3830	Utility Rooms
350.3840	Living, Dining, Activity Rooms
350.3850	Therapy and Personal Care
350.3860	Kitchen
350.3870	Laundry Room
350.3880	General Building Requirements
350.3890	Corridors
350.3900	Special Care Room
350.3910	Exit Facilities and Subdivision of Floor Areas
350.3920	Stairways, Vertical Openings and Doorways
350.3930	Hazardous Areas and Combustible Storage
350.3940	Mechanical Systems
350.3950	Heating, Cooling, and Ventilating Systems
350.3960	Plumbing Systems
350.3970	Electrical Systems
350.3980	Fire Alarm and Detection System
350.3990	Emergency Electrical System
350.4000	Fire Protection
350.4010	Construction Types
350.4020	Equivalencies
350.4030	New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

Section

350.4210	Day Care in Long-Term Care Facilities
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350.APPENDIX A	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
350.APPENDIX B	Federal Requirements Regarding Residents' Rights (Repealed)
350.APPENDIX C	Seismic Zone Map
350.APPENDIX D	Forms For Day Care in Long-Term Care Facilities
350.APPENDIX E	Guidelines for the Use of Various Drugs
350.TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
350.TABLE D	Food Service Sanitation Rules, 77 Illinois Admin. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of 16 Beds or Less
350.TABLE E	Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
350.TABLE F	Heat Index Table/Apparent Temperature

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

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987;

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amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective September 18, 1998; amended at 23 Ill. Reg. 1052, effective January 15, 1999; amended at 23 Ill. Reg. 7970, effective July 15, 1999; amended at 24 Ill. Reg. 17254, effective November 1, 2000; amended at 25 Ill. Reg. 4879, effective April 1, 2001; amended at 25 Ill. Reg. 6499, effective May 15, 2001; amended at 26 Ill. Reg. 4878, effective April 1, 2002; amended at 26 Ill. Reg. 10611, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2238, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5489, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5924, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14237, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15924, effective September 25, 2003; amended at 27 Ill. Reg. 18160, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3552, effective November 15, 2003; amended at 28 Ill. Reg. 7653, effective May 24, 2004; amended at 28 Ill. Reg. 11217, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11971, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15247, effective September 23, 2005, for the remainder of the maximum 150 days; emergency expired December 8, 2005; amended at 29 Ill. Reg. 12954, effective August 2, 2005; amended at 30 Ill. Reg. 1460, effective January 23, 2006; amended at

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30 Ill. Reg. 5338, effective March 2, 2006; amended at 30 Ill. Reg. 13876, effective August 7, 2006; amended at 31 Ill. Reg. 6119, effective April 3, 2007; amended at 31 Ill. Reg. 8850, effective June 6, 2007.

SUBPART C: POLICIES

Section 350.650 Residents' Advisory Council

- a) *Each facility shall establish a ~~resident's~~ residents' advisory council* consisting of at least five resident members. If there are not five residents capable of functioning on the residents' advisory council, as determined by the Interdisciplinary Team, residents' representatives shall take the place of the required number of residents. *The administrator shall designate another member of the facility staff (other than the administrator) to coordinate the establishment of, and render assistance to, the council.* (Section 2-203 of the Act)
- b) Each facility shall develop and implement a plan for assuring a liaison with concerned individuals and groups in the local community. Ways in which this requirement can be met include, but are not limited to, the following:
 - 1) the inclusion of community members such as volunteers, family members, residents' friends, residents' advocates, or community representatives on the ~~resident advisory~~ council;
 - 2) the establishment of a separate community advisory group with persons of the residents' choosing; or
 - 3) finding a church or civic group to "adopt" the facility; ~~or,~~
 - 4) ~~the establishment of a family council made up of families and friends of residents who live in the community.~~
- c) The resident members shall be elected to the council by vote of their fellow residents and the non-resident members shall be elected to the council by vote of the resident members of the council.
- d) In facilities of 50 or fewer beds ~~or less~~, the ~~residents' advisory~~ council may consist of all of the residents of the facility, if the residents choose to operate this way.

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- e) All ~~residents' resident~~ advisory councils shall elect at least a Chairperson or President and a Vice Chairperson or Vice President from among the members of the council. These persons shall preside at the meetings of the council, assisted by the facility staff person designated by the administrator to provide such assistance.
- f) Some facilities may wish to establish mini-~~residents' resident~~ advisory councils for various smaller units within the facility. If this is done, each such unit shall be represented on an overall facility residents' advisory council with the composition described in subsection (a) of this Section.
- g) All residents' advisory council meetings shall be open to participation by all residents and by their representatives.
- h) *No employee or affiliate of any facility shall be a member of any council. Such persons may attend to discuss interests or functions of the non-members when invited by a majority of the officers of the ~~residents' advisory~~ council. (Section 2-203(a) of the Act)*
- i) *The council shall meet at least once each month with the staff coordinator who shall provide assistance to the council in preparing and disseminating a report of each meeting to all residents, the administrator, and the staff. (Section 2-203(b) of the Act)*
- j) *Records of the council meetings shall be maintained in the office of the administrator. (Section 2-203(c) of the Act)*
- k) *The residents' advisory council may communicate to the administrator the opinions and concerns of the residents. The council shall review procedures for implementing resident rights and facility responsibilities and make recommendations for changes or additions which will strengthen the facility's policies and procedures as they affect residents' rights and facility responsibilities. (Section 2-203(d) of the Act)*
- l) *The council shall be a forum for:*
- 1) *Obtaining and disseminating information;*
 - 2) *Soliciting and adopting recommendations for facility programming and*

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improvements;

- 3) *Early identification of problems;*
 - 4) *Recommending orderly resolution of problems.* (Section 2-203(e) of the Act)
- m) *The council may present complaints on behalf of a resident to the Department, or to any other person it considers appropriate.* (Section 2-203(f) of the Act)
- n) Families and friends of residents who live in the community retain the right to form family councils.
- 1) If there is a family council in the facility, or if one is formed at the request of family members or the ombudsman, a facility shall make information about the family council available to all current and prospective residents, their families and their representatives. The information shall be provided by the family council, prospective members or the ombudsman.
 - 2) If a family council is formed, facilities shall provide a place for the family council to meet.

(Source: Amended at 31 Ill. Reg. 8850, effective June 6, 2007)

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- 1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 390
- 3) Section Number: 390.650 Adopted Action:
Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rulemaking: June 6, 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: September 15, 2006; 30 Ill. Reg. 14831
- 10) Has JCAR issued a Statement of Objection to this amendment? 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:

In Section 390.650(n)(1), "If there is a family council in the facility, or one is formed at the request of the family members or ombudsman, a facility shall make available information about the family councils, provided by the family council, prospective members or the ombudsman, to all current and prospective residents, their families and their representatives." was changed to "If there is a family council in the facility, or if one is formed at the request of family members or the ombudsman, a facility shall make information about the family council available to all current and prospective residents, their families and their representatives. The information shall be provided by the family council, prospective members or the ombudsman."

The following changes were made in response to comments and suggestions of the JCAR:

1. In Section 390.650(1)(3), the period was struck and a semicolon was inserted.

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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
- 15) Summary and Purpose of Rulemaking: The Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390) regulates licensure of skilled nursing facilities for residents under age 22. Section 390.650 (Residents' Advisory Council) specifies the requirements to which facilities must adhere regarding residents' advisory councils and maintaining relationships with the local community, including the establishment of family councils. The amendments require facilities to provide information regarding family councils to all prospective residents and their families, and to ensure that family councils have a place to meet.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

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

SUBPART A: GENERAL PROVISIONS

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

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

SUBPART B: ADMINISTRATION

Section	
390.500	Administrator

SUBPART C: POLICIES

Section	
390.610	Management Policies
390.620	Resident Care Policies
390.625	Pre-admission Assessment and Request for Criminal History Record Information (Repealed)
390.630	Admission, Retention and Discharge Policies
390.635	Identified Offenders (Repealed)
390.636	Discharge Planning for Identified Offenders (Repealed)
390.637	Transfer of an Identified Offender (Repealed)
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.681	Health Care Worker Background Check
390.682	Resident Attendants
390.683	Registry of Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Serious Incidents and Accidents
390.750	Contacting Local Law Enforcement
390.760	Infection Control

SUBPART D: PERSONNEL

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Section

- 390.810 General
- 390.820 Categories of Personnel
- 390.830 Consultation Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section

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

SUBPART F: RESTRAINTS AND BEHAVIOR MANAGEMENT

Section

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

SUBPART G: MEDICATIONS

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

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

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

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

SUBPART I: FOOD SERVICE

Section

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

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section

- 390.2010 Maintenance
- 390.2020 Housekeeping

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

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

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

390.2410 Codes
390.2420 Water Supply
390.2430 Sewage Disposal
390.2440 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section

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

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section

390.2910 Applicability
390.2920 Codes and Standards

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

390.2930	Preparation of Drawings and Specifications
390.2940	Site
390.2950	Administration and Public Areas
390.2960	Nursing Unit
390.2970	Play, Dining, Activity/Program Rooms
390.2980	Treatment and Personal Care
390.2990	Service Department
390.3000	General Building Requirements
390.3010	Structural
390.3020	Mechanical Systems
390.3030	Plumbing Systems
390.3040	Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

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

SUBPART P: DAY CARE PROGRAMS

Section	
390.3510	Day Care in Long-Term Care Facilities
390.APPENDIX A	Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age (Repealed)
390.APPENDIX B	Forms for Day Care in Long-Term Care Facilities
390.APPENDIX C	Guidelines for the Use of Various Drugs
390.TABLE A	Infant Feeding

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390.TABLE B	Daily Nutritional Requirements By Age Group
390.TABLE C	Sound Transmissions Limitations
390.TABLE D	Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
390.TABLE E	Sprinkler Requirements
390.TABLE F	Heat Index Table/Apparent Temperature

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

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

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Ill. Reg. 7188, effective April 15, 1998; amended at 22 Ill. Reg. 16576, effective September 18, 1998; amended at 23 Ill. Reg. 1069, effective January 15, 1999; amended at 23 Ill. Reg. 8021, effective July 15, 1999; amended at 24 Ill. Reg. 17283, effective November 1, 2000; amended at 25 Ill. Reg. 4890, effective April 1, 2001; amended at 26 Ill. Reg. 4890, effective April 1, 2002; amended at 26 Ill. Reg. 10645, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2258, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5509, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5947, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14250, effective August 15, 2003, for a maximum of 150 days; emergency expired January 12, 2004; amended at 27 Ill. Reg. 15949, effective September 25, 2003; amended at 27 Ill. Reg. 18204, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3565, effective November 15, 2003; amended at 28 Ill. Reg. 11231, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 12025, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15301, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12988, effective August 2, 2005; amended at 30 Ill. Reg. 1473, effective January 23, 2006; amended at 30 Ill. Reg. 5383, effective March 2, 2006; amended at 31 Ill. Reg. 6145, effective April 3, 2007; amended at 31 Ill. Reg. 8864, effective June 6, 2007.

SUBPART C: POLICIES

Section 390.650 Residents' Advisory Council

- a) *Each facility shall establish a residents' advisory council* consisting of at least five resident members. If there are not five residents capable of functioning on the residents' advisory council, as determined by the Interdisciplinary Team, residents' representatives shall take the place of the required number of residents. *The administrator shall designate another member of the facility staff (other than the administrator) to coordinate the establishment of, and render assistance to, the council.* (Section 2-203 of the Act)
- b) Each facility shall develop and implement a plan for assuring a liaison with concerned individuals and groups in the local community. Ways in which this requirement can be met include, but are not limited to, the following:
 - 1) the inclusion of community members such as volunteers, family members, residents' friends, residents' advocates, or community representatives on the ~~resident advisory~~ council;

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- 2) the establishment of a separate community advisory group with persons of the residents' choosing; or
 - 3) finding a church or civic group to "adopt" the facility; ~~or,~~
 - 4) ~~the establishment of a family council made up of families and friends of residents who live in the community.~~
- c) The resident members shall be elected to the council by vote of their fellow residents, found capable of voting. If a resident is not capable of voting, the resident's parent or guardian shall vote to elect members of the council. If there are not five residents capable of or willing to serve on the council, then nonresident representatives shall be recruited to meet this requirement.
 - d) In facilities of 50 or fewer beds ~~or less~~, the ~~residents' advisory~~ council may consist of all of the residents (or their parents or guardians) of the facility, if the residents (or their parents or guardians) choose to operate this way.
 - e) All ~~residents'~~ ~~resident~~ advisory councils shall elect at least a Chairperson or President and a Vice Chairperson or Vice President from among the members of the council. These persons shall preside at the meetings of the council, assisted by the facility staff person designated by the administrator to provide such assistance.
 - f) Some facilities may wish to establish mini-~~residents'~~ ~~resident~~ advisory councils for various smaller units within the facility. If this is done, each such unit shall be represented on an overall facility residents' advisory council with the composition described in subsection (a) of this Section.
 - g) All residents' advisory council meetings shall be open to participation by all residents and their representatives.
 - h) *No employee or affiliate of any facility shall be a member of any council. Such persons may attend to discuss interests or functions of the non-members when invited by a majority of the officers of the ~~residents' advisory~~ council. (Section 2-203(a) of the Act)*
 - i) *The council shall meet at least once each month with the staff coordinator who shall provide assistance to the council in preparing and disseminating a report of each meeting to all residents, the administrator, and the staff. (Section 2-203(b) of the Act)*

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- j) *Records of the council meetings shall be maintained in the office of the administrator. (Section 2-203(c) of the Act)*
- k) *The residents' advisory council may communicate to the administrator the opinions and concerns of the resident. The council shall review procedures for implementing resident rights and facility responsibilities and make recommendations for changes or additions which will strengthen the facility's policies and procedures as they affect residents' rights and facility responsibilities. (Section 2-203(d) of the Act)*
- l) *The council shall be a forum for:*
- 1) *Obtaining and disseminating information;*
 - 2) *Soliciting and adopting recommendations for facility programming and improvements;*
 - 3) *Early identification of problems;*
 - 4) *Recommending orderly resolution of problems. (Section 2-203(e) of the Act)*
- m) *The council may present complaints on behalf of a resident to the Department, or to any other person it considers appropriate. (Section 2-203(f) of the Act)*
- n) Families and friends of residents who live in the community retain the right to form family councils.
- 1) If there is a family council in the facility, or if one is formed at the request of family members or the ombudsman, a facility shall make information about the family council available to all current and prospective residents, their families and their representatives. The information shall be provided by the family council, prospective members or the ombudsman.
 - 2) If a family council is formed, facilities shall provide a place for the family council to meet.

(Source: Amended at 31 Ill. Reg. 8864, effective June 6, 2007)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 5, 2007 through June 11, 2007 and have been scheduled for review by the Committee at its July 10, 2007 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
7/21/07	<u>Department of Public Health</u> , Newborn Metabolic Screening and Treatment Code (77 Ill. Adm. Code 661)	3/2/07 31 Ill. Reg. 3442	7/10/07
7/21/07	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	4/20/07 31 Ill. Reg. 6030	7/10/07

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

Petition for Exemption from Section 22.23b of the Environmental Protection Act

Rockwell Automation ("Rockwell"), 1201 South Second Street, Milwaukee, WI, 53202, has submitted a petition to the Illinois Environmental Protection Agency ("Illinois EPA") for an exemption from Section 22.23b of the Illinois Environmental Protection Act ("Act") [415 ILCS 5/22.23b]. Section 22.23b of the Act states that "no person shall sell, offer to sell, distribute, or offer to distribute a mercury switch or a mercury relay individually or as a product component." 415 ILCS 5/22.23b. The manufacturer of a mercury switch or mercury relay may petition the Illinois EPA for an exemption from Section 22.23b for one or more specific uses of the switch or relay. Requirements for the petition and procedures for the Illinois EPA's review of the petition can be found in Section 22.23c of the Act [415 ILCS 5/22.23c] and in Illinois EPA rules at 35 Ill. Adm. Code 182.

Pursuant to 35 Ill. Adm. Code 182.302(a), the Illinois EPA is providing public notice of the following information:

1. The petitioner is identified above. An exemption is sought for mercury wetted relays used in power contact out modules.
2. The above products are programmable logic controllers. They are used for automation of industrial processes. The mercury wetted relays are used for electrical contacts within the products.
3. A copy of the petition is available for review at the Illinois EPA's headquarters. Persons wanting to review the application may do so during normal business hours at:

Illinois EPA Headquarters
1021 North Grand Avenue East
Springfield, IL 62794-9276
Phone: 217-524-9642; TDD 217-782-9143

Please call ahead to assure that someone will be available to assist you.

4. Written public comments on the petition may be submitted to the Illinois EPA for a period of 45 days after the date of publication of this notice. Comments must be submitted to the following address:

Becky Lockart, MC #34

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

Illinois EPA
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
Phone: 217-524-9642; TDD 217-782-9143
E-mail: Becky.Lockart@illinois.gov

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF AGENCY RESPONSE TO THE JOINT COMMITTEE ON ADMINISTRATIVE
RULES STATEMENT OF OBJECTION AND RECOMMENDATION TO PROPOSED
RULEMAKING

- 1) Heading of the Part: Pyrotechnic Distributor and Operator Licensing Rules

- 2) Code Citation: 41 Ill. Adm. Code 230

- 3)

<u>Section Numbers</u> :	<u>Action</u> :
230.10	Agency agrees to adopt future rulemakings before
230.20	any companion emergency rulemaking, if
230.25	applicable, expires.
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230.240	
230.250	
230.260	
230.270	
230.280	
230.APPENDIX A	
230.APPENDIX B	

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF AGENCY RESPONSE TO THE JOINT COMMITTEE ON ADMINISTRATIVE
RULES STATEMENT OF OBJECTION AND RECOMMENDATION TO PROPOSED
RULEMAKING

- 4) Date Notice of Proposed Rules Published in the Register: February 16, 2007; 31 Ill. Reg. 2795
- 5) Date JCAR Statement of Objection and Recommendation Published in the Register: June 1, 2007; 31 Ill. Reg. 7669
- 6) Summary of Action Taken by the Agency: At its meeting on 5/15/07, the Joint Committee on Administrative Rules objected to the Office of the State Fire Marshal's failure to adopt its rulemaking titled Pyrotechnic Distributor and Operator Licensing Rules (41 Ill. Adm. Code 230; 31 Ill. Reg. 2795) before the 6/21/06 expiration of the companion emergency rulemaking, creating a regulatory gap, and recommended that the OSFM avoid creating such regulatory lapses in the future. The Office of the State Fire Marshal agrees with the Objection regarding the timeliness of the rule adoption and will make every effort not to repeat the situation in the future.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF AGENCY RESPONSE TO THE JOINT COMMITTEE ON ADMINISTRATIVE
RULES STATEMENT OF OBJECTION AND RECOMMENDATION TO PROPOSED
RULEMAKING

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

<u>Section Numbers</u> :	<u>Action</u> :
235.10	Agency agrees to adopt future proposed
235.20	rulemakings before any companion emergency
235.25	rulemaking, if applicable, expires
235.30	
235.40	
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235.170	
235.180	
- 4) Date Notice of Proposed Rules Published in the Register: February 16, 2007; 31 Ill.Reg. 2830
- 5) Date JCAR Statement of Objection and Recommendation Published in the Register: June 1, 2007; 31 Ill. Reg. 7669
- 6) Summary of Action Taken by the Agency: At its meeting on 5/15/07, the Joint Committee on Administrative Rules objected to the Office of the State Fire Marshal's failure to adopt its rulemaking titled Pyrotechnic and Consumer Display Permitting rules (41 Ill. Adm. Code 235; 31 Ill. Reg. 2830) before the 6/21/06 expiration of the companion emergency rulemaking, creating a regulatory gap and recommended that the OSFM avoid creating such regulatory lapses in the future. The Office of the State Fire

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF AGENCY RESPONSE TO THE JOINT COMMITTEE ON ADMINISTRATIVE
RULES STATEMENT OF OBJECTION AND RECOMMENDATION TO PROPOSED
RULEMAKING

Marshal agrees with the Objection citing the lack of timeliness of the rule adoption and will make every effort not to repeat the situation in the future.

DEPARTMENT OF NATURAL RESOURCES

JULY 2007 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Public Use of State Parks and Other Properties of the Department of Natural Resources – 17 Ill. Adm. Code 110
- 1) Rulemaking:
- A) Description: This Part is being amended to add a provision for parties to enter into an agreement to donate improvements to DNR properties and facilities; give the Director authority to approve commercial signs, displays or advertisements, and add language to clarify site superintendents' authority to issue scuba diving permits.
- B) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: July 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Stanley Yonkauski, Jr., Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Camping on Department of Natural Resources Properties – 17 Ill. Adm. Code 130
- 1) Rulemaking:

DEPARTMENT OF NATURAL RESOURCES

JULY 2007 REGULATORY AGENDA

- A) Description: This Part is being amended to add a new subsection pertaining to the World Shooting and Recreational Complex, which will allow the Department to establish fees for use of all or parts of the campground through the negotiation of contracts for events to be held at the WSRC.
- B) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 805-305 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305 and 805-515].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: July 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Stanley Yonkauski, Jr., Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Spring Season – 17 Ill. Adm. Code 710
- 1) Rulemaking:
- A) Description: This Part will be amended to update language for the 2008 hunting season, including updating hunting season dates, hunting regulations, sites open for hunting and site specific information.

DEPARTMENT OF NATURAL RESOURCES

JULY 2007 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: August 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Sport Fishing Regulations for the Waters of Illinois – 17 Ill. Adm. Code 810
- 1) Rulemaking:
- A) Description: This Part is amended on an annual basis to update site specific fishing regulations, individual site specific fishing regulations by water area and Free Fishing Days.
- B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].
- C) Scheduled meeting/hearing dates: None

DEPARTMENT OF NATURAL RESOURCES

JULY 2007 REGULATORY AGENDA

- D) Date agency anticipates First Notice: November 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Forestry Development Cost-Share Program
- 17 Ill. Adm. Code 1536
- 1) Rulemaking:
- A) Description: Amendments include adding new Sections, updating regulations, and adding language to clarify requirements.
- B) Statutory Authority: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: July 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Forest Management Plan – 17 Ill. Adm. Code 1537
- 1) Rulemaking:
- A) Description: Amendments include adding new Sections, updating regulations, and adding language to clarify requirements.
- B) Statutory Authority: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: July 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Dam Safety Regulations – 17 Ill. Adm. Code 3703
- 1) Rulemaking:
- A) Description: HB 0033 requires the Department to establish specifications for signs and devices that provide warnings of the presence of dams for persons using the public waters of the State, to examine dams to determine hazards that may exist at each dam, submit administrative rules setting forth appropriate safety devices

DEPARTMENT OF NATURAL RESOURCES

JULY 2007 REGULATORY AGENDA

to be required at each dam, and to designate enforceable exclusion zones around dams. Once this bill becomes effective, proposed rules will be filed.

- B) Statutory Authority: Implementing and authorized by Sections 23b of the Rivers, Lakes and Streams Act [615 ILCS 5/23b].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: August 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None

STATE RECORDS COMMISSION

JULY 2007 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citations): State Records Commission (44 Ill. Adm. Code 4400)

1) Rulemaking: Proposed Amendments

A) Description: Proposed amendments will add greater detail to the existing procedures for compiling and submitting to the Commission lists and schedules of records proposed for disposal and procedures for the disposal of those records. Included would be matters such as a time frame for placing matters on the agenda, identification of types of issues that might be raised by the Commission, meeting procedure, procedures for modification of schedules, the grounds and procedure for deferring action, and the approval of records disposal certificates.

B) Statutory Authority: State Records Act (5 ILCS 160)

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 2007

E) Effect on small businesses, small municipalities or not for profit corporations: The rules apply only to State agencies.

F) Agency contact person for information:

David A. Joens, Director
Illinois State Archives
2W Norton Building
Springfield, IL 62756
217/782-3492

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citations): State Records Commission (44 Ill. Adm. Code 4400)

1) Rulemaking: Proposed Amendments

STATE RECORDS COMMISSION

JULY 2007 REGULATORY AGENDA

- A) Description: The State Records Commission expects to propose procedures for agencies to follow in the physical destruction or other disposition of records. Other changes with respect to procedure may also be considered.
- B) Statutory Authority: State Records Act (5 ILCS 160)
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: November 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: The rules apply only to State agencies.
- F) Agency contact person for information:
- David A. Joens, Director
Illinois State Archives
2W Norton Building
Springfield, IL 62756
217/782-3492
- G) Related rulemakings and other pertinent information: None

ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

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