

2010

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 34, Issue 21
May 21, 2010
Pages 7001-7339

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

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

May 21, 2010 Volume 34, Issue 21

PROPOSED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
Services Delivered by the Department of Children and Family
Services
89 Ill. Adm. Code 302.....7001

HUMAN SERVICES, DEPARTMENT OF
Child Care
89 Ill. Adm. Code 50.....7010
Assessment for Determining Eligibility and Rehabilitation Needs
89 Ill. Adm. Code 553.....7017
Application
89 Ill. Adm. Code 557.....7024
Comparable Benefits
89 Ill. Adm. Code 567.....7029

PUBLIC HEALTH, DEPARTMENT OF
Skilled Nursing and Intermediate Care Facilities Code
77 Ill. Adm. Code 300.....7035
Sheltered Care Facilities Code
77 Ill. Adm. Code 330.....7071
Illinois Veterans' Homes Code
77 Ill. Adm. Code 340.....7097
Intermediate Care for the Developmentally Disabled Facilities
Code
77 Ill. Adm. Code 350.....7115
Long-Term Care for Under Age 22 Facilities Code
77 Ill. Adm. Code 390.....7149

RACING BOARD, ILLINOIS
Hearings and Enforcement Proceedings
11 Ill. Adm. Code 204.....7181

REVENUE, DEPARTMENT OF
Income Tax
86 Ill. Adm. Code 100.....7189

ADOPTED RULES

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF
Illinois Dental Practice Act
68 Ill. Adm. Code 1220.....7205

HUMAN SERVICES, DEPARTMENT OF
Aid to the Aged, Blind or Disabled
89 Ill. Adm. Code 113.....7255
Supplemental Nutrition Assistance Program (SNAP)

89 Ill. Adm. Code 121.....	7265
ILLINOIS COMMERCE COMMISSION	
Personal Property Warehouses	
92 Ill. Adm. Code 1458.....	7283
PUBLIC HEALTH, DEPARTMENT OF	
Freedom of Information Code (Repealer)	
2 Ill. Adm. Code 1126.....	7301
Access to Public Records of the Department of Public Health	
2 Ill. Adm. Code 1127.....	7303
TRANSPORTATION, DEPARTMENT OF	
Roadside Memorials	
92 Ill. Adm. Code 549.....	7330
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	7335
OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN	
THE ILLINOIS REGISTER	
LABOR, DEPARTMENT OF	
Notice of Public Information.....	7337
EXECUTIVE ORDERS AND PROCLAMATIONS	
PROCLAMATIONS	
Correctional Officers Week	
2010-158.....	7338
National Nursing Home Week	
2010-159.....	7338

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.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2009	January 4, 2010
2	December 28, 2009	January 8, 2010
3	January 4, 2010	January 15, 2010
4	January 11, 2010	January 22, 2010
5	January 19, 2010	January 29, 2010
6	January 25, 2010	February 5, 2010
7	February 1, 2010	February 16, 2010
8	February 8, 2010	February 19, 2010
9	February 16, 2010	February 26, 2010
10	February 22, 2010	March 5, 2010
11	March 1, 2010	March 12, 2010
12	March 8, 2010	March 19, 2010
13	March 15, 2010	March 26, 2010
14	March 22, 2010	April 2, 2010
15	March 29, 2010	April 9, 2010
16	April 5, 2010	April 16, 2010
17	April 12, 2010	April 23, 2010
18	April 19, 2010	April 30, 2010
19	April 26, 2010	May 7, 2010
20	May 3, 2010	May 14, 2010
21	May 10, 2010	May 21, 2010
22	May 17, 2010	May 28, 2010
23	May 24, 2010	June 4, 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 1, 2010	June 11, 2010
25	June 7, 2010	June 18, 2010
26	June 14, 2010	June 25, 2010
27	June 21, 2010	July 2, 2010
28	June 28, 2010	July 9, 2010
29	July 6, 2010	July 16, 2010
30	July 12, 2010	July 23, 2010
31	July 19, 2010	July 30, 2010
32	July 26, 2010	August 6, 2010
33	August 2, 2010	August 13, 2010
34	August 9, 2010	August 20, 2010
35	August 16, 2010	August 27, 2010
36	August 23, 2010	September 3, 2010
37	August 30, 2010	September 10, 2010
38	September 7, 2010	September 17, 2010
39	September 13, 2010	September 24, 2010
40	September 20, 2010	October 1, 2010
41	September 27, 2010	October 8, 2010
42	October 4, 2010	October 15, 2010
43	October 12, 2010	October 22, 2010
44	October 18, 2010	October 29, 2010
45	October 25, 2010	November 5, 2010
46	November 1, 2010	November 12, 2010
47	November 8, 2010	November 19, 2010
48	November 15, 2010	November 29, 2010
49	November 22, 2010	December 3, 2010
50	November 29, 2010	December 10, 2010
51	December 6, 2010	December 17, 2010
52	December 13, 2010	December 27, 2010
53	December 20, 2010	January 3, 2011

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Department of Children and Family Services
406 E. Monroe, Station #65-D
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TTY: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us
Facsimile: 217/557-0692

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of businesses affected: The Department has determined that the proposed amendment will not have an economic impact on small businesses.
 - 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 agendas because: the revisions were not anticipated at the time the regulatory agenda was completed.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 302

SERVICES DELIVERED BY THE
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBPART A: GENERAL PROVISIONS

Section	
302.10	Purpose
302.20	Definitions
302.30	Introduction
302.40	Department Service Goals
302.50	Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	
302.300	Adoptive Placement Services (Repealed)
302.305	Adoption Listing Service for Hard-to-Place Children or Children with Disabilities for Whom the Department is Not Legally Responsible

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

302.310	Adoption Assistance
302.311	Nonrecurring Adoption Expenses (Repealed)
302.315	Adoption Registry (Repealed)
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.365	Mental Health Services (Repealed)
302.370	Homemaker Services
302.380	Information and Referral Services
302.390	Behavioral Health Services
302.400	Successor Guardianship (Repealed)
302.405	Subsidized Guardianship Program
302.410	Subsidized Guardianship Program (KinGap)

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section	
302.500	Purpose
302.510	Implementation of the Family Preservation Act
302.520	Types of Intensive Family Preservation Services
302.530	Phase In Plan for Statewide Family Preservation Services
302.540	Time Frames

302.APPENDIX A	Acknowledgement of Mandated Reporter Status (Recodified)
302.APPENDIX B	Calculating the Amount of Adoption Assistance (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May 15, 1997; amended at 21 Ill. Reg. 10912, effective July 29, 1997; amended at 22 Ill. Reg. 7140, effective April 13, 1998; emergency amendment at 22 Ill. Reg. 7289, effective April 13, 1998, for a maximum of 150 days; emergency expired September 10, 1998; amended at 22 Ill. Reg. 8803, effective May 15, 1998; amended at 22 Ill. Reg. 21314, effective December 1, 1998; emergency amendment at 25 Ill. Reg. 4292, effective March 15, 2001, for a maximum of 150 days; emergency expired August 11, 2001; amended at 25 Ill. Reg. 11821, effective August 31, 2001; amended at 25 Ill. Reg. 16243, effective December 15, 2001; amended at 26 Ill. Reg. 11747, effective August 1, 2002; amended at 26 Ill. Reg. 16434, effective October 22, 2002; amended at 28 Ill. Reg. 2155, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 10405, effective July 8, 2004, for a maximum of 150 days; emergency expired December 4, 2004; amended at 29 Ill. Reg. 20354, effective November 30, 2005; amended at 30 Ill. Reg. 2323, effective February 2, 2006; amended at 32 Ill. Reg. 11611, effective July 10, 2008; emergency amendment at 33 Ill. Reg. 14310, effective October 1, 2009, for a maximum of 150 days; amended at 34 Ill. Reg. 3248, effective February 26, 2010; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 302.40 Department Service Goals

- a) The Department provides, directly or through purchase, a number of services for children and families ~~that~~~~which~~ are individually planned to meet the needs of each child and family. These services are directed toward four service goals ~~which are~~:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) family preservation;
- 2) family reunification;
- 3) adoption or attainment of a permanent living arrangement;
- 4) youth development.

b) Family Preservation

When family preservation is the goal, services are directed toward ensuring the children's development, safety and well-being in the home of their family and preventing placement of children away from their family. ~~Families~~Such families may have been reported to the Department for alleged child abuse or neglect or referred to the Department for services. The service constellation for these children and families may include:

- 1) counseling/advocacy;
- 2) emergency caretaker;
- 3) homemaker;
- 4) protective and family maintenance day care and child development;
- 5) family planning;
- 6) parent education;
- 7) self-help groups;
- 8) emergency family shelter;
- 9) intensive family preservation services;
- 10) other placement prevention services;
- 11) referral for substance abuse treatment services;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 12) referral for financial assistance and employment related day care;
- 13) referral for housing assistance or housing advocacy;
- 14) referral for legal services.

c) Family Reunification

When family reunification is the goal, services are directed toward returning a child to his/~~her~~ parent's or private guardian's home when the child was removed because of alleged child abuse or neglect or other reasons. Family reunification services are directed toward helping the children's ~~parents~~parent(s) or private ~~guardians~~guardian(s) achieve minimum parenting standards and ensuring ~~the children's~~their safety and well-being upon return home. The service constellation for these children and families may include:

- 1) counseling/advocacy;
- 2) homemaker;
- 3) protective and family maintenance day care and child development;
- 4) foster family home care;
- 5) relative home care;
- 6) residential care;
- 7) family planning;
- 8) parent education;
- 9) intensive family preservation services;
- 10) referral for substance abuse treatment services.

d) Adoption or Attainment of a Permanent Living Arrangement

1) When adoption or attainment of a permanent living arrangement is the goal, services are directed at securing a new legal status in a permanent

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

living situation for children who cannot return to their legal families. A goal of permanent living arrangement means that the child is to remain with a relative or foster family permanently and the Department has transferred or intends to transfer legal guardianship to the family. The service constellation for these children may include:

~~A)1)~~ counseling;

~~B)2)~~ adoption;

~~C)3)~~ subsidized guardianship;

~~D)4)~~ relative home care;

~~E)5)~~ foster family home care;

~~F)6)~~ intensive family preservation services.

- 2) When a prospective adoptive parent or guardian has a medical and/or physical condition that may render him/her unable to care for the child into adulthood, the Department shall request that the prospective adoptive parent or guardian develop a back-up care plan for the child, which includes a "back-up caregiver" willing and able to care for the child into adulthood. The Department shall assess the back-up care plan and meet with the prospective adoptive parent or guardian and the back-up caregiver to review the Department's expectations with regard to the caregiver's role and responsibilities, the child's needs, and available financial assistance such as Subsidized Guardianship and/or Adoption Assistance. When the Department is satisfied that the back-up care plan is viable, the Department shall obtain a signed statement from the back-up caregiver acknowledging that he/she is aware of the child's needs and the adoptive parent's or guardian's health and/or physical condition, and that the back-up caregiver will assume responsibility for the child's care in the event that the adoptive parent or guardian is no longer capable of providing care. The statement will also inform back-up caregivers for guardianship that any subsidy the guardian was receiving is not transferable.

e) Youth Development

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) When youth development is the goal, services are directed at helping youth live independently or assisting unmarried youth with planning for the birth or care of their child. Such services may be provided by the Department to youth for whom ~~it~~the Department of Children and Family Services is legally responsible and who are:
 - A) ~~Youth~~ 16 years of age or older ~~for whom the Department has legal responsibility~~, to help them live independently of adult caregiver supervision and achieve economic self-sufficiency; ~~and~~
 - B) ~~Youth who are~~ high school graduates and have been awarded scholarships in accordance with the Children and Family Services Act [20 ILCS 505]; and
 - C) ~~unmarried and Unmarried~~ pregnant ~~youth for whom the Department has legal responsibility~~.
- 2) The service constellation for youth for whom the Department is legally responsible may include:
 - A) counseling/advocacy;
 - B) day care for the children of unmarried youth;
 - C) homemaker services;
 - D) family planning;
 - E) maintenance payments or foster family home, relative home or residential care payment, except that maternity home payment shall be limited to a maximum of ~~ninety (90)~~ days.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Section Number: 50.610 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13]
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking is being proposed to allow parents who have been participating in an approved Child Care Collaboration Program and lose their jobs to continue to receive child care assistance through the end of their eligibility period while they look for a new job. To qualify, the parent shall report a loss of employment within ten days after the date of the loss, without exception. Families are eligible to receive child care assistance under these provisions one time in any 12-month period. Payments shall not be approved if the child does not attend care.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
50.230	Amendment	33 Ill. Reg. 7258; June 5, 2009
50.320	Amendment	33 Ill. Reg. 7258; June 5, 2009
50.260	New Section	33 Ill. Reg. 15979; November 20, 2009
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 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 the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department with the two most recent regulatory agendas were published.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section	
50.101	Incorporation by Reference
50.110	Participant Rights and Responsibilities
50.120	Notification of Available Services
50.130	Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section	
50.210	Child Care
50.220	Method of Providing Child Care
50.230	Child Care Eligibility
50.235	Income Eligibility Criteria
50.240	Qualified Provider
50.250	Additional Service to Secure or Maintain Child Care

SUBPART C: PAYMENT FEES

Section	
50.310	Fees for Child Care Services
50.320	Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care

SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section	
50.410	Provider Eligibility
50.420	Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Section

50.510	Great START Program
50.520	Method of Providing the Wage Supplement
50.530	Eligibility
50.540	Employer Responsibility
50.550	Notification of Eligibility
50.560	Phase-in of Wage Supplement Scale
50.570	Wage Supplement Scale
50.580	Evaluation

SUBPART F: CHILD CARE COLLABORATION PROGRAM

Section

50.610	Child Care Collaboration Program
50.620	Approvable Models of Collaboration
50.630	Requirements for Approval in the Child Care Collaboration Program
50.640	Notification of Eligibility
50.650	Rules and Reporting for the Child Care Collaboration Program

AUTHORITY: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 9604, effective June 20, 2008; amended at 32 Ill. Reg. 14742, effective August 28, 2008; amended at 33 Ill. Reg. 8195, effective June 8, 2009; emergency amendment at 33 Ill. Reg. 15889, effective November 1, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 16517, effective November 1, 2009, for a maximum of 150 days; emergency expired March 30, 2010; amended at 34 Ill. Reg. 5275, effective March 29, 2010; amended at 34 Ill. Reg. _____, effective _____.

SUBPART F: CHILD CARE COLLABORATION PROGRAM

Section 50.610 Child Care Collaboration Program

- a) A Child Care Collaboration is defined as any braiding of Illinois child care subsidy funds or programs with other early childhood funds or programs to create higher quality full day, full year services for eligible families with young children. The purposes of the Department's Child Care Collaboration Program are:
 - 1) to facilitate collaboration between Illinois child care and other early childhood programs; and
 - 2) to increase through collaboration the quality and quantity of early care and education for families in Illinois; who are working and/or participating in an approved training/education program, ~~through collaboration~~.
- b) Child care collaborative arrangements approved by the Department under this Section will benefit participating early childhood programs, children, and families by providing a higher quality of care. Head Start, Illinois State Board of Education (ISBE) pre-kindergarten, and child care providers eligible under this Section must be able to demonstrate this increased quality of care.
- c) All Illinois early childhood programs using child care subsidy funds in collaboration with other funding, for example, Head Start or ISBE pre-kindergarten, must comply with this Section.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- d) The Department will approve child care collaborative arrangements under this Section provided:
- 1) the provider can demonstrate how the collaboration improves the quality of care;
 - 2) children are served in one location for their full day of care;
 - 3) parent co-payments are collected and documented according to existing Child Care Rules (see Sections 50.310 and 50.320);
 - 4) the provider can demonstrate how the collaboration is coordinated with the broader local early childhood community and is based on community need;
 - 5) the provider is qualified and eligible to receive child care reimbursement (see Sections 50.240 and 50.410) and is a profit or non-profit early childhood center or licensed family child care home; and
 - 6) the provider is using a child care contract or a child care certificate.
- e) If the conditions of eligibility in subsection (d) of this Section are met and the collaboration is approved by the Department, eligibility will be determined in accordance with all current Child Care Rules (see Sections 50.230 and 50.235), as specified by [this Part 89 Ill. Adm. Code 50](#), with the following three exceptions:
- 1) approved Child Care Collaboration Programs will determine child and/or family eligibility annually;
 - 2) approved Child Care Collaboration Programs will use a 90-day job loss grace period; and
 - 3) children and/or families in approved Child Care Collaboration Programs will maintain indefinite eligibility for child care when the child's or family's participation in the collaboration is part of ~~the~~[their](#) current TANF Responsibility and Services Plan.
- f) Through September 30, 2011, or as long as American Recovery and Reinvestment Act (ARRA) funds are available, the Department will extend the job loss grace

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

period in subsection (e)(2) through the end of the program year. The end of the program year is defined as the end of the family's eligibility period, or not less than 90 days. To qualify, the parent shall report a loss of employment within 10 days after the date of loss, without exception. Families are eligible to receive care under this Section one time in any 12-month period. Payment shall not be approved if the child does not attend care.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs
- 2) Code Citation: 89 Ill. Adm. Code 553
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
553.50	Amendment
553.140	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking pertains to the Vocational Rehabilitation Program and will remove the employment outcome language from the eligibility determination Section (recommended by the Federal Rehabilitation Services Administration (RSA)); clarify the trial work language; remove the SSDI/SSI eligibility language from the most significant disability criteria (recommended by RSA); and add the SSDI/SSI language under the significant disability category.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: Completion of customer case records.
 - C) Types of professional skills necessary for compliance: Rehabilitation Counselor's hold a Master's Degree.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

PART 553

ASSESSMENT FOR DETERMINING ELIGIBILITY AND REHABILITATION NEEDS

Section

553.10	General Applicability (Repealed)
553.20	Basis for Eligibility
553.25	Disability Documentation
553.30	Presumption of Benefit from Vocational Rehabilitation Services
553.31	Trial Work Experiences
553.32	Outcome of Trial Work Experiences
553.35	Services to Non-United States Citizens
553.40	Eligibility Determination Time Frames
553.50	Eligibility Determination
553.60	Documentation of Eligibility Factors/Preliminary Assessment (Repealed)
553.70	Certification of Eligibility (Repealed)
553.75	Trial Work (Repealed)
553.76	Outcome of Trial Work (Repealed)
553.80	Extended Evaluation (Repealed)
553.90	Outcome of Extended Evaluation (Repealed)
553.100	Assessment
553.105	Assistance in Attaining Necessary Financial Support (Repealed)
553.110	Outcome of the Assessment of Rehabilitation Needs (Repealed)
553.120	Change in Eligibility Status (Repealed)
553.130	Order of Selection
553.140	Criteria for Most Significant Disability and Very Significant Disability and Significant Disability
553.150	Determination of Serious Limitation to Functional Capacities

AUTHORITY: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 19 Ill. Reg. 1834, effective February 6, 1995; amended at 19 Ill. Reg. 10149, effective June 29, 1995; amended at 19 Ill. Reg. 15730, effective November 7, 1995; emergency amendment at 20

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 10385, effective July 19, 1996, for a maximum of 150 days; emergency expired on December 15, 1996; emergency amendment at 20 Ill. Reg. 11974, effective August 16, 1996, for a maximum of 150 days; emergency expired on January 13, 1997; amended at 21 Ill. Reg. 1386, effective January 17, 1997; amended at 21 Ill. Reg. 2669, effective February 10, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1368, effective January 14, 1999; emergency amendment at 23 Ill. Reg. 6544, effective May 17, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12440, effective September 28, 1999; amended at 23 Ill. Reg. 13222, effective October 18, 1999; amended at 25 Ill. Reg. 11842, effective August 31, 2001; amended at 29 Ill. Reg. 12845, effective August 8, 2005; amended at 30 Ill. Reg. 7754, effective April 6, 2006; amended at 31 Ill. Reg. 12589, effective August 16, 2007; amended at 34 Ill. Reg. _____, effective _____.

Section 553.50 Eligibility Determination

Prior to the end of the eligibility determination period (i.e., 60 days), one of the following must occur:

- a) the customer has been determined to be eligible to receive VR services and has a disability that will allow services to be provided under the Order of Selection, ~~and has an employment outcome consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice.~~ At this time a Certification of Eligibility shall be completed. The customer will then undergo an Assessment pursuant to Section 553.100 ~~of this Part~~;
- b) the customer is determined eligible but not to have a disability that allows services to be provided under the Order of Selection (Section 553.130). The customer will be offered the option to have his or her name placed on a waiting list to wait until services can be provided to the priority category established under the Order of Selection or to have his or her case closed. The customer shall be referred to other agencies that can provide services, i.e., a comprehensive one-stop center, a private rehabilitation agency, a community rehabilitation program, a Center for Independent Living, etc.;
- c) the customer shall be given a trial work experience, if due to the severity of the disability it is unknown if the customer can benefit from services in terms of an employment outcome. A Written Trial Work Plan shall be completed, the trial work shall begin, and the customer shall be closely monitored during the trial work experience; a trial work period is determined to be necessary. The Written

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~Trial Work Plan shall be completed and the trial work shall begin;~~

- d) the customer does not meet the required eligibility criteria (see Section 553.20). A Certification of Ineligibility shall be completed and the individual's case closed; or
- e) the customer's case is closed for reasons other than ineligibility (e.g., the customer has refused services or further services from DHS-DRS, the customer cannot be located).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 553.140 Criteria for Most Significant Disability and Very Significant Disability and Significant Disability

Documentation of the determination that an individual has a most significant disability, a very significant disability, or a significant disability must be in the individual's VR case file, as well as documentation concerning the evaluation of his or her rehabilitation potential.

- a) Prior to determining the significance of an individual's disability, it must be determined that he or she:
 - 1) has a disability, or a combination of disabilities, that causes a substantial physical or mental impairment that is similar, but not limited to, the following list of disabilities:
 - A) amputation,
 - B) arthritis,
 - C) autism,
 - D) blindness,
 - E) burn injury,
 - F) cancer,
 - G) cerebral palsy,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- H) cystic fibrosis,
- I) deafness,
- J) head injury,
- K) heart disease,
- L) hemiplegia,
- M) hemophilia,
- N) respiratory or pulmonary dysfunction,
- O) mental retardation,
- P) mental illness,
- Q) multiple sclerosis,
- R) muscular dystrophy,
- S) musculo-skeletal disorders,
- T) neurological disorders (including stroke and epilepsy),
- U) paraplegia,
- V) quadriplegia (and other spinal cord conditions),
- W) sickle cell anemia,
- X) specific learning disabilities, or
- Y) end stage renal failure disease;

- 2) has a disability, or a combination of disabilities, that seriously limits his or her functional capacities, as listed in Section 553.150 ~~of this Part~~; and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 3) requires VR services over an extended period of time at least six months or longer.
- b) If an individual meets the requirements of subsection Section 553.140(a), then the following criteria must be met to determine the significance of his or her disability:
- 1) To be considered an individual with a most significant disability, he or she must:~~A) be an individual who has been determined eligible for disability benefits pursuant to Title II (SSDI) or Title XVI (SSI) of the Social Security Act; or~~ B) be an individual who has a disability that seriously limits three or more of his or her functional capacities and who requires two or more substantial VR services, in addition to the routine services of counseling and guidance, and information and referral to ensure a successful employment outcome.
 - 2) To be considered an individual with a very significant disability, he or she must have a disability that seriously limits two of his or her functional capacities, and must require one or more substantial VR services, in addition to the routine services of counseling and guidance, and information and referral to ensure a successful employment outcome.
 - 3) To be considered an individual with a significant disability, he or she must have a disability that seriously limits one of his or her functional capacities and must require one or more substantial VR services, in addition to the routine services of counseling and guidance, and information and referral to ensure a successful employment outcome.
- c) An individual who has been determined eligible for disability benefits pursuant to Title II (SSDI) or Title XVI (SSI) of the Social Security Act is considered to be an individual with at least a significant disability. An assessment of the functional limitations and service needs, as described in subsection (b), may place the individual into a higher category of the order of selection.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Application
- 2) Code Citation: 89 Ill. Adm. Code 557
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
557.15	Repealed
557.20	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking pertains to the Vocational Rehabilitation Program and will repeal the language that required staff to request proof of residency. The Rehabilitation Services Administration (RSA) directed the Division to remove the residency requirement from our rules since this is a federal program and is available in all states.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/557-1544

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: VR counselors must have a Master's Degree.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 557
APPLICATION

Section

557.10	General Applicability
557.15	Residency (Repealed)
557.20	Informed Choice
557.25	Geographical Customer Assignment
557.30	Application for Vocational Rehabilitation Services
557.40	Parent or Guardian Signature
557.50	Assistance in Attaining Necessary Financial Support
557.60	Application for Services by DHS-DRS Employees, Individuals Holding Contracts with DHS-DRS, DHS-DRS Advisory Council Members, Family Members of DHS-DRS Employees or Close Friends of DHS-DRS Employees

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

SOURCE: Adopted at 9 Ill. Reg. 8755, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986; amended at 11 Ill. Reg. 15220, effective August 31, 1987; amended at 12 Ill. Reg. 12099, effective July 7, 1988; amended at 13 Ill. Reg. 16552, effective October 10, 1989; emergency amendment at 17 Ill. Reg. 11654, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20341, effective November 15, 1993; amended at 19 Ill. Reg. 1135, effective January 23, 1995; amended at 19 Ill. Reg. 2473, effective February 21, 1995; amended at 19 Ill. Reg. 10706, effective July 11, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 484, effective December 28, 1998; amended at 23 Ill. Reg. 12621, effective September 29, 1999; amended at 27 Ill. Reg. 12582, effective July 21, 2003; amended at 28 Ill. Reg. 13756, effective October 1, 2004; amended at 30 Ill. Reg. 7758, effective April 6, 2006; amended at 32 Ill. Reg. 10071, effective June 26, 2008; amended at 34 Ill. Reg. _____, effective _____.

Section 557.15 Residency [\(Repealed\)](#)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~Eligible residents of the State of Illinois may receive VR services from DHS-DRS. While length of residency is not a requirement, eligible individuals must be available to plan, discuss, and implement services through an Individualized Plan for Employment (IPE). Individuals from other states who are attending training programs in Illinois are considered to be residents of their home state.~~

- ~~a) Residency and availability for services may be established by having:
 - ~~1) a valid Illinois driver's license or a valid Illinois identification card (State ID); or~~
 - ~~2) a valid voter's registration card with an Illinois address.~~~~
- ~~b) For the purpose of any college training case, residency is established following the requirements to secure comparable benefits (89 Ill. Adm. Code 567.20) and the guidelines listed in the Free Application for Federal Student Aid (FAFSA). Residency of the dependent student will be determined by the state where the parents/guardian resides, if applicable.~~

(Source: Repealed at 34 Ill. Reg. _____, effective _____)

Section 557.20 Informed Choice

- a) VR customers have the right to be full and active participants in the VR process. DHS-DRS is committed to making available a variety of resources to assist customers with their planning, problem solving, and decision-making skills. Customers can use these resources to make informed choices about their goals and services, and they will be given assistance and support throughout the VR process.
 - 1) Through appropriate means of communication, customers will be informed about the availability and scope of informed choice, how it may be exercised, and the availability of [auxiliary support](#) services for customers with cognitive or other disabilities who require assistance in exercising informed choice.
 - 2) To ensure informed choice, DHS-DRS will provide the customer with information and options regarding:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- A) the evaluation and assessment process;
 - B) his or her~~their~~ specific employment goal;
 - C) available trial work experiences;
 - D) rehabilitation services that are necessary to achieve the
employment~~their~~ goal; and
 - E) service providers who can assist in the process.
- 3) DHS-DRS will also provide the customer with information that includes:
- A) the cost of services;
 - B) the duration of services;
 - C) accessibility of services;
 - D) the qualifications of providers;
 - E) the types of service offered by providers;
 - F) the degree to which the services are provided in an integrated setting;
 - G) the placement rate and the number of successful outcomes a provider has achieved; and
 - H) as available, information about user satisfaction.
- b) The decision-making process for the customer shall take into account the customer's values and characteristics, the availability of resources and alternatives, and the general employment outlook.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Comparable Benefits
- 2) Code Citation: 89 Ill. Adm. Code 567
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
567.10	Amendment
567.20	Amendment
567.30	Amendment
567.100	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)], 29 USC 721(a)(8), and 34 CFR 361.47(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking pertains to the Vocational Rehabilitation Program. The proposed changes streamline the language and provide for a general clean up. In addition, the changes remove language that indicates a comparable benefit is used to determine eligibility or to achieve the vocational goal and objective and adds language that indicates comparable benefits are used to achieve an employment outcome. (Recommended by the Rehabilitation Services Administration (RSA)). RSA is a federal program under the federal Department of Education.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance:
Completion of customer case records.
 - C) Types of professional skills necessary for compliance: VR counselors must have a Master's Degree.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 567
COMPARABLE BENEFITS

Section

567.10	General Applicability
567.20	Definition of Comparable Benefits
567.30	Exceptions to Comparable Benefits
567.100	Refusal of Comparable Benefits

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)], 29 USC 721(a)(8), and 34 CFR 361.47(b).

SOURCE: Adopted at 9 Ill. Reg. 8839, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986; amended at 12 Ill. Reg. 3019, effective January 15, 1988; amended at 13 Ill. Reg. 9590, effective June 12, 1989; amended at 13 Ill. Reg. 18933, effective November 16, 1989; amended at 15 Ill. Reg. 6617, effective April 18, 1991; amended at 17 Ill. Reg. 149, effective December 18, 1992; emergency amendments at 17 Ill. Reg. 11696, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20375, effective November 15, 1993; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1381, effective January 14, 1999; emergency amendment at 24 Ill. Reg. 10358, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 17733, effective November 27, 2000; amended at 27 Ill. Reg. 12598, effective July 21, 2003; amended at 31 Ill. Reg. 3187, effective February 9, 2007; amended at 34 Ill. Reg. _____, effective _____.

Section 567.10 General Applicability

Rules contained within this Part are applicable to all Department of Human Services-~~DivisionOffice~~ of Rehabilitation Services (DHS-~~DRSORS~~) Vocational Rehabilitation (VR) ~~customerse~~lients.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 567.20 Definition of Comparable Benefits

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a) A comparable benefit is a service that is available at the time the service is needed by a customer and is used ~~to achieve an employment outcome to determine eligibility (89 Ill. Adm. Code 553) or to achieve the vocational goal and objectives~~ specified in the customer's Individualized Plan for Employment (IPE) (~~see~~ 89 Ill. Adm. Code 572) that, when provided to DHS-DRS customers by a public or private agency or agencies other than DHS-DRS, offset costs ~~that which~~ would otherwise be paid by DHS-DRS ~~or the customer~~.
- b) When a customer is requesting DHS-DRS to cover training related services, except for those services that are exempt from financial participation (~~see~~ 89 Ill. Adm. Code 562.30) in an institution of higher education, the customer shall make formal application for federal assistance by completing the Free Application for Federal Student Aid (FAFSA) and provide proof (or denial) of financial award and the amount of the award before the customer's IPE can be implemented. An IPE for services to prepare and assist the customer in applying for comparable benefits may be developed at any time. Failure of the customer to apply for comparable benefits shall result in the denial of services (~~see~~ 89 Ill. Adm. Code 567.100).
- c) Customers requesting medical services or physical restoration services shall make formal application for Medicaid benefits and complete the process to determine Medicaid eligibility. Eligibility, or ineligibility, for Medicaid benefits shall not, in any way, affect the eligibility for Vocational Rehabilitation services from DHS-DRS.
- d) Monetary awards, contributions and gifts that are specific or restricted as to use shall be used as intended (e.g., scholarships earmarked for use for college tuition costs or general college expenses) and are an available comparable benefit or service that reduces the customer's need for those services from DHS-DRS. Unrestricted scholarships and awards based on merit do not constitute comparable benefits.
- e) While a customer will not be discouraged from applying for loans (i.e., student loans) to assist in the completion of his/her rehabilitation program, he/she shall not be required to accept such loans. Such loans are not comparable benefits.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 567.30 Exceptions to Comparable Benefits

Comparable benefits must be pursued for all services except:

- a) if a search for comparable benefits would delay the provision of VR services to a customer who is at extreme medical risk, based upon medical evidence provided by an appropriately licensed medical professional;
- b) for evaluation during the Determination of Eligibility and Comprehensive Assessment of Rehabilitation Needs ([see](#) 89 Ill. Adm. Code 553);
- c) for counseling ~~and~~; guidance, ~~and information and~~ referral, ~~and placement~~;
- ~~d) for job-related services, including job search, placement and follow-up;~~
- ~~ed)~~ for the provision of any service when the delay caused in identifying ~~and/or~~ making use of a comparable benefit would cause the customer to lose a job placement ~~that~~~~which~~ is immediately available;
- ~~e) for vocational and other training services, which are not provided in institutions of higher education (e.g., universities, colleges, vocational schools, technical institutes, or hospital schools of nursing) (these vocational and other training services could include on-the-job training, work adjustment training including at a rehabilitation facility or the three month or nine month pre-vocational program for hearing impaired at Northern Illinois University, and work experience from the Secondary Transitional Experience Program or similar programs);~~
- f) for rehabilitation technology services;
- ~~g) for supported employment services; and~~
- ~~gh)~~ for post-employment services included in subsections (b), (c), (d), (e), ~~and~~ (f), ~~and~~ (g) above.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 567.100 Refusal of Comparable Benefits

DHS-~~DRSORS~~ cannot provide a service (with the exception of Section 567.30(a) through (gh))

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

to a customer who refuses to make formal application to a comparable benefit source or who
| refuses to accept a comparable benefit for which he or she~~he/she~~ is eligible.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

2) Code Citation: 77 Ill. Adm. Code 300

<u>Section Numbers:</u>	<u>Proposed Action:</u>
300.340	Amend
300.2920	Amend
300.3120	Amend
300.3220	Amend

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) A Complete Description of the Subjects and Issues Involved:

Part 300 regulates skilled nursing and intermediate care facilities, including climate control for residents' comfort and regular medical care that residents receive.

Section 300.340 (Incorporated and Referenced Materials) is being amended to incorporate professional standards necessary to this rulemaking. The Department is preparing more comprehensive amendments to this Section that will be proposed in a future rulemaking.

Sections 300.2920 (Mechanical Systems) and 300.3120 (Mechanical Systems) are being amended to incorporate minimum standards for air conditioning and heating in all facilities mandated by Public Act 95-31, enacted by the General Assembly in 2007.

In Section 300.3220 (Medical and Personal Care Program) requirements for cancer screening for women are being updated to conform to the standards of the Guidelines for Women's Health Care, published by the 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 Women's Health Care, Second Edition

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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

217/782-2043
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
 - A) Type of small businesses, small municipalities and not-for-profit corporations affected: Long-term care facilities
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.163	Alzheimer's Special Care Disclosure
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators (Repealed)
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
300.510	Administrator

SUBPART C: POLICIES

Section	
300.610	Resident Care Policies
300.615	Determination of Need Screening and Request for Resident Criminal History Record Information
300.620	Admission, Retention and Discharge Policies
300.624	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006
300.625	Identified Offenders
300.626	Discharge Planning for Identified Offenders
300.627	Transfer of an Identified Offender
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.655	Initial Health Evaluation for Employees
300.660	Nursing Assistants
300.661	Health Care Worker Background Check
300.662	Resident Attendants
300.663	Registry of Certified Nursing Assistants
300.665	Student Interns
300.670	Disaster Preparedness
300.680	Restraints
300.682	Nonemergency Use of Physical Restraints
300.684	Emergency Use of Physical Restraints

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

300.686	Unnecessary, Psychotropic, and Antipsychotic Drugs
300.690	Incidents and Accidents
300.695	Contacting Local Law Enforcement
300.696	Infection Control

SUBPART D: PERSONNEL

Section	
300.810	General
300.820	Categories of Personnel
300.830	Consultation Services
300.840	Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section	
300.1010	Medical Care Policies
300.1020	Communicable Disease Policies
300.1025	Tuberculin Skin Test Procedures
300.1030	Medical Emergencies
300.1035	Life-Sustaining Treatments
300.1040	Behavior Emergencies (Repealed)
300.1050	Dental Standards
300.1060	Vaccinations

SUBPART F: NURSING AND PERSONAL CARE

Section	
300.1210	General Requirements for Nursing and Personal Care
300.1220	Supervision of Nursing Services
300.1230	Staffing
300.1240	Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section	
300.1410	Activity Program
300.1420	Specialized Rehabilitation Services
300.1430	Work Programs

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 300.1440 Volunteer Program
- 300.1450 Language Assistance Services

SUBPART H: MEDICATIONS

Section

- 300.1610 Medication Policies and Procedures
- 300.1620 Compliance with Licensed Prescriber's Orders
- 300.1630 Administration of Medication
- 300.1640 Labeling and Storage of Medications
- 300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

Section

- 300.1810 Resident Record Requirements
- 300.1820 Content of Medical Records
- 300.1830 Records Pertaining to Residents' Property
- 300.1840 Retention and Transfer of Resident Records
- 300.1850 Other Resident Record Requirements
- 300.1860 Staff Responsibility for Medical Records
- 300.1870 Retention of Facility Records
- 300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section

- 300.2010 Director of Food Services
- 300.2020 Dietary Staff in Addition to Director of Food Services
- 300.2030 Hygiene of Dietary Staff
- 300.2040 Diet Orders
- 300.2050 Meal Planning
- 300.2060 Therapeutic Diets (Repealed)
- 300.2070 Scheduling Meals
- 300.2080 Menus and Food Records
- 300.2090 Food Preparation and Service
- 300.2100 Food Handling Sanitation
- 300.2110 Kitchen Equipment, Utensils, and Supplies

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section

- 300.2210 Maintenance
- 300.2220 Housekeeping
- 300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

- 300.2410 Furnishings
- 300.2420 Equipment and Supplies
- 300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section

- 300.2610 Codes
- 300.2620 Water Supply
- 300.2630 Sewage Disposal
- 300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section

- 300.2810 Applicability of these Standards
- 300.2820 Codes and Standards
- 300.2830 Preparation of Drawings and Specifications
- 300.2840 Site
- 300.2850 Administration and Public Areas
- 300.2860 Nursing Unit
- 300.2870 Dining, Living, Activities Rooms
- 300.2880 Therapy and Personal Care
- 300.2890 Service Departments
- 300.2900 General Building Requirements
- 300.2910 Structural
- 300.2920 Mechanical Systems
- 300.2930 Plumbing Systems

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

300.2940 Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section

300.3010 Applicability
300.3020 Codes and Standards
300.3030 Preparation of Drawings and Specifications
300.3040 Site
300.3050 Administration and Public Areas
300.3060 Nursing Unit
300.3070 Living, Dining, Activities Rooms
300.3080 Treatment and Personal Care
300.3090 Service Departments
300.3100 General Building Requirements
300.3110 Structural
300.3120 Mechanical Systems
300.3130 Plumbing Systems
300.3140 Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

Section

300.3210 General
300.3220 Medical ~~and Personal~~ Care ~~Program~~
300.3230 Restraints (Repealed)
300.3240 Abuse and Neglect
300.3250 Communication and Visitation
300.3260 Resident's Funds
300.3270 Residents' Advisory Council
300.3280 Contract With Facility
300.3290 Private Right of Action
300.3300 Transfer or Discharge
300.3310 Complaint Procedures
300.3320 Confidentiality
300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section

- 300.3410 Application of Other Sections of These Minimum Standards (Repealed)
- 300.3420 Administrator (Repealed)
- 300.3430 Policies (Repealed)
- 300.3440 Personnel (Repealed)
- 300.3450 Resident Living Services Medical and Dental Care (Repealed)
- 300.3460 Resident Services Program (Repealed)
- 300.3470 Psychological Services (Repealed)
- 300.3480 Social Services (Repealed)
- 300.3490 Recreational and Activities Services (Repealed)
- 300.3500 Individual Treatment Plan (Repealed)
- 300.3510 Health Services (Repealed)
- 300.3520 Medical Services (Repealed)
- 300.3530 Dental Services (Repealed)
- 300.3540 Optometric Services (Repealed)
- 300.3550 Audiometric Services (Repealed)
- 300.3560 Podiatric Services (Repealed)
- 300.3570 Occupational Therapy Services (Repealed)
- 300.3580 Nursing and Personal Care (Repealed)
- 300.3590 Resident Care Services (Repealed)
- 300.3600 Record Keeping (Repealed)
- 300.3610 Food Service (Repealed)
- 300.3620 Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
- 300.3630 Design and Construction Standards (New and Existing Facilities) (Repealed)

SUBPART R: DAYCARE PROGRAMS

Section

- 300.3710 Day Care in Long-Term Care Facilities

SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section

- 300.4000 Applicability of Subpart S
- 300.4010 Comprehensive Assessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4020 Reassessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 300.4030 Individualized Treatment Plan for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4040 General Requirements for Facilities Subject to Subpart S
- 300.4050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart S
- 300.4060 Discharge Plans for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4070 Work Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4080 Community-Based Rehabilitation Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4090 Personnel for Providing Services to Persons with Serious Mental Illness for Facilities Subject to Subpart S

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF
PUBLIC AID'S DEMONSTRATION PROGRAM FOR PROVIDING
SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section

- 300.6000 Applicability of Subpart T
- 300.6005 Quality Assessment and Improvement for Facilities Subject to Subpart T
- 300.6010 Comprehensive Assessments for Residents of Facilities Subject to Subpart T
- 300.6020 Reassessments for Residents of Facilities Subject to Subpart T
- 300.6030 Individualized Treatment Plan for Residents of Facilities Subject to Subpart T
- 300.6040 General Requirements for Facilities Subject to Subpart T
- 300.6045 Serious Incidents and Accidents in Facilities Subject to Subpart T
- 300.6047 Medical Care Policies for Facilities Subject to Subpart T
- 300.6049 Emergency Use of Restraints for Facilities Subject to Subpart T
- 300.6050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart T
- 300.6060 Discharge Plans for Residents of Facilities Subject to Subpart T
- 300.6070 Work Programs for Residents of Facilities Subject to Subpart T
- 300.6080 Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T
- 300.6090 Personnel for Providing Services to Residents of Facilities Subject to Subpart T
- 300.6095 Training and Continuing Education for Facilities Subject to Subpart T

SUBPART U: ALZHEIMER'S SPECIAL CARE UNIT OR CENTER PROVIDING
CARE TO PERSONS WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIA

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

300.7000	Applicability
300.7010	Admission Criteria
300.7020	Assessment and Care Planning
300.7030	Ability-Centered Care
300.7040	Activities
300.7050	Staffing
300.7060	Environment
300.7070	Quality Assessment and Improvement
300.7080	Variances to Enhance Residents' Quality of Life
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
300.APPENDIX E	Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
300.APPENDIX F	Guidelines for the Use of Various Drugs
300.APPENDIX G	Facility Report
300.TABLE A	Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
300.TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
300.TABLE D	Heat Index Table/Apparent Temperature

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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; amended at 33 Ill. Reg. 9356, effective June 17, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 300.340 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated in this Part:
 - 1) Private and professional association standards:
 - A) ANSI/ASME Standard No. A17.1-2000, Safety Code for Elevators and Escalators, which may be obtained from the American Society of Mechanical Engineers (ASME) International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900.
 - B) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (2001), and Handbook of Applications (1999), which may be obtained from the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329.
 - C) American Society for Testing and Materials (ASTM) International Standard No. E90-02 (1996): Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, [and Standard No. E84-08a, Standard Test Method for Surface Burning Characteristics of Building Materials](#), which may be obtained from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- D) International Building Code (IBC) (2000), which may be obtained from the International Code Council (ICC), 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795.
- E) For existing facilities (see Subpart O), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981) and the following additional standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:
- i) No. 10 (1978): Standards for Portable Extinguishers
 - ii) No. 13 (1980): Standards for the Installation of Sprinkler Systems
 - iii) [No. 54 \(1999\): National Fuel Gas Code](#)
 - iv)iii) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems
 - v)iv) No. 70 (1981): National Electric Code
 - vi)v) No. 90A (~~1999~~1978): [Standard for the Installation of Air Conditioning and Ventilating Systems](#)
 - vii)vi) No. 96 (~~1998~~1980): Standard for [Ventilation Control and Fire Protection of Commercial Cooking Operations](#)~~the Installation of Equipment for the Removal of Smoke and Grease Laden Vapors from Commercial Cooking Equipment~~
 - viii)vii) No. 220 (1979): Standard Types of Building Construction
 - ix)viii) No. 253 (1978): Flooring Radiant Heat Energy Test
 - x)ix) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~xi)*~~ Appendix C (1981): Fire Safety Evaluation System for Health Occupancies

- F) For new facilities (see Subpart N), the following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:
- i) NFPA 17A, Standard for Wet Chemical Extinguishing Systems – 2002 Edition
 - ii) NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection – 1999 Edition
 - iii) NFPA 22, Standard for Water Tanks for Private Fire Protection – 1998 Edition
 - iv) NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances – 2002 Edition
 - v) NFPA 50, Standard for Bulk Oxygen Systems at Consumer Sites – 2001 Edition
 - vi) [NFPA 54, National Fuel Gas Code – 1999 Edition](#)
 - ~~vii)*i~~ NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition
 - ~~viii)*ii~~ NFPA 70E, Standard for Electrical Safety Requirements for Employee Workplaces – 2000 Edition
 - ~~ix)*iii~~ NFPA 80A, Recommended Practice for Protection of Buildings from Exterior Fire Exposures – 2001 Edition
 - x) [NFPA 90A, Standard for the Installation of Air Conditioning and Ventilating Systems – 1999 Edition](#)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- xi) [NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations – 1998 Edition](#)
 - xii)ix) NFPA 101, Life Safety Code – 2000 Edition
 - xiii)*) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition
 - G) For new and existing facilities (see Section 300.1610), NFPA 99: Standard for Health Care Facilities – 2003 Edition.
 - H) The following standards, which may be obtained from Underwriters Laboratories (UL), Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:

 - i) Fire Resistance Directory (2003 Edition)
 - ii) Building Material Directory (2003 Edition)
 - I) American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (1994), which may be obtained from the American Psychiatric Association, 1000 Wilson Blvd., Suite 1825, Arlington, Virginia, 22209-3901.
 - J) [American College of Obstetricians and Gynecologists, Guidelines for Women's Health Care, Third Edition \(2007\), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 \(800-762-2264\). \(See Section 300.3220.\)](#)
- 2) Federal guidelines:
The following guidelines of the Center for Infectious Diseases, Centers for Disease Control and Prevention, United States Public Health Service, Department of Health and Human Services, which may be obtained from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- A) Guideline for Prevention of Catheter-Associated Urinary Tract Infections (October 1981)
 - B) Guideline for Hand Hygiene in Health-Care Settings (October 2002)
 - C) Guidelines for Prevention of Intravascular Catheter-Related Infections (2002)
 - D) Guideline for Prevention of Surgical Site Infection (1999)
 - E) Guideline for Prevention of Nosocomial Pneumonia (February 1994)
 - F) Guideline for Isolation Precautions in Hospitals (February 18, 1997)
 - G) Guidelines for Infection Control in Health Care Personnel (1998)
- 3) Federal regulations:
- A) 21 CFR 1306, Prescriptions (April 1, 2002)
 - B) 42 CFR 483.151-156, Requirements for States and Long-Term Care Facilities (October 1, 2002)
- 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 amendments or editions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
- 1) Federal statutes:
 - A) Civil Rights Act of 1964 (42 USC 2000e et seq.)
 - B) Social Security Act (42 USC 301 et seq., 1395 et seq. and 1396 et seq.)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- C) Controlled Substances Act (21 USC 802)
- 2) State of Illinois statutes:
- A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305]
 - B) Boiler and Pressure Vessel Safety Act [430 ILCS 75]
 - C) Child Care Act of 1969 [225 ILCS 10]
 - D) Court of Claims Act [705 ILCS 505]
 - E) Illinois Dental Practice Act [225 ILCS 25]
 - F) Election Code [10 ILCS 5]
 - G) Freedom of Information Act [5 ILCS 140]
 - H) General Not For Profit Corporation Act of 1986 [805 ILCS 105]
 - I) Hospital Licensing Act [210 ILCS 85]
 - J) Illinois Controlled Substances Act [720 ILCS 570]
 - K) Illinois Health Facilities Planning Act [20 ILCS ~~3960~~3906]
 - L) Illinois Municipal Code [65 ILCS 5]
 - M) ~~Nurse~~~~Nursing and Advanced~~ Practice ~~Nursing~~ Act [225 ILCS 65]
 - N) Illinois Occupational Therapy Practice Act [225 ILCS 75]
 - O) Illinois Physical Therapy Act [225 ILCS 90]
 - P) Life Care Facilities Act [210 ILCS 40]
 - Q) Local Governmental and Governmental Employees Tort Immunity

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Act [745 ILCS 10]

- R) Medical Practice Act of 1987 [225 ILCS 60]
- S) Mental Health and Developmental Disabilities Code [405 ILCS 5]
- T) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
- U) Nursing Home Care Act [210 ILCS 45]
- V) Pharmacy Practice Act ~~of 1987~~ [225 ILCS 85]
- W) Private Sewage Disposal Licensing Act [225 ILCS 225]
- X) Probate Act of 1975 [775 ILCS 5]
- Y) Illinois Public Aid Code [305 ILCS 5]
- Z) Safety Glazing Materials Act [430 ILCS 60]
- AA) Illinois Administrative Procedure Act [5 ILCS 100]
- BB) Clinical Psychologist Licensing Act [225 ILCS 15]
- CC) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
- DD) Health Care Worker Background Check Act [225 ILCS 46]
- EE) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- FF) Living Will Act [755 ILCS 35]
- GG) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
- HH) Health Care Surrogate Act [755 ILCS 45]
- II) Right of Conscience Act [745 ILCS 70]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- JJ) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
 - KK) Supportive Residences Licensing Act [210 ILCS 65]
 - LL) Community Residential Alternatives Licensing Act [210 ILCS 40]
 - MM) Community Living Facilities Licensing Act [210 ILCS 35]
 - NN) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
 - OO) Counties Code [55 ILCS 5]
 - PP) Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]
 - QQ) Podiatric Medical Practice Act of 1987 [225 ILCS 100]
 - RR) Illinois Optometric Practice Act of 1987 [225 ILCS 80]
 - SS) Physician Assistant Practice Act of 1987 [225 ILCS 95]
 - TT) Alzheimer's Special Care Disclosure Act [210 ILCS 4]
 - UU) Illinois Act on the Aging [20 ILCS 105]
 - VV) Alternative Health Care Delivery Act [210 ILCS 3]
 - WW) Assisted Living and Shared Housing Act [210 ILCS 9]
 - XX) Language Assistance Services Act [210 ILCS 87]
- 3) State of Illinois rules:
- A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
 - B) Capital Development Board, Illinois Accessibility Code (71 Ill.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Adm. Code 400)

C) Department of Public Health:

- i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
- ii) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
- iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)
- iv) Illinois Plumbing Code (77 Ill. Adm. Code 890)
- v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
- vi) Drinking Water Systems Code (77 Ill. Adm. Code 900)
- vii) Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
- viii) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
- ix) [Access to Public Records of the Department of Public Health Freedom of Information Code](#)-(2 Ill. Adm. Code [11274426](#))
- x) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- xi) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
- xii) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
- xiii) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
 - xv) Control of Tuberculosis Code (77 Ill. Adm. Code 696)
 - xvi) Health Care Worker Background Check Code (77 Ill. Adm. Code 955)
 - xvii) Language Assistance Services Code (77 Ill. Adm. Code 940)
- D) Department of Financial and Professional Regulation:
- i) Controlled Substances Act (68 Ill. Adm. Code 3100)
 - ii) Pharmacy Practice Act ~~of 1987~~ (68 Ill. Adm. Code 1330)
- E) Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060)
- F) Department of Natural Resources, Regulation of Construction within Flood Plains (17 Ill. Adm. Code 2706)
- G) Department of ~~Healthcare and Family Services~~ Public Aid, Medical Payment (89 Ill. Adm. Code 140)

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section 300.2920 Mechanical Systems

- a) General Requirements
 - 1) Mechanical systems shall be tested, balanced, and operated to demonstrate that the installation and performance of these systems conform to the requirements of [this Section](#) ~~these standards~~.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 2) Upon the completion of the contract, the owner shall be furnished with a complete set of manufacturer's operating and preventative maintenance instructions, a parts list with numbers and descriptions for each piece of equipment, and a copy of the air-balance report. A complete set of these documents shall be kept on the premises.
- 3) The owner shall be provided with instructions in the operational use of the systems and equipment ~~as required~~.
- b) Thermal and ~~accoustical insulation~~Acoustical Insulation shall be provided as set forth in the ASHRAE Handbook of Fundamentals and the Handbook of Applications and NFPA 90A. Commercial kitchen grease hoods shall be insulated according to NFPA 96 and in accordance with the insulation manufacturer's installation instructions. Domestic water piping that is accessible to residents shall be insulated as required by the Illinois Accessibility Code. Insulation shall be provided for the following:
- 1) ~~Insulation shall be provided for the following:~~
- 1)2) Boilers, smoke breeching, and stacks;:-
- 2)3) Steam supply and condensate return piping;:-~~(B)~~
- 3)4) Hot water piping above 180 degrees Fahrenheit and all ~~hot~~-water heaters, generators, and convertors;:-
- 4)5) Hot water piping above 125 degrees Fahrenheit ~~that~~which is exposed to contact by residents;:-~~(B)~~
- 5)6) Chilled water, refrigerant, and other process piping and equipment operating with fluid temperatures below the ambient dew point;:-
- 6)7) Water supply and drainage piping on which condensate may occur;:-
- 7)8) Air ducts and casings with outside surface temperatures below the ambient dew point; and:-
- 8)9) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- c)10) Insulation may be omitted from hot water and steam condensate piping that is not subject to contact by residents when ~~thesuch~~ insulation is not necessary for preventing excessive system heat loss or excessive heat gain.
- d)11) Insulation, including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment, shall have a flame spread rating of 25 or less and a smoke-developed rating of ~~50~~50 or less as determined by an independent testing laboratory in accordance with the American Society for Testing and Materials Standard E84. Exception: Duct, pipe, and equipment coverings shall not be required to meet these requirements if they are located entirely outside of a building, do not penetrate a wall or roof, or do not create an exposure hazard. ~~(B)~~
- ~~Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building, or do not penetrate a wall or roof or do not create an exposure hazard.~~
- ~~12) Access for filter changing shall be provided within equipment rooms.~~
- e)e) Steam and Hot Water Systems. Supply and return mains and risers for cooling, heating, and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.
- f)d) Thermal Hazards. Any surface that is accessible to residents and exceeds~~exceeding~~ a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) ~~that is accessible to residents~~ shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.
- g)e) Heating, ~~Cooling, and~~ Ventilating, and Air Conditioning Systems
- 1) Areas of a nursing home used by residents of the nursing home shall be air conditioned and heated by means of operable air-conditioning and heating equipment. The areas subject to this air-conditioning and heating requirement include, without limitation, bedrooms or common areas such

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

as sitting rooms, activity rooms, living rooms, community rooms, and dining rooms. (Section 3-202(8) of the Act) A design temperature of 75 degrees Fahrenheit for both summer and winter design conditions shall be provided for all resident use areas including corridors.

A) The mechanical system shall be capable of maintaining a temperature of at least 75 degrees Fahrenheit at all times.

B) The air-conditioning system shall be capable of maintaining an ambient air temperature of between 75 degrees Fahrenheit and 81 degrees Fahrenheit.

- 2) All ventilation supply, return, and exhaust systems shall be mechanically operated.
- 3) Outdoor air intakes shall be located as far as practical, but not less than 15 feet, from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or ~~from~~ areas ~~that which~~ may collect vehicular exhaust and other noxious fumes, including the exhaust stream from fuel-fired heating, ventilating and air conditioning (HVAC) heating sections. The bottom of outdoor air intakes serving central systems shall be located as high as practical, but not less than six feet above ground level, or, if installed above the roof, three feet above roof level. For fuel-fired heating sections of rooftop HVAC units, the exhaust vent may discharge not less than 36 inches above the highest point of the fresh air intake hood in lieu of the 15-foot separation.
- 4) The ventilation systems shall be designed and balanced to provide the pressure relationships and ventilation rates as shown in Table B. ~~(B)~~
- 5) A differential pressure measuring device shall be installed across each filter bed serving a central air system. The device may be a remote readout instrument if the remote readout is readily visible in a location accessible to the maintenance staff, or if the readout is displayed on an interactive screen. ~~A manometer shall be installed across each filter bed serving central air systems.~~
- 6) Air conditioning and ~~ventilating~~ ventilation systems shall be designed, installed, and maintained as required by NFPA National Fire Protection

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~Association Standard 90A. For areas within the footprint of the facility that are heated by fuel-fired appliances using an air-to-air heat exchanger, no fewer than two carbon monoxide (CO) detectors shall be installed in the area served by each heat exchanger. One CO detector shall be installed within five feet of a supply duct and one within five feet of a return or exhaust duct. CO detectors shall be line or system powered and shall signal the building fire alarm system when activated. If detectors are line powered, a battery back-up or connection to the emergency power system is required.~~(A, B)

- 7) The hood and duct system for cooking equipment used in processes ~~that produce~~producing smoke or grease-laden vapors shall ~~comply~~be in conformance with ~~NFPA National Fire Protection Association Standard 96. The hood's extinguishment system shall be connected to the building fire alarm system and shall initiate a general alarm when activated. Duct insulation that is used in lieu of spacing from combustible construction members shall terminate at the top of the hood on the lower end, covering the duct collar, and shall pass through any combustible nailer opening in the roof/ceiling assembly and into the roof jack assembly. The material used shall be installed exactly as the manufacturer's installations require. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratories.~~(A, B)
- 8) The ventilation of the medical gas storage ~~and manifold rooms~~room shall ~~comply with~~conform to the requirements of ~~NFPA 99, Standard for Health Care Facilities, Chapters 4 and 8, as applicable, National Fire Protection Association Standard 56A "Inhalation Anesthetics"~~ including the gravity option system. If a concentrator is used to simultaneously fill a portable container and as a patient breathing device, the standards in NFPA 99 governing the use of medical gases in resident rooms shall be observed.
(B)
- 9) Boiler rooms and other rooms having combustion equipment shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperatures to ~~2097~~ degrees Fahrenheit over ambient inside air in adjacent interior spaces. If sealed combustion units are in use, the discharge line shall remain clear of any adjacent walk paths

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

and shall be not less than 15 feet from any operable fenestration or air intakes. NFPA 54 shall apply, including the calculations for combustion air openings. Effective ~~temperature~~Temperature shall be as defined by the American Society of Heating, Refrigerating, and Air Conditioning~~Refrigeration~~ Engineers Handbook of Fundamentals. ~~(A, B)~~

- 10) Rooms containing heat-producing equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, and sterilizer rooms, shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 10 degrees Fahrenheit above the ambient temperature. The ventilation rates shown in Table B shall be considered as minimum acceptable rates and shall not be construed as precluding the use of higher ventilation rates.

- 11) Access for filter changing shall be provided within equipment rooms.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section 300.3120 Mechanical Systems

- a) Mechanical systems shall be maintained to assure proper working order and safe operation. Instructions in the operational use of the systems and equipment ~~shall~~must be available at the facility. ~~(B)~~
- b) Thermal and Acoustical Insulation. Insulation shall~~It is recommended that insulation~~ be provided for the following:
- 1) Boilers, smoke breeching, and stacks;-
 - 2) Steam supply and condensate return piping;-
 - 3) Hot water piping above 180 degrees Fahrenheit and all ~~hot~~ water heaters, generators, and converters;-
 - 4) Hot water piping above 125 degrees Fahrenheit that~~which~~ is exposed to contact by residents;-

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 5) Chilled water, refrigerant, and other process piping and equipment operating with fluid temperatures below the ambient dew point~~;-~~
 - 6) Water supply and drainage piping on which condensation may occur~~;-~~
 - 7) Air ducts and casings with outside surface temperature below the ambient dew point~~; and-~~
 - 8) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
- ~~c)9)~~ Insulation may be omitted from hot water and steam condensate piping that is not subject to contact by residents when ~~thesuch~~ insulation is not necessary for preventing excessive ~~systemsystems~~ heat loss or excessive heat gain.
- ~~d)10)~~ Insulation on cold surfaces shall include an exterior vapor barrier.
- ~~e)11)~~ Insulation, including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment, shall have a flame spread rating of 25 or less and a smoke developed rating of ~~50150~~ or less as determined by an independent testing laboratory in accordance with ASTM Standard E 84. Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements ifwhere they are located entirely outside of a building~~;-or~~ do not penetrate a wall or roof~~;-~~ or do not create an exposure hazard.
- ~~f)e)~~ Steam and Hot Water Systems. Supply~~It is recommended that supply~~ and return mains and risers for cooling, heating, and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.
- ~~g)d)~~ Thermal Hazards. Any surface that is accessible to residents and exceedsexceeding a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) that is accessible to residents~~-~~ shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

h)e) Heating, ~~Cooling, and~~ Ventilating, and Air Conditioning Systems

- 1) Areas of a nursing home used by residents of the nursing home shall be air conditioned and heated by means of operable air-conditioning and heating equipment. The areas subject to this air-conditioning and heating requirement include, without limitation, bedrooms or common areas such as sitting rooms, activity rooms, living rooms, community rooms, and dining rooms. (Section 3-202(8) of the Act)
 - A) ~~The mechanical system shall be capable of maintaining a temperature of at least 75 degrees Fahrenheit at all times. The heating system shall be capable of maintaining a temperature of 75 degrees Fahrenheit in all resident use spaces.~~
 - B) The air-conditioning system shall be capable of maintaining an ambient air temperature of between 75 degrees Fahrenheit and 81 degrees Fahrenheit.
- 2) ~~Auxiliary gas or electric space heaters of an approved closed type may be installed in areas requiring more heat than is produced by the central heating system. Heaters or furnaces of a type to be installed under, in, or on the floor are not permitted. (B)~~
- 3) All ventilation supply, return, and exhaust systems shall be mechanically operated.
- 4) The kitchen shall be provided with ventilation for reasonable comfort, and with sufficient make-up air for the rangehood exhaust. (B)
- 5) The laundry shall be provided with ventilation for reasonable comfort, with air flowing from clean areas to soiled areas and with exhaust to the outdoors. (B)
- 6) ~~Outdoor~~ ~~It is recommended that outdoor~~ air intakes shall be located as far as practical, but not less than 15 feet, from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or ~~from~~ areas ~~that~~ ~~which~~ may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems ~~shall~~ ~~should~~ be located as high as practical, but not less than six feet above

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

ground level, or, if installed above the roof, three feet above roof level.

- 7) Air conditioning and ventilating systems shall be maintained to comply with~~conform to~~ the requirements of NFPA 90A. ~~(A, B)~~
- 8) The hood and duct system for cooking equipment used in processes that produce smoke or grease-laden vapors, such as griddle frying or deep frying, shall ~~comply~~be in conformance with NFPA 96. The hood's extinguishment system shall be connected to the building fire alarm system and shall initiate a general alarm when activated. Duct insulation that is used in lieu of spacing from combustible construction members shall terminate at the top of the hood on the lower end, covering the duct collar, and shall pass through any combustible nailer opening in the roof/ceiling assembly and into the roof jack assembly. The material used shall be installed exactly as the manufacturer's instructions require. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratory. ~~(A, B)~~
- 9) Boiler rooms and other rooms housing combustion equipment shall be provided with sufficient outdoor air to maintain proper combustion rates of equipment and to limit room temperatures to 20 degrees Fahrenheit over ambient inside air in adjacent interior spaces. If sealed combustion units are in use, the discharge line is to remain clear of any adjacent walk paths and shall be not less than 15 feet from any operable fenestration or air intakes. NFPA 54 shall apply, including the calculations for combustion air openings. ~~(A, B)~~
- 10) For areas within the footprint of the facility that are heated by fuel-fired appliances using an air-to-air heat exchanger, no fewer than two carbon monoxide (CO) detectors shall be installed in the area served by each heat exchanger. One CO detector shall be installed within five feet of a supply duct and one within five feet of a return or exhaust duct. CO detectors shall be line or system powered and shall signal the building fire alarm system when activated. If detectors are line powered, a battery back-up or connection to the emergency power system is required. A capability shall be provided to maintain a temperature of at least 55 degrees Fahrenheit for at least 12 hours when the normal source of electrical power is interrupted.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~(A, B)~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART P: RESIDENT'S RIGHTS

Section 300.3220 Medical ~~and Personal~~ Care Program

- a) *A resident shall be permitted to retain the services of his or her own personal physician at his or her own expense under an individual or group plan of health insurance, or under any public or private assistance program providing such coverage. ~~(B)~~ (Section 2-104(a) of the Act)*
- b) *The Department shall not prescribe the course of medical treatment provided to an individual resident by the resident's physician in a facility. (Section ~~3-2012-104(a)~~ of the Act)*
- c) *Every resident~~All resident~~ shall be permitted to obtain from his or her~~their~~ own physician or the physician attached to the facility complete and current information concerning his or her medical diagnosis, treatment and prognosis in terms and language the resident can reasonably be expected to understand. (Section 2-104(a) of the Act)*
- d) *Every resident~~All residents~~ shall be permitted to participate in the planning of his or her~~their~~ total care and medical treatment to the extent that his or her~~their~~ condition permits. (Section 2-104(a) of the Act)*
- e) *No resident shall be subjected to experimental research or treatment without first obtaining his or her informed, written consent. The conduct of any experimental research or treatment shall be authorized and monitored by an institutional review committee appointed by the administrator of the facility where such research and treatment is conducted. ~~(A, B)~~ (Section 2-104(a) of the Act)*
- f) *All medical treatment and procedures shall be administered as ordered by a physician. All new physician orders shall be reviewed by the facility's ~~director~~Director of nursing or charge nurse designee within 24 hours after such orders have been issued to assure facility compliance with such orders. (Section 2-104(b) of the Act)*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- g) *Every woman resident of child-bearing age shall receive routine obstetrical and gynecological evaluations as well as necessary prenatal care.* (Section 2-104(b) of the Act) In addition, women residents ~~shall~~should be referred immediately for diagnosis whenever pregnancy is suspected.
- 1) "Routine obstetrical evaluations" and "necessary prenatal care" shall include, ~~at~~as a minimum, the following:
- A) Early diagnosis of pregnancy~~;~~;
- B) A comprehensive health history, including menstrual history, methods of family planning that the patient has used, a detailed record of past pregnancies, and data on the current pregnancy that allow the physician to estimate the date of delivery~~;~~;
- C) Identification of factors in the current pregnancy that help to identify the patient at high risk, such as maternal age, vaginal bleeding, edema, urinary infection, exposure to radiation and chemicals, ingestion of drugs and alcohol, and use of tobacco~~;~~;
- D) A comprehensive physical examination, including an evaluation of nutritional status; determination of height, weight and blood pressure; examination of the head, breasts, heart, lungs, abdomen, pelvis, rectum, and extremities~~;~~;
- E) The following laboratory tests, as early in pregnancy as possible. Findings obtained from the history and physical examination may determine the need for additional laboratory evaluations~~;~~;
- i) Hemoglobin or hematocrit measurement~~;~~;
- ii) Urinalysis, including microscopic examination or culture~~;~~;
- iii) Blood group and Rh type determination~~;~~;
- iv) Antibody screen~~;~~;
- v) Rubella antibody titer measurement~~;~~;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- vi) Syphilis screen;
 - vii) Cervical cytology; and
 - viii) Viral hepatitis (HBsAg) testing;
- F) A risk assessment ~~that, which~~, based on the findings of the history and physical examination, should indicate any risk factors that may require special management, such as cardiovascular disease, maternal age ~~less than 15 years or~~ more than 35 years, neurologic disorder, or congenital abnormalities;
- G) Return visits, the frequency of which will be determined by the patient's needs and risk factors. ~~A Generally a~~ woman with an uncomplicated pregnancy ~~shall~~should be seen every ~~four~~4 weeks for the first 28 weeks of pregnancy, every ~~two to three~~2-3 weeks until 36 weeks of gestation, and weekly thereafter;
- H) ~~Determinations~~The physical examination at each visit should include determinations of blood pressure, measured fundal height, fetal heart rate, and, in later months, fetal presentation, and urinalysis for albumin and glucose. Hemoglobin or hematocrit level ~~shall~~should be measured again early in the third trimester. Glucose screening is recommended for women who are 30 years of age or older;
- I) Evaluation and monitoring of nutritional status and habits;
- J) Education for health promotion and maintenance;
- K) Counseling concerning exercise and child birth education programs;
- L) Postpartum review and evaluation ~~four to eight~~4-8 weeks after delivery, including determination of weight and blood pressure and assessment of status of breasts, abdomen, and external and internal genitalia.
- 2) "Routine gynecological evaluations" shall include, at a minimum, the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

following:

- A) An initial examination, the basic components of which are:
- i) History; any present illnesses; menstrual, reproductive, medical, surgical, emotional, social, family, and sexual history; medications; allergies; family planning; and systems review;~~;~~
 - ii) Physical examination, including height, weight, nutritional status, and blood pressure; head and neck, including thyroid gland; heart; lungs; breasts; abdomen; pelvis, including external and internal genitalia; rectum; extremities, including signs of abuse; lymph nodes; ~~and-~~
 - iii) Laboratory tests, including urine screen; hemoglobin or hematocrit determination and, if indicated, complete blood cell count; cervical cytology; rubella titer.
- B) Annual updates, including but not limited to:
- i) History, including the purpose of the visit; menstrual history; interval history, including systems review; emotional history;~~;~~
 - ii) Physical examination, including weight, nutritional status and blood pressure; thyroid gland; breasts; abdomen; pelvis, including external and internal genitalia; rectum; other areas as indicated by the interval history;~~;~~
 - iii) Laboratory, including urine screen; cervical cytology, unless not indicated; hemoglobin or hematocrit determinations; ~~and-~~
 - iv) Additional laboratory tests, such as screening for sexually transmitted disease, ~~should be performed~~ as warranted by the history, physical findings, and risk factors.
- C) ~~Cancer screening.~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- ~~i) An annual Pap test for all women who are or have been sexually active or have reached age 18.~~
 - ~~ii) Mammography if indicated.~~
- 3) When a resident is referred for a diagnosis of pregnancy and/or for prenatal care, the facility shall send the health care provider a copy of the resident's medical record, including a list of prescription medications taken by the resident; the resident's use of alcohol, tobacco and illicit drugs; and any~~or~~ exposure of the resident to radiation or chemicals during the preceding three months.
- h) Cancer screening. Cancer screening for women shall include the following:
 - 1) A periodic Pap test. The frequency and administration of Pap tests shall be according to the guidelines set forth in the Guidelines for Women's Health Care, published by the American College of Obstetricians and Gynecologists; and
 - 2) Mammography. The frequency and administration of mammograms shall be according to the guidelines set forth in the Guidelines for Women's Health Care.
- i)h) Every resident shall be permitted to refuse medical treatment and to know the consequences of such action, unless such refusal would be harmful to the health and safety of others and such harm is documented by a physician in the resident's clinical record. (B)-(Section 2-104(c) of the Act)
- j)i) ~~Inspection and Copying of Records~~1)Every resident, resident's guardian, or parent ~~(if the resident is a minor)~~ shall be permitted to inspect and copy all of the resident's~~the resident's~~ clinical and other records concerning the resident's~~the resident's~~ care and maintenance kept by the facility or by the resident's~~the resident's~~ physician. (Section 2-104(d) of the Act)
 - 2) Every resident's representative shall be permitted to inspect and copy the resident's records. A "resident's representative" is a person, other than the owner or agent or employee of a facility who is not related to the resident, designated in writing by a resident to be his representative, or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~*the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Sections 1-123 and 2-202(h) of the Act)*~~
(B)

k)j) A resident~~All residents~~ shall be permitted respect and privacy in his or her~~their~~ medical and personal care program. Every resident's case discussion, consultation, examination and treatment shall be confidential and shall be conducted discreetly, and those persons not directly involved in the resident's care must have his or her~~the resident's~~ permission to be present. (B) (Section 2-105 of the Act)

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Sheltered Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 330
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
330.340	Amend
330.3170	Amend
330.3720	Amend
330.4220	Amend
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved:

Part 330 regulates sheltered care facilities, including climate control for the residents' comfort and regular medical care that residents receive.

Section 330.340 (Incorporated and Referenced Materials) is being amended to incorporate professional standards that are necessary for this rulemaking. The Department is preparing a more comprehensive set of amendments to this Section that will be proposed in a future rulemaking.

Sections 330.3170 (Heating) and 330.3720 (Plumbing and Heating) are being amended to incorporate minimum standards for air conditioning in facilities mandated by Public Act 95-31, enacted by the General Assembly in 2007.

In Section 330.4220 (Medical and Personal Care Program) requirements for cancer screening for women are being updated to conform to the standards of the Guidelines for Women's Health Care, published by the 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 Women's Health Care, Second Edition

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 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: DPH.RULES@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Sheltered care facilities
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART A: GENERAL PROVISIONS

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART B: ADMINISTRATION

- Section
- 330.510 Administrator

SUBPART C: POLICIES

- Section
- 330.710 Resident Care Policies
- 330.715 Request for Resident Criminal History Record Information
- 330.720 Admission and Discharge Policies
- 330.724 Criminal History Background Checks for Persons Who Were Residents on May 10, 2006
- 330.725 Identified Offenders
- 330.726 Discharge Planning for Identified Offenders
- 330.727 Transfer of an Identified Offender
- 330.730 Contract Between Resident and Facility
- 330.740 Residents' Advisory Council
- 330.750 General Policies
- 330.760 Personnel Policies
- 330.765 Initial Health Evaluation for Employees
- 330.770 Disaster Preparedness
- 330.780 Incidents and Accidents
- 330.785 Contacting Local Law Enforcement
- 330.790 Infection Control
- 330.795 Language Assistance Services

SUBPART D: PERSONNEL

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section

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

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

Section

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

SUBPART F: RESTORATIVE SERVICES

Section

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

SUBPART G: MEDICATIONS

Section

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

SUBPART H: RESIDENT AND FACILITY RECORDS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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 <u>and Cooling</u>
330.3180	Electrical

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 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,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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; amended at 33 Ill. Reg. 9371, effective June 17, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 330.340 Incorporated and Referenced Materials

- a) The following standards and guidelines are incorporated in this Part:
 - 1) For existing facilities (see Subpart O), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981) and Standard No. 70: National Electric Code (1981), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 01269.
 - 2) For new facilities (see Subpart M), the following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 01269:
 - A) NFPA 17A, Standard for Wet Chemical Extinguishing Systems – 2002 Edition

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- B) NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection – 1999 Edition
 - C) NFPA 22, Standard for Water Tanks for Private Fire Protection – 1998 Edition
 - D) NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances – 2002 Edition
 - E) NFPA 50, Standard for Bulk Oxygen Systems at Consumer Sites – 2001 Edition
 - F) NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition
 - G) NFPA 70E, Standard for Electrical Safety Requirements for Employee Workplaces – 2000 Edition
 - H) NFPA 80A, Recommended Practice for Protection of Buildings from Exterior Fire Exposures – 2001 Edition
 - I) NFPA 101, Life Safety Code – 2000 Edition
 - J) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition
- 3) For new and existing facilities (see Section 330.1510) NFPA 99: Standard for Health Care Facilities – 2002 Edition
- 4) The following guidelines of the Center for Infectious Diseases, Centers for Disease Control and Prevention, United States Public Health Service, Department of Health and Human Services may be obtained from the National Technical Information Services (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161:
- A) Guideline for Hand Hygiene in Health-Care Settings (October 2002)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- B) Guideline for Prevention of Nosocomial Pneumonia (February 1994)
- C) Guideline for Isolation Precautions in Hospitals (February 18, 1997)
- D) Guidelines for Infection Control in Health Care Personnel (1998)

5) [American College of Obstetricians and Gynecologists, Guidelines for Women's Health Care, Third Edition \(2007\), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 \(800-762-2264\). \(See Section 330.4220.\)](#)

- b) All incorporations by reference of federal guidelines and the standards of nationally recognized organizations refer to the standards on the date specified and do not include any amendments or editions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
 - 1) Federal statutes:
 - A) Civil Rights Act of 1964 (42 USC2000e et seq.)
 - B) Social Security Act (42 USC 301 et seq., 1395 et seq. and 1396 et seq.)
 - C) Controlled Substances Act (2 USC 802)
 - 2) State of Illinois statutes:
 - A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305]
 - B) Child Care Act of 1969 [225 ILCS 10]
 - C) Court of Claims Act [705 ILCS 505]
 - D) Illinois Dental Practice Act [225 ILCS 25]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- E) Election Code [10 ILCS 5]
- F) Freedom of Information Act [5 ILCS 140]
- G) General Not For Profit Corporation Act of 1986 [805 ILCS 105]
- H) Hospital Licensing Act [210 ILCS 85]
- I) Illinois Health Facilities Planning Act [20 ILCS 3960]
- J) Illinois Municipal Code [65 ILCS 5]
- K) Life Care Facilities Act [210 ILCS 40]
- L) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]
- M) Medical Practice Act ~~of 1987~~ [225 ILCS 60]
- N) Mental Health and Developmental Disabilities Code [405 ILCS 5]
- O) ~~Nurse~~Nursing and Advanced Practice ~~Nursing~~ Act [225 ILCS 65]
- P) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
- Q) Nursing Home Care Act [210 ILCS 45]
- R) Illinois Occupational Therapy Practice Act [225 ILCS 75]
- S) Pharmacy Practice Act ~~of 1987~~ [225 ILCS 85]
- T) Illinois Physical Therapy Act [225 ILCS 90]
- U) Private Sewage Disposal Licensing Act [225 ILCS 225]
- V) Probate Act of 1975 [755 ILCS 5]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- W) Illinois Public Aid Code [305 ILCS 5]
- X) Illinois Administrative Procedure Act [5 ILCS 100]
- Y) Clinical Psychologist Licensing Act [225 ILCS 15]
- Z) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
- AA) Health Care Worker Background Check Act [225 ILCS 46]
- BB) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- CC) Living Will Act [755 ILCS 35]
- DD) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
- EE) Health Care Surrogate Act [755 ILCS 40]
- FF) Right of Conscience Act [745 ILCS 70]
- GG) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
- HH) Supportive Residences Licensing Act [210 ILCS 65]
- II) Community Residential Alternatives Licensing Act [210 ILCS 140]
- JJ) Community Living Facilities Licensing Act [210 ILCS 35]
- KK) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
- LL) Counties Code [55 ILCS 5]
- MM) Alzheimer's Special Care Disclosure Act [220 ILCS 4]
- NN) Tort Immunity Act [745 ILCS 10]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- OO) Illinois Act on the Aging [20 ILCS 105]
 - PP) Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]
 - QQ) Assisted Living and Shared Housing Act [210 ILCS 9]
 - RR) Alternative Health Care Delivery Act [210 ILCS 3]
 - SS) Podiatric Medical Practice Act of 1987 [225 ILCS 100]
 - TT) Illinois Optometric Practice Act of 1987 [225 ILCS 80]
 - UU) Physician Assistant Practice Act of 1987 [225 ILCS 95]
 - VV) Language Assistance Services Act [210 ILCS 87]
- 3) State of Illinois rules:
- A) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
 - B) Department of Public Health
 - i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
 - ii) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
 - iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)
 - iv) Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
 - vi) Drinking Water Systems Code (77 Ill. Adm. Code 900)
 - vii) Illinois Water Well Construction Code (77 Ill. Adm. Code

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

920)

- viii) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
 - ix) [Access to Public Records of the Department of Public Health Freedom of Information Code](#) (2 Ill. Adm. Code ~~1127~~1126)
 - x) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
 - xi) Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
 - xii) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
 - xiii) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
 - xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
 - xv) Control of Tuberculosis Code (77 Ill. Adm. Code 696)
 - xvi) Health Care Worker Background Check Code (77 Ill. Adm. Code 955)
 - xvii) Language Assistance Services Code (77 Ill. Adm. Code 940)
- C) Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060)
- D) Office of the State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100)

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW
SHELTERED CARE FACILITIES**Section 330.3170 Heating and Cooling**

Areas of a nursing home used by residents of the nursing home shall be air conditioned and heated by means of operable air-conditioning and heating equipment. The areas subject to this air-conditioning and heating requirement include, without limitation, bedrooms or common areas such as sitting rooms, activity rooms, living rooms, community rooms, and dining rooms. (Section 3-202(8) of the Act) Every building shall meet the following heating requirements:

- a) The mechanical system shall be capable of maintaining a temperature of at least 75 degrees Fahrenheit at all times. Be equipped with a central heating plant, or equivalent system, approved by the Department.
- b) The air-conditioning system shall be capable of maintaining an ambient air temperature of between 75 degrees Fahrenheit and 81 degrees Fahrenheit. The heating system must be capable of maintaining a temperature of 80 degrees Fahrenheit throughout the residents' section of the building during weather conditions when the temperature falls to 20 degrees Fahrenheit.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR
EXISTING SHELTERED CARE FACILITIES**Section 330.3720 Plumbing and Heating**

- a) Every existing facility shall comply with the Department's rules titled Illinois Plumbing Code. meet the following plumbing and heating requirements:
 - 1) All plumbing shall comply with the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890) effective at the time of approval by the Department of either the architectural plans or the building. (A, B)
 - 2) All plumbing within the building shall be of an adequate size and so installed that fixtures receive water under good pressure and are satisfactorily drained. (A, B)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- ~~3) No physical connection shall be permitted between a safe and an unsafe water supply. (A, B)~~
- b) All plumbing installations and fixtures on the premises shall be of such a type and design that danger of contaminated water entering the drinking water piping by backflow or backsiphonage is eliminated. The following standards shall be used as a guide to determine satisfactory compliance of individual fixtures: ~~(A, B)~~
- 1) Lavatory faucets shall discharge at least one inch above the top rim of the lavatory bowl. ~~(B)~~
 - 2) Faucets for bathtubs, sinks, and laundry tubs shall discharge at least two inches above the top rim of the fixture. ~~(B)~~
 - 3) Flush tank type toilets shall be equipped with approved antisiphon ball cocks, ~~so~~ installed so that the effective air opening of the vacuum breaker is at least one inch above the top of the overflow tube in the toilet flush tank. ~~(B)~~
 - 4) Flushometer type toilets shall be equipped with approved vacuum breakers installed on the discharge side of the flush valve and at least four inches above the top of the toilet bowl. ~~(B)~~
 - 5) Dishwashing machines, laundry machines, urinals, and drinking fountains shall be ~~so~~ installed so as to provide backflow protection. ~~(B)~~
 - ~~6) Protection against other backflow possibilities may be required by the Department. (B)~~
 - ~~6)7) All fixtures having, or capable of receiving, a hose shall have a vacuum breaker located at least six inches above the highest head that normally may be placed on the unit. The height of the antisiphon unit should be sufficient to prevent any pressure on the unit, other than atmospheric pressure, when the control valve is closed. (B)~~
 - ~~7)8) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times. (B)~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- ~~8)9)~~ Hot water available to residents at shower, bathing and ~~hand-~~
~~washinghandwashing~~ facilities shall not exceed 110 degrees Fahrenheit;
~~and.~~ ~~(A, B)~~
- ~~9)10)~~ Protective measures, ~~including, such as~~ but not limited to, installation of a
mixing valve, limited access to controls, and checking water temperatures
daily at various points, shall be implemented to ~~ensureinsure~~ that the
temperature of hot water available to residents at shower, bathing and
~~hand-washinghandwashing~~ facilities shall not exceed 110 degrees
Fahrenheit. ~~(A, B)~~
- c) *Areas of a nursing home used by residents of the nursing home shall be air
conditioned and heated by means of operable air-conditioning and heating
equipment. The areas subject to this air-conditioning and heating requirement
include, without limitation, bedrooms or common areas such as sitting rooms,
activity rooms, living rooms, community rooms, and dining rooms. (Section 3-
202(8) of the Act)*
- 1) The air-conditioning system shall be capable of maintaining an ambient air
temperature of between 75 degrees Fahrenheit and 81 degrees Fahrenheit.
- ~~2)e)~~ The facility shall be equipped with a central heating plant; and have a
radiator, convector, or register in each room used by residents or staff.
- ~~3)d)~~ The mechanical system shall be capable of maintaining a temperature of at
least 75 degrees Fahrenheit at all times.~~The heating system shall be
capable of maintaining a temperature of 80 degrees Fahrenheit throughout
the residents' section of the building during weather conditions when the
temperature falls to 20 degrees below zero Fahrenheit.~~
- ~~4)e)~~ Alternative ~~modern~~ types of heating systems, such as ground water source
heat pumps, may be accepted, provided that they meet or exceed the
minimum requirements of subsection (d) of this Section.~~if it is adequate to
meet the needs of the residents as determined by professional standards.~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART Q: RESIDENT'S RIGHTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 330.4220 Medical ~~and Personal~~ Care Program

- a) *A resident shall be permitted to retain the services of his or her own personal physician at his or her own expense under an individual or group plan of health insurance, or under any public or private assistance program providing such coverage. (Section 2-104(a) of the Act) ~~(B)~~*
- b) *The Department shall not prescribe the course of medical treatment provided to an individual resident by the resident's physician in a facility. (Section ~~3-2012-~~104(a) of the Act)*
- c) *Every resident shall be permitted to obtain from his or her own physician or the physician attached to the facility complete and current information concerning his or her medical diagnosis, treatment and prognosis in terms and language the resident can reasonably be expected to understand. (Section 2-104(a) of the Act)*
- d) *~~Every resident~~All residents shall be permitted to participate in the planning of his or her~~their~~ total care and medical treatment to the extent that his or her~~their~~ condition permits. (Section 2-104(a) of the Act)*
- e) *No resident shall be subjected to experimental research or treatment without first obtaining his or her informed, written consent. The conduct of any experimental research or treatment shall be authorized and monitored by an institutional review committee appointed by the administrator of the facility where such research and treatment is conducted. (Section 2-104(a) of the Act) ~~(A, B)~~*
- f) *All medical treatment and procedures shall be administered as ordered by a physician. All new physician orders shall be reviewed by the facility's ~~director~~Director of nursing or charge nurse designee within 24 hours after such orders have been issued to assure facility compliance with such orders. (Section 2-104(b) of the Act)*
- g) *Every woman resident of child-bearing age shall receive routine obstetrical and gynecological evaluations as well as necessary prenatal care. (Section 2-104(b) of the Act) In addition, women residents ~~shall~~should be referred immediately for diagnosis whenever pregnancy is suspected.*
- 1) "Routine obstetrical evaluations" and "necessary prenatal care" shall include, atas a minimum, the following:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- A) Early diagnosis of pregnancy;:-
- B) A comprehensive health history, including menstrual history, methods of family planning that the patient has used, a detailed record of past pregnancies, and data on the current pregnancy that allow the physician to estimate the date of delivery;:-
- C) Identification of factors in the current pregnancy that help to identify the patient at high risk, such as maternal age, vaginal bleeding, edema, urinary infection, exposure to radiation and chemicals, ingestion of drugs and alcohol, and use of tobacco;:-
- D) A comprehensive physical examination, including an evaluation of nutritional status; determination of height, weight and blood pressure; examination of the head, breasts, heart, lungs, abdomen, pelvis, rectum, and extremities;:-
- E) The following laboratory tests, as early in pregnancy as possible. Findings obtained from the history and physical examination may determine the need for additional laboratory evaluations;:-
- i) Hemoglobin or hematocrit measurement;_
 - ii) Urinalysis, including microscopic examination or culture;_
 - iii) Blood group and Rh type determination;_
 - iv) Antibody screen;_
 - v) Rubella antibody titer measurement;_
 - vi) Syphilis screen;_
 - vii) Cervical cytology; and
 - viii) Viral hepatitis (HBsAg) testing;_
- F) A risk assessment that, which, based on the findings of the history

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

and physical examination, should indicate any risk factors that may require special management, such as cardiovascular disease, maternal age less than 15 years or more than 35 years, neurologic disorder, or congenital abnormalities~~;~~.

- G) Return visits, the frequency of which will be determined by the patient's needs and risk factors. ~~A~~Generally a woman with an uncomplicated pregnancy ~~shall~~should be seen every 4 weeks for the first 28 weeks of pregnancy, every 2-3 weeks until 36 weeks of gestation, and weekly thereafter~~;~~.
 - H) ~~Determinations~~The physical examination at each visit should include determinations of blood pressure, measured fundal height, fetal heart rate, and, in later months, fetal presentation, urinalysis for albumin and glucose. Hemoglobin or hematocrit level ~~shall~~should be measured again early in the third trimester. Glucose screening is recommended for women who are 30 years of age or older~~;~~.
 - I) Evaluation and monitoring of nutritional status and habits~~;~~.
 - J) Education for health promotion and maintenance~~;~~.
 - K) Counseling concerning exercise and childbirth education programs~~;~~.
 - L) Postpartum review and evaluation 4-8 weeks after delivery, including determination of weight, and blood pressure and assessment of status of breasts, abdomen, and external and internal genitalia.
- 2) "Routine gynecological evaluations" shall include, ~~at~~as a minimum, the following:
- A) An initial examination, the basic components of which are:
 - i) History; any present illnesses; menstrual, reproductive, medical, surgical, emotional, social, family, and sexual history; medications; allergies; family planning; and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

systems review~~;-~~

- ii) Physical examination, including height, weight, nutritional status, and blood pressure; head and neck, including thyroid gland; heart; lungs; breasts; abdomen; pelvis, including external and internal genitalia; rectum; extremities, including signs of abuse; lymph nodes; ~~and-~~
- iii) Laboratory tests, including urine screen; hemoglobin or hematocrit determination and, if indicated, complete blood cell count; cervical cytology; rubella titer.

B) Annual updates, including but not limited to:

- i) History, including the purpose of the visit; menstrual history; interval history, including systems review; emotional history~~;-~~
- ii) Physical examination, including weight, nutritional status and blood pressure; thyroid gland; breasts; abdomen; pelvis, including external and internal genitalia; rectum; other areas as indicated by the interval history~~;-~~
- iii) Laboratory, including urine screen; cervical cytology, unless not indicated; hemoglobin or hematocrit determinations; ~~and-~~
- iv) Additional laboratory tests, such as screening for sexually transmitted disease, ~~shall~~should be performed as warranted by the history, physical findings, and risk factors.

~~C) Cancer screening-~~

- ~~i) An annual Pap test for all women who are or have been sexually active or have reached age 18.~~
- ~~ii) Mammography if indicated.~~

- 3) When a resident is referred for a diagnosis of pregnancy and/or for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

prenatal care, the facility shall send the health care provider a copy of the resident's medical record, including a list of prescription medications taken by the resident; the resident's use of alcohol, tobacco and illicit drugs; and any~~or~~ exposure of the resident to radiation or chemicals during the preceding three months.

- h) Cancer screening. Cancer screening for women shall include the following:
- 1) A periodic Pap test. The frequency and administration of Pap tests shall be according to the guidelines set forth in the Guidelines for Women's Health Care, published by the American College of Obstetricians and Gynecologists; and
 - 2) Mammography. The frequency and administration of mammograms shall be according to the guidelines set forth in the Guidelines for Women's Health Care.
- i) ~~h)~~ *Every resident shall be permitted to refuse medical treatment and to know the consequences of such action, unless such refusal would be harmful to the health and safety of others and such harm is documented by a physician in the resident's clinical record. (Section 2-104(c) of the Act) (B)*
- j) ~~i)~~ Inspection and Copying of Records ~~1)~~ *Every resident, resident's guardian, or parent if the resident is a minor shall be permitted to inspect and copy all of the resident's~~the resident's~~ clinical and other records concerning the resident's~~the resident's~~ care and maintenance kept by the facility or by the resident's~~the resident's~~ physician. (Section 2-104(d) of the Act)*
- 2) ~~Every resident's representative shall be permitted to inspect and copy the resident's records. A "resident's representative" is a person, other than the owner or agent or employee of a facility who is not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Sections 1-123 and 2-202(h) of the Act)~~
- k) ~~j)~~ *A resident shall be permitted respect and privacy in his or her medical and personal care program. Every resident's case discussion, consultation, examination and treatment shall be confidential and shall be conducted discreetly, and those persons not directly involved in the resident's care must have*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

| *his or her permission to be present.* (Section 2-105 of the Act) (~~B~~)

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Veterans' Homes Code
- 2) Code Citation: 77 Ill. Adm. Code 340
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
340.1010	Amend
340.1550	Amend
340.2000	Amend
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: Part 340 regulates veterans' homes, including climate control for the residents' comfort and regular medical care that residents receive.

Section 340.1010 (Incorporated and Referenced Materials) is being amended to incorporate professional standards necessary to this rulemaking. The Department is preparing more comprehensive amendments to this Section that will be proposed in a future rulemaking.

Section 340.2000 (Maintenance) is being amended to update minimum standards for air conditioning and heating in all facilities mandated by Public Act 95-31, enacted by the General Assembly in 2007.

In Section 340.1550 (Obstetrical and Gynecological Care) requirements for cancer screening for women are being updated to conform to the standards of the Guidelines for Women's Health Care, published by the 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 Women's Health Care, Second Edition
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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

217/782-2043
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Veterans' homes
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

10, 2006

340.1315	Identified Offenders
340.1316	Discharge Planning for Identified Offenders
340.1317	Transfer of an Identified Offender
340.1320	Disaster Preparedness
340.1330	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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

340.1535	Dental Programs
340.1540	Life-Sustaining Treatments
340.1550	Obstetrical and Gynecological Care
340.1560	Nursing Personnel
340.1570	Personal Care
340.1580	Restraints
340.1590	Nonemergency Use of Physical Restraints
340.1600	Emergency Use of Physical Restraints
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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

340.1840 Confidentiality of Resident's Records

SUBPART H: FOOD SERVICE

Section

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

amendment at 27 Ill. Reg. 2222, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; amended at 27 Ill. Reg. 5903, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14230, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15904, effective September 25, 2003; amended at 27 Ill. Reg. 18148, effective November 15, 2003; amended at 28 Ill. Reg. 11209, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11931, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15208, effective September 23, 2005, for the remainder of the maximum 150 days; 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; amended at 33 Ill. Reg. 9384, effective June 17, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 340.1010 Incorporated and Referenced Materials

a) The following regulations and standards are incorporated in this Part:

1) Private and professional association standards:

A) NFPA No. 99: Standard for Health Care Facilities (2000 Edition), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169. (See Section 340.1650.)

B) [American College of Obstetricians and Gynecologists, Guidelines for Women's Health Care, Third Edition \(2007\), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 \(800-762-2264\). \(See Section 340.1550.\)](#)

2) Federal guidelines:

The following guidelines of the Center for Infectious Diseases, Centers for Disease Control and Prevention, United States Public Health Service, Department of Health and Human Services, may be obtained from the National Technical Information Service (NTIS), U.S. Department of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Commerce, 5285 Port Royal Road, Springfield, Virginia 22161:

- A) Guideline for Prevention of Catheter-Associated Urinary Tract Infections (October 1981);
 - B) Guideline for Hand Hygiene in Health-Care Settings (October 2002);
 - C) Guidelines for Prevention of Intravascular Catheter-Related Infections (2002);
 - D) Guideline for Prevention of Surgical Site Infection (1999);
 - E) Guideline for Prevention of Nosocomial Pneumonia (February 1994);
 - F) Guideline for Isolation Precautions in Hospitals (February 18, 1997);
 - G) Guidelines for Infection Control in Health Care Personnel (1998).
- 3) Federal regulations:
- A) Definitions (38 CFR 51.2, effective February 7, 2000);
 - B) Resident rights (38 CFR 51.70, effective February 7, 2000);
 - C) Admission, transfer and discharge rights (38 CFR 51.80, effective February 7, 2000);
 - D) Resident behavior and facility practices (38 CFR 51.90, effective February 7, 2000);
 - E) Quality of life (38 CFR 51.100, effective February 7, 2000);
 - F) Resident assessment (38 CFR 51.110, effective February 7, 2000);
 - G) Quality of care (38 CFR 51.120, effective February 7, 2000);

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- H) Nursing services (38 CFR 51.130, effective February 7, 2000);
 - I) Dietary services (38 CFR 51.140, effective February 7, 2000);
 - J) Physician services (38 CFR 51.150, effective February 7, 2000);
 - K) Specialized rehabilitative services (38 CFR 51.160, effective February 7, 2000);
 - L) Dental services (38 CFR 51.170, effective February 7, 2000);
 - M) Pharmacy services (38 CFR 51.180, effective February 7, 2000);
 - N) Infection control (38 CFR 51.190, effective February 7, 2000);
 - O) Physical environment (38 CFR 51.200, effective February 7, 2000);
 - P) Administration (38 CFR 51.210, effective February 7, 2000);
 - Q) Prescriptions (21 CFR 1306, effective April 1, 2002).
- b) The following federal and State statutes are referenced in this Part:
- 1) Civil Rights Act of 1964 (42 USC 2000e et seq.);
 - 2) Social Security Act (42 USC 301 et seq., 1395 et seq., and 1396 et seq.);
 - 3) Veterans' Benefits (38 USC 101; 38 USC 641 et seq.);
 - 4) Controlled Substances Act (21 USC 802);
 - 5) Illinois Dental Practice Act [225 ILCS 25];
 - 6) Election Code [10 ILCS 5];
 - 7) Freedom of Information Act [5 ILCS 140];
 - 8) General Not For Profit Corporation Act of 1986 [805 ILCS 105];

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 9) Illinois Health Facilities Planning Act [20 ILCS 3960];
- 10) ~~Nurse Practice Act~~ Nursing and Advanced Practice Nursing Act [225 ILCS 65];
- 11) Illinois Occupational Therapy Practice Act [225 ILCS 75];
- 12) Illinois Physical Therapy Act [225 ILCS 90];
- 13) Life Care Facilities Act [210 ILCS 40];
- 14) Medical Practice Act ~~of 1987~~ [225 ILCS 60];
- 15) Mental Health and Developmental Disabilities Code [405 ILCS 5];
- 16) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70];
- 17) Nursing Home Care Act [210 ILCS 45];
- 18) Pharmacy Practice Act ~~of 1987~~ [225 ILCS 85];
- 19) Probate Act of 1975 [755 ILCS 5];
- 20) Illinois Public Aid Code [305 ILCS 5].
- 21) Counties Code [55 ILCS 5];
- 22) Hospital Licensing Act [210 ILCS 85];
- 23) Child Care Act of 1969 [225 ILCS 10];
- 24) Community Living Facilities Licensing Act [210 ILCS 35];
- 25) Community Residential Alternatives Licensing Act [210 ILCS 40];
- 26) Supportive Residences Licensing Act [210 ILCS 65];

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 27) Assisted Living and Shared Housing Act [210 ILCS 9];
- 28) Alternative Health Care Delivery Act [210 ILCS 3];
- 29) Clinical Psychologist Licensing Act [225 ILCS 15];
- 30) Clinical Social Work and Social Work Practice Act [225 ILCS 20];
- 31) Alzheimer's Special Care Disclosure Act [220 ILCS 4];
- 32) Illinois Administrative Procedure Act [5 ILCS 100];
- 33) Illinois Act on the Aging [20 ILCS 105];
- 34) Health Care Worker Background Check Act [225 ILCS 46];
- 35) Illinois Controlled Substances Act [720 ILCS 570];
- 36) Wrongs to Children Act [720 ILCS 150];
- 37) Criminal Jurisprudence Act [720 ILCS 115];
- 38) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV];
- 39) Probate Act of 1975 [775 ILCS 5];
- 40) Mental Health and Developmental Disabilities Code [405 ILCS 5];
- 41) Living Will Act [755 ILCS 35];
- 42) Health Care Surrogate Act [755 ILCS 45];
- 43) Right of Conscience Act [745 ILCS 70];
- 44) Illinois Optometric Practice Act of 1987 [225 ILCS 80];
- 45) Physician Assistant Practice Act of 1987 [220 ILCS 95];
- 46) Podiatric Medical Practice Act of 1987 [225 ILCS 100].

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- c) The following State of Illinois rules are referenced:
- 1) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690);
 - 2) Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693);
 - 3) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750);
 - 4) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890);
 - 5) Department of Public Health, Private Sewage Disposal Code (77 Ill. Adm. Code 905);
 - 6) Department of Public Health, Drinking Water Systems Code (77 Ill. Adm. Code 900);
 - 7) Department of Public Health, Illinois Water Well Construction Code (77 Ill. Adm. Code 920);
 - 8) Department of Public Health, Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925);
 - 9) Department of Public Health, [Access to Public Records of the Department of Public Health Freedom of Information Code](#) (2 Ill. Adm. Code ~~11274126~~);
 - 10) Department of Public Health, Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395);
 - 11) Department of Public Health, Control of Tuberculosis Code (77 Ill. Adm. Code 696);
 - 12) Department of Public Health, Health Care Worker Background Check Code (77 Ill. Adm. Code 955);

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 13) Department of Public Health, Language Assistance Services Code (77 Ill. Adm. Code 940);
- 14) Department of Financial and Professional Regulation, Controlled Substances Act (77 Ill. Adm. Code 3100);
- 15) Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060);
- 16) Department of ~~Healthcare and Family Services~~~~Public Aid~~, Medical Payment (89 Ill. Adm. Code 140.544).

- d) All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART D: HEALTH SERVICES

Section 340.1550 Obstetrical and Gynecological Care

Every woman resident of child-bearing age shall receive routine obstetrical and gynecological evaluations as well as necessary prenatal care. (Section 2-104(b) of the Act) In addition, women residents ~~shall~~~~should~~ be referred immediately for diagnosis whenever pregnancy is suspected.

- a) "Routine obstetrical evaluations" and "necessary prenatal care" shall include ~~at, as~~ a minimum, the following:
 - 1) Early diagnosis of pregnancy:-
 - 2) A comprehensive health history, including menstrual history, ~~methods of family planning that the patient has used, a detailed record of past pregnancies,~~ and data on the current pregnancy that allow the physician to estimate the date of delivery:-

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 3) Identification of factors in the current pregnancy that help to identify the patient at high risk, such as maternal age, vaginal bleeding, edema, urinary infection, exposure to radiation and chemicals, ingestion of drugs and alcohol, and use of tobacco~~;-~~.
- 4) A comprehensive physical examination, including an evaluation of nutritional status; determination of height, weight and blood pressure; examination of the head, breasts, heart, lungs, abdomen, pelvis, rectum, and extremities~~;-~~.
- 5) The following laboratory tests, as early in pregnancy as possible. Findings obtained from the history and physical examination may determine the need for additional laboratory evaluations:
 - A) Hemoglobin or hematocrit measurement;
 - B) Urinalysis, including microscopic examination or culture;
 - C) Blood group and Rh type determination;
 - D) Antibody screen;
 - E) Rubella antibody titer measurement;
 - F) Syphilis screen;
 - G) Cervical cytology; and
 - H) Viral hepatitis (HBsAg) testing~~;-~~.
- 6) A risk assessment ~~that, which~~, based on the findings of the history and physical examination, should indicate any risk factors that may require special management, such as cardiovascular disease, maternal age ~~less than 15 years or~~ more than 35 years, neurologic disorder, or congenital abnormalities~~;-~~.
- 7) Return visits, the frequency of which will be determined by the resident's needs and risk factors. ~~A Generally a~~ woman with an uncomplicated pregnancy ~~shall~~should be seen every ~~four~~4 weeks for the first 28 weeks of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

pregnancy, every ~~two to three~~²⁻³ weeks until 36 weeks of gestation, and weekly thereafter~~;~~.

- 8) ~~Determinations~~ ~~The physical examination at each visit should include determinations~~ of blood pressure, measured fundal height, fetal heart rate, and, in later months, fetal presentation, and urinalysis for albumin and glucose. Hemoglobin or hematocrit level ~~shall~~^{should} be measured again early in the third trimester. Glucose screening is recommended for women who are 30 years of age or older~~;~~.
- 9) Evaluation and monitoring of nutritional status and habits~~;~~.
- 10) Education for health promotion and maintenance~~;~~.
- 11) Counseling concerning exercise and childbirth education programs; ~~and-~~
- 12) Postpartum review and evaluation ~~four to eight~~⁴⁻⁸ weeks after delivery, including determination of weight and blood pressure and assessment of status of breasts, abdomen, and external and internal genitalia.

b) "Routine gynecological evaluations" shall include, ~~at~~^{as} a minimum, the following:

- 1) An initial examination, the basic components of which are:
 - A) History; any present illnesses; menstrual, reproductive, medical, surgical, emotional, social, family, and sexual history; medications; allergies; family planning; and systems review~~;~~.
 - B) Physical examination, including height, weight, nutritional status, and blood pressure; head and neck, including thyroid gland; heart; lungs; breasts; abdomen; pelvis, including external and internal genitalia; rectum; extremities, including signs of abuse; lymph nodes; ~~and-~~
 - C) Laboratory tests, including urine screen; hemoglobin or hematocrit determination and, if indicated, complete blood cell count; cervical cytology; rubella titer.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 2) Annual updates, including, but not limited to:
- A) History, including the purpose of the visit; menstrual history; interval history, including systems review; emotional history;~~:-~~
 - B) Physical examination, including weight, nutritional status and blood pressure; thyroid gland; breasts; abdomen; pelvis, including external and internal genitalia; rectum; other areas as indicated by the interval history;~~:-~~
 - C) Laboratory, including urine screen; cervical cytology, unless not indicated; hemoglobin or hematocrit determinations; and-
 - D) Additional laboratory tests, such as screening for sexually transmitted disease, shall~~should~~ be performed as warranted by the history, physical findings, and risk factors.
- 3) ~~Cancer screening:~~
- A) ~~An annual Pap test for all women who are or have been sexually active or have reached age 18.~~
 - B) ~~Mammography if indicated.~~
- c) When a resident is referred for a diagnosis of pregnancy and/or for prenatal care, the facility shall send the health care provider a copy of the resident's medical record, including a list of prescription medications taken by the resident; if known, the resident's use of alcohol, tobacco and illicit drugs; and any~~or~~ exposure of the resident to radiation or chemicals during the preceding three months.
- d) Cancer screening shall include the following:
- 1) A periodic Pap test. The frequency and administration of Pap tests shall be according to the guidelines set forth in the "Guidelines for Women's Health Care", published by the American College of Obstetricians and Gynecologists; and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 2) Mammography. The frequency and administration of mammograms shall be according to the guidelines set forth in the "Guidelines for Women's Health Care".

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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

Section 340.2000 Maintenance

- a) Every facility shall have an effective written plan for maintenance, including sufficient staff, appropriate equipment, and adequate supplies.
- b) Each facility shall:
- 1) Maintain the building in good repair, safe and free of the following: cracks in floors, walls, or ceilings; peeling wallpaper or paint; warped or loose boards; warped, broken, loose, or cracked floor covering, such as tile or linoleum; loose handrails or railings; loose or broken window panes; and any other similar hazards.
 - 2) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition. This shall include regular inspections of these systems.
 - 3) Maintain all electrical cords and appliances in a safe and functioning condition.
 - 4) Maintain the interior and exterior finishes of the building as needed to keep it attractive, clean and safe (painting, washing, and other types of maintenance).
 - 5) Maintain all furniture and furnishings in a clean, attractive, and safely repaired condition.
 - 6) Maintain the grounds and other buildings on the grounds in a safe, sanitary, presentable condition, free of refuse and litter.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 7) Maintain the building and grounds free of any possible infestations of insects and rodents by: eliminating sites of breeding and harborage inside and outside the building; and eliminating sites of entry into the building with screens of not less than 16 mesh ~~screen~~ to the inch and repair of any breaks in construction.
- 8) Maintain all plumbing fixtures and piping in good repair and ~~proper~~properly functioning.
- 9) Protect the potable water supply from contamination by providing and properly installing adequate backflow protection devices, or providing adequate air gaps on all fixtures that may be subject to backflow or back siphonage.

c) *Areas of a nursing home used by residents of the nursing home shall be air conditioned and heated by means of operable air-conditioning and heating equipment. The areas subject to this air-conditioning and heating requirement include, without limitation, bedrooms or common areas such as sitting rooms, activity rooms, living rooms, community rooms, and dining rooms. (Section 3-202(8) of the Act)*

- 1) *The mechanical system shall be capable of maintaining a temperature of at least 75 degrees Fahrenheit at all times.*
- 2) *The air conditioning system shall be capable of maintaining an ambient air temperature of between 75 degrees Fahrenheit and 81 degrees Fahrenheit.*

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

2) Code Citation: 77 Ill. Adm. Code 350

<u>Section Numbers:</u>	<u>Proposed Action:</u>
350.340	Amend
350.2720	Amend
350.3020	Amend
350.3220	Amend

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) A Complete Description of the Subjects and Issues Involved:

Part 350 regulates intermediate care facilities for the developmentally disabled, including climate control for the residents' comfort and regular medical care that residents receive.

Section 350.340 (Incorporated and Referenced Materials) is being amended to incorporate professional standards that are necessary for this rulemaking. The Department is preparing a more comprehensive set of amendments for this Section that will be proposed in a future rulemaking.

Sections 350.2720 (Mechanical Systems) and 350.3020 (Mechanical Systems) are being amended to incorporate minimum standards for air conditioning and heating in all facilities mandated by Public Act 95-31, enacted by the General Assembly in 2007.

In Section 350.3220 (Medical and Personal Care Program), requirements for cancer screening for women are being updated to conform to the standards of the Guidelines for Women's Health Care, published by the 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 Women's Health Care, Second Edition

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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

217/782-2043
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Facilities for the developmentally disabled
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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 Resident Criminal History Record Information
350.630	Admission, Retention and Discharge Policies
350.634	Criminal History Background Checks for Persons Who Were Residents on May 10, 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	Incidents and Accidents

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

Section

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

SUBPART I: FOOD SERVICE

Section

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

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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
- 350.2730 Plumbing Systems
- 350.2740 Electrical Systems

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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; amended at 33 Ill. Reg. 9393, effective June 17, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 350.340 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated in this Part:
- 1) Private and professional association standards:
 - A) ANSI/ASME Standard No. A17.1 – 2000, Safety Code for Elevators and Escalators, which may be obtained from the American Society of Mechanical Engineers (ASME) International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900.
 - B) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (2001), and Handbook of Applications (1999), which may be obtained from the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329.
 - C) American Society for Testing and Materials (ASTM), Standard No. E90-02 (1996): Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, [and Standard No. E84-08a, Standard Test Method for Surface Burning Characteristics of Building Materials](#), which may be obtained from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959.
 - D) International Building Code (IBC) (2000), which may be obtained from the International Code Council (ICC), 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795.
 - E) For existing facilities (see Subpart N), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Appendix B (1981), and the following standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:

- i) No. 10 (1978): Standards for Portable Extinguishers
- ii) No. 13 (1980): Standards for the Installation of Sprinkler Systems
- iii) [No. 54 \(1999\): National Fuel Gas Code](#)
- iv)iii) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems
- v)iv) No. 70 (1981): National Electric Code
- vi)v) No. 90A (1978): Standards for the Installation of Air Conditioning and Ventilating Systems
- vii)vi) No. 96 (1980): Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment
- viii)vii) No. 220 (1979): Standard Types of Building Construction
- ix)viii) No. 253 (1978): Flooring Radiant Heat Energy Test
- x)ix) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials
- xi)x) Appendix C (1981): Fire Safety Evaluation System for Health Occupancies

F) For new facilities (see Subpart M), the following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:

- i) NFPA 17A, Standard for Wet Chemical Extinguishing

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Systems – 2002 Edition

- ii) NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection – 1999 Edition
 - iii) NFPA 22, Standard for Water Tanks for Private Fire Protection – 1998 Edition
 - iv) NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances – 2002 Edition
 - v) NFPA 50, Standard for Bulk Oxygen Systems at Consumer Sites – 2001 Edition
 - vi) [NFPA 54, National Fuel Gas Code – 1999 Edition](#)
 - vii) ~~vi~~) NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition
 - viii) ~~vii~~) NFPA 70E, Standard for Electrical Safety Requirements for Employee Workplaces – 2000 Edition
 - ix) ~~viii~~) NFPA 80A, Recommended Practice for Protection of Buildings from Exterior Fire Exposures – 2001 Edition
 - x) [NFPA 90A, Standard for the Installation of Air Conditioning and Ventilating Systems – 1999 Edition](#)
 - xi) [NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations – 1998 Edition](#)
 - xii) ~~ix~~) NFPA 101, Life Safety Code – 2000 Edition
 - xiii) ~~x~~) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition
- G) For new and existing facilities (see Section 350.1410), NFPA 99: Standard for Health Care Facilities – 2002 Edition.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

H) Underwriters Laboratories, Inc. (UL), which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:

- i) Fire Resistance Directory (2003 Edition)
- ii) Building Material Directory (2003 Edition)

[D\) American College of Obstetricians and Gynecologists, Guidelines for Women's Health Care, Third Edition \(2007\), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 \(800-762-2264\). \(See Section 350.3220.\)](#)

2) Federal regulations and guidelines:

A) 21 CFR 1306, Prescriptions (April 1, 2002)

B) The following guidelines of the Center for Infectious Diseases, Centers for Disease Control and Prevention, United States Public Health Service, Department of Health and Human Services, which may be obtained from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161:

- i) Guideline for Prevention of Catheter-Associated Urinary Tract Infections (October 1981)
- ii) Guideline for Hand Hygiene in Health-Care Settings (October 2002)
- iii) Guidelines for Prevention of Intravascular Catheter-Related Infections (2002)
- iv) Guideline for Prevention of Surgical Site Infection (1999)
- v) Guideline for Prevention of Nosocomial Pneumonia (February 1994)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- vi) Guideline for Isolation Precautions in Hospitals (February 18, 1997)
 - vii) Guidelines for Infection Control in Health Care Personnel (1998)
- b) All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
- 1) Federal statutes:
 - A) Civil Rights Act of 1964 (42 USC 2000e et seq.)
 - B) Social Security Act (42 USC 301 et seq., 1395 et seq. and 1396 et seq.)
 - C) Controlled Substances Act (21 USC 802)
 - 2) State of Illinois statutes:
 - A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305]
 - B) Boiler and Pressure Vessel Safety Act [430 ILCS 75]
 - C) Child Care Act of 1969 [225 ILCS 10]
 - D) Court of Claims Act [705 ILCS 505]
 - E) Illinois Dental Practice Act [225 ILCS 25]
 - F) Election Code [10 ILCS 5]
 - G) Freedom of Information Act [5 ILCS 140]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- H) General Not For Profit Corporation Act of 1986 [805 ILCS 105]
- I) Illinois Health Facilities Planning Act [20 ILCS ~~3960~~3906]
- J) Hospital Licensing Act [210 ILCS 85]
- K) Illinois Municipal Code [65 ILCS 5]
- L) Illinois Controlled Substances Act [720 ILCS 570]
- M) Life Care Facilities Act [210 ILCS 40]
- N) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]
- O) Medical Practice Act of 1987 [225 ILCS 60]
- P) Mental Health and Developmental Disabilities Code [405 ILCS 5]
- Q) ~~Nurse Practice~~Illinois Nursing Act ~~of 1987~~[225 ILCS 65]
- R) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
- S) Nursing Home Care Act [210 ILCS 45]
- T) Illinois Occupational Therapy Practice Act [225 ILCS 75]
- U) Pharmacy Practice Act ~~of 1987~~[225 ILCS 85]
- V) Illinois Physical Therapy Act ~~of 1985~~[225 ILCS 90]
- W) Private Sewage Disposal Licensing Act [225 ILCS 225]
- X) Probate Act of 1975 [755 ILCS 5]
- Y) Illinois Public Aid Code [305 ILCS 5]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- Z) Safety Glazing Materials Act [430 ILCS 60]
- AA) Illinois Administrative Procedure Act [5 ILCS 100]
- BB) Clinical Psychologist Licensing Act [225 ILCS 15]
- CC) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
- DD) Health Care Worker Background Check Act [225 ILCS 46]
- EE) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- FF) Living Will Act [755 ILCS 35]
- GG) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
- HH) Health Care Surrogate Act [755 ILCS 40]
- II) Right of Conscience Act [745 ILCS 70]
- JJ) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
- KK) Supportive Residences Licensing Act [210 ILCS 65]
- LL) Community Residential Alternatives Licensing Act [210 ILCS 40]
- MM) Community Living Facilities Licensing Act [210 ILCS 35]
- NN) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
- OO) Counties Code [55 ILCS 5]
- PP) Illinois Act on the Aging [20 ILCS 105]
- QQ) Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- RR) Assisted Living and Shared Housing Act [210 ILCS 9]
 - SS) Alternative Health Care Delivery Act [210 ILCS 3]
 - TT) Podiatric Medical Practice Act of 1987 [225 ILCS 100]
 - UU) Physician Assistant Practice Act of 1987 [225 ILCS 95]
 - VV) Language Assistance Services Act [210 ILCS 87]
- 3) State of Illinois rules:
- A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
 - B) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
 - C) Department of Public Health:
 - i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
 - ii) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
 - iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)
 - iv) Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
 - vi) Drinking Water Systems Code (77 Ill. Adm. Code 900)
 - vii) Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
 - viii) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- ix) [Access to Public Records of the Department of Public Health](#)~~Freedom of Information Code~~ (2 Ill. Adm. Code ~~11271126~~)
 - x) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
 - xi) Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
 - xii) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
 - xiii) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
 - xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
 - xv) Control of Tuberculosis Code (77 Ill. Adm. Code 696)
 - xvi) Health Care Worker Background Check Code (77 Ill. Adm. Code 955)
 - xvii) Language Assistance Services Code (77 Ill. Adm. Code 940)
- D) Department of Financial and Professional Regulation:
- i) Controlled Substances Act (68 Ill. Adm. Code 3100)
 - ii) Pharmacy Practice Act ~~of 1987~~ (68 Ill. Adm. Code 1330)
- E) Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060)
- F) Department of Natural Resources, Regulation of Construction within Flood Plains (17 Ill. Adm. Code 2706)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- G) Department of ~~Healthcare and Family Services~~~~Public Aid~~, Medical Payment (89 Ill. Adm. Code 140)

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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

Section 350.2720 Mechanical Systems

- a) Mechanical systems shall be tested, balanced, and operated to demonstrate that the installation and performance of these systems conform to the requirements of ~~this Section~~~~these standards~~.
- 1) Upon the completion of the contract, the owner shall be furnished with a complete set of manufacturer's operating and preventative maintenance instructions, ~~a~~ parts list with numbers and descriptions for each piece of equipment, and a copy of the air-balance report. A complete set of these documents shall be kept on the premises.
 - 2) The owner shall be provided with instructions in the operational use of the systems and equipment ~~as required~~.
- b) Thermal and Acoustical Insulation. Thermal and acoustical insulation shall be provided as set forth in the ASHRAE Handbook of Fundamentals and the Handbook of Applications and NFPA 90A. Commercial kitchen grease hoods shall be insulated according to NFPA 96 and in accordance with the insulation manufacturer's installation instructions. Domestic water piping that is accessible to residents shall be insulated as required by the Illinois Accessibility Code. Insulation shall be provided for the following:
- ~~1)~~ ~~Insulation shall be provided for the following:~~
 - ~~1)2)~~ Boilers, smoke breeching, and stacks;:-
 - ~~2)3)~~ Steam supply and condensate return piping;:-~~(B)~~
 - ~~3)4)~~ Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and convertors;:-

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- ~~4)5)~~ Hot water piping above 125 degrees Fahrenheit ~~that which~~ is exposed to contact by residents; ~~(B)~~
- ~~5)6)~~ Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below the ambient dew point; ~~:-~~
- ~~6)7)~~ Water supply and drainage piping on which condensate may occur; ~~:-~~
- ~~7)8)~~ Air ducts and casings with outside surface temperatures below the ambient dew point; ~~and-~~
- ~~8)9)~~ Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
- ~~c)10)~~ Insulation may be omitted from hot water and steam condensate piping that is not subject to contact by residents when ~~thesuch~~ insulation is not necessary for preventing excessive system heat loss or excessive heat gain.
- ~~d)A)~~ Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of ~~50~~50 or less as determined by an independent testing laboratory in accordance with the American Society ~~for~~ Testing and Materials Standard E84. Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements if where they are located entirely outside of a building, or do not penetrate a wall or roof or do not create an exposure hazard.
~~(B)~~
- ~~B)~~ ~~Access for filter changing shall be provided within equipment rooms.~~
- ~~e)e)~~ Steam and Hot Water Systems. Supply and return mains and risers for cooling, heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.
- ~~f)d)~~ Thermal Hazards. Any surface that is accessible to residents and exceedsexceeding a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) that is accessible

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~to residents~~ shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.

g)e) Heating, ~~Cooling, and~~ Ventilating ~~and Air Conditioning~~ Systems

- 1) Areas of a nursing home used by residents of the nursing home shall be air conditioned and heated by means of operable air-conditioning and heating equipment. The areas subject to this air-conditioning and heating requirement include, without limitation, bedrooms or common areas such as sitting rooms, activity rooms, living rooms, community rooms, and dining rooms. (Section 3-202(8) of the Act) A design temperature of 75 degrees Fahrenheit for both summer and winter design conditions shall be provided for all resident use areas including corridors.
 - A) The mechanical system shall be capable of maintaining a temperature of at least 75 degrees Fahrenheit at all times.
 - B) The air-conditioning system shall be capable of maintaining an ambient air temperature of between 75 degrees Fahrenheit and 81 degrees Fahrenheit.
- 2) All ventilation supply, return, and exhaust systems shall be mechanically operated.
- 3) Outdoor air intakes shall be located as far as practical, but not less than 15 feet, from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or ~~from~~ areas ~~that which~~ may collect vehicular exhaust and other noxious fumes, including the exhaust stream from fuel-fired heating, ventilating and air conditioning (HVAC) heating sections. The bottom of outdoor air intakes serving central systems shall be located as high as practical, but not less than six feet above ground level, or, if installed above the roof, three feet above roof level. For fuel-fired heating sections of rooftop HVAC units, the exhaust vent may discharge not less than 36 inches above the highest point of the fresh air intake hood in lieu of the 15 foot separation.
- 4) The ventilation systems shall be designed and balanced to provide the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

pressure relationships and ventilation rates as shown in Table B. ~~(B)~~

- 5) A differential pressure measuring device shall be installed across each filter bed serving a central air system. The device may be a remote readout instrument if the remote readout is readily visible in a location accessible to the maintenance staff, or if the readout is displayed on an interactive screen. ~~A manometer shall be installed across each filter bed serving central air systems.~~
- 6) Air conditioning and ~~ventilating~~ ventilation systems shall be designed, installed, and maintained as required by ~~NFPA National Fire Protection Association Standard~~ 90A. For areas within the footprint of the facility that are heated by fuel-fired appliances using an air-to-air heat exchanger, no fewer than two carbon monoxide (CO) detectors shall be installed in the area served by each heat exchanger. One CO detector shall be installed within five feet of a supply duct and one within five feet of a return or exhaust duct. CO detectors shall be line or system powered and shall signal the building fire alarm system when activated. If detectors are line powered, a battery back-up or connection to the emergency power system is required. ~~(A, B)~~
- 7) The hood and duct system for cooking equipment used in processes ~~that produce~~ producing smoke or grease-laden vapors shall ~~comply~~ be in conformance with ~~NFPA National Fire Protection Association Standard~~ 96. The hood's extinguishment system shall be connected to the building fire alarm system and shall initiate a general alarm when activated. Duct insulation that is used in lieu of spacing from combustible construction members shall terminate at the top of the hood on the lower end, covering the duct collar, and shall pass through any combustible nailer opening in the roof/ceiling assembly and into the roof jack assembly. The material used shall be installed exactly as the manufacturer's installations require. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratories. ~~(A, B)~~
- 8) Boiler rooms and other rooms having combustion equipment shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperatures to ~~2097~~ degrees Fahrenheit over

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

ambient inside air in adjacent interior spaces. If sealed combustion units are in use, the discharge line shall remain clear of any adjacent walk paths and shall be not less than 15 feet from any operable fenestration or air intakes. NFPA 54 shall apply, including the calculations for combustion air openings. Effective ~~temperature~~Temperature shall be as defined by the American Society of Heating, Refrigerating, and Air Conditioning Refrigeration Engineers Handbook of Fundamentals. (A, B)

- 9) Rooms containing heat-producing equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, and sterilizer rooms, shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 10~~ten~~ degrees Fahrenheit above the ambient room temperature. The ventilation rates shown in Table B shall be considered as minimum acceptable rates and shall not be construed as precluding the use of higher ventilation rates.

- 10) Access for filter changing shall be provided within equipment rooms.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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

Section 350.3020 Mechanical Systems

- a) Mechanical systems shall be maintained to assure proper working order and safe operation. Instructions in the operational use of the systems and equipment shall~~must~~ be available at the facility. (B)
- b) Thermal and Acoustical Insulation. Insulation shall~~It is recommended that insulation~~ be provided for the following:
- 1) Boilers, smoke breeching, and stacks;:-
 - 2) Steam supply and condensate return piping;:-
 - 3) Hot water piping above 180 degrees Fahrenheit and all ~~hot~~ water heaters, generators, and converters;:-

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 4) Hot water piping above 125 degrees Fahrenheit ~~that which~~ is exposed to contact by residents;
 - 5) Chilled water, refrigerant, ~~and~~ other process piping and equipment operating with fluid temperatures below ~~the~~ ambient dew point;
 - 6) Water supply and drainage piping on which condensation may occur;
 - 7) Air ducts and casings with outside surface temperature below ~~the~~ ambient dew point; ~~and-~~
 - 8) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
- ~~c)9)~~ Insulation may be omitted from hot water and steam condensate piping ~~that is~~ not subject to contact by residents when ~~thesuch~~ insulation is not necessary for preventing excessive ~~systemsystems~~ heat loss or excessive heat gain.
- ~~d)10)~~ Insulation on cold surfaces shall include an exterior vapor barrier.
- ~~e)11)~~ Insulation, including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment, shall have a flame spread rating of 25 or less and a smoke developed rating of ~~50~~50 or less as determined by an independent testing laboratory in accordance with ASTM Standard E 84. Exception: Duct, pipe, and equipment coverings shall not be required to meet these requirements ~~ifwhere~~ they are located entirely outside of a building, ~~or~~ do not penetrate a wall or roof, or do not create an exposure hazard.
- ~~f)e)~~ Steam and Hot Water Systems. ~~SupplyIt is recommended that supply~~ and return mains and risers for cooling, heating, and process steam systems ~~shall~~ be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.
- ~~g)d)~~ Thermal Hazards. Any surface ~~that is accessible to residents and exceedsexceeding~~ a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) ~~that is accessible to residents~~ shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

safe operation of the equipment.

h)e) Heating, ~~Cooling, and~~ Ventilating, and Air Conditioning Systems

- 1) Areas of a nursing home used by residents of the nursing home shall be air conditioned and heated by means of operable air-conditioning and heating equipment. The areas subject to this air-conditioning and heating requirement include, without limitation, bedrooms or common areas such as sitting rooms, activity rooms, living rooms, community rooms, and dining rooms. (Section 3-202(8) of the Act)The heating system shall be capable of maintaining a temperature of 75 degrees Fahrenheit in all resident use spaces.
 - A) The mechanical system shall be capable of maintaining a temperature of at least 75 degrees Fahrenheit at all times.
 - B) The air-conditioning system shall be capable of maintaining an ambient air temperature of between 75 degrees Fahrenheit and 81 degrees Fahrenheit.
- 2) ~~Auxiliary gas or electric space heaters of an approved closed type may be installed in areas requiring more heat than is produced by the central heating system.~~ Heaters or furnaces of a type to be installed under, in, or on the floor are not permitted. ~~(B)~~
- 3) All ventilation supply, return, and exhaust systems shall be mechanically operated.
- 4) The kitchen shall be provided with ventilation for reasonable comfort and with sufficient make-up air for the rangehood exhaust. ~~(B)~~
- 5) The laundry shall be provided with ventilation for reasonable comfort, ~~and~~ with air flowing from clean areas to soiled areas and with exhaust to the outdoors. ~~(B)~~
- 6) ~~Outdoor~~ ~~It is recommended that outdoor~~ air intakes shall be located as far as practical, but not less than 15 feet, from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or ~~from~~ areas that ~~which~~ may collect vehicular exhaust and other noxious

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

fumes. The bottom of outdoor air intakes serving central systems ~~shall~~should be located as high as practical, but not less than six feet above ground level, or, if installed above the roof, three feet above roof level.

- 7) Air conditioning and ventilating systems shall be maintained to comply with~~conform to~~ the requirements of NFPA 90A. ~~(A, B) Exception: For facilities not exceeding 25,000 cubic feet in volume, NFPA 90B shall apply except "pipeless floor furnaces" are not permitted.~~
- 8) The hood and duct system for cooking equipment used in processes that produce smoke or grease-laden vapors, such as griddle frying or deep frying, shall comply~~be in conformance~~ with NFPA 96. The hood's extinguishment system shall be connected to the building fire alarm system and shall initiate a general alarm when activated. Duct insulation that is used in lieu of spacing from combustible construction members shall terminate at the top of the hood on the lower end, covering the duct collar, and shall pass through any combustible nailer opening in the roof/ceiling assembly and into the roof jack assembly. The material used shall be installed exactly as the manufacturer's instructions require. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratory. ~~(A, B)~~
- 9) Boiler rooms and other rooms housing combustion equipment shall be provided with sufficient outdoor air to maintain proper combustion rates of equipment and to limit room temperatures to 20 degrees Fahrenheit over ambient inside air in adjacent interior spaces. If sealed combustion units are in use, the discharge line is to remain clear of any adjacent walk paths and shall be not less than 15 feet from any operable fenestration or air intakes. NFPA 54 shall apply, including the calculations for combustion air openings. ~~(A, B)~~
- 10) For areas within the footprint of the facility that are heated by fuel-fired appliances using an air-to-air heat exchanger, no fewer than two carbon monoxide (CO) detectors shall be installed in the area served by each heat exchanger. One CO detector shall be installed within five feet of a supply duct and one within five feet of a return or exhaust duct. CO detectors shall be line or system powered and shall signal the building fire alarm

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

system when activated. If detectors are line powered, a battery back-up or connection to the emergency power system is required. A capability shall be provided to maintain a temperature of at least 55 degrees Fahrenheit for at least 12 hours when the normal source of electrical power is interrupted.
(A, B)

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART O: RESIDENT'S RIGHTS

Section 350.3220 Medical ~~and Personal~~ Care Program

- a) *A resident shall be permitted to retain the services of his or her own personal physician at his or her own expense under an individual or group plan of health insurance, or under any public or private assistance program providing such coverage. (Section 2-104(a) of the Act) (B)*
- b) *The Department shall not prescribe the course of medical treatment provided to an individual resident by the resident's physician in a facility. (Section ~~3-2012-~~104(a) of the Act)*
- c) *Every resident shall be permitted to obtain from his or her own physician or the physician attached to the facility complete and current information concerning his or her medical diagnosis, treatment and prognosis in terms and language the resident can reasonably be expected to understand. (Section 2-104(a) of the Act)*
- d) *~~Every resident~~All residents shall be permitted to participate in the planning of his or her total care and medical treatment to the extent that his or her condition permits. (Section 2-104(a) of the Act)*
- e) *No resident shall be subjected to experimental research or treatment without first obtaining his or her informed, written consent. The conduct of any experimental research or treatment shall be authorized and monitored by an institutional review committee appointed by the administrator of the facility where such research and treatment is conducted. (Section 2-104(a) of the Act) (A, B)*
- f) *All medical treatment and procedures shall be administered as ordered by a physician. All new physician orders shall be reviewed by the facility's director of nursing or charge nurse designee within 24 hours after such orders have been*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

issued to assure facility compliance with such orders. (Section 2-104(b) of the Act)

- g) *Every woman resident of child-bearing age shall receive routine obstetrical and gynecological evaluations as well as necessary prenatal care.* (Section 2-104(b) of the Act) In addition, women residents ~~shall~~should be referred immediately for diagnosis whenever pregnancy is suspected.
- 1) "Routine obstetrical evaluations" and "necessary prenatal care" shall include, ~~at~~as a minimum, the following:
- A) Early diagnosis of pregnancy;
- B) A comprehensive health history, including menstrual history, methods of family planning that the patient has used, a detailed record of past pregnancies, and data on the current pregnancy that allow the physician to estimate the date of delivery;
- C) Identification of factors in the current pregnancy that help to identify the patient at high risk, such as maternal age, vaginal bleeding, edema, urinary infection, exposure to radiation and chemicals, ingestion of drugs and alcohol, and use of tobacco;
- D) A comprehensive physical examination, including an evaluation of nutritional status; determination of height, weight and blood pressure; examination of the head, breasts, heart, lungs, abdomen, pelvis, rectum, and extremities~~;~~:-
- E) The following laboratory tests, as early in pregnancy as possible. Findings obtained from the history and physical examination may determine the need for additional laboratory evaluations~~;~~:-
- i) Hemoglobin or hematocrit measurement~~;~~;
- ii) Urinalysis, including microscopic examination or culture~~;~~;
- iii) Blood group and Rh type determination~~;~~;
- iv) Antibody screen~~;~~;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- v) Rubella antibody titer measurement;
 - vi) Syphilis screen;
 - vii) Cervical cytology; and
 - viii) Viral hepatitis (HBsAg) testing;
- F) A risk assessment that, which, based on the findings of the history and physical examination, should indicate any risk factors that may require special management, such as cardiovascular disease, maternal age less than 15 years or more than 35 years, neurologic disorder, or congenital abnormalities;
- G) Return visits, the frequency of which will be determined by the patient's needs and risk factors. A Generally a woman with an uncomplicated pregnancy shall should be seen every four weeks for the first 28 weeks of pregnancy, every two to three weeks until 36 weeks of gestation, and weekly thereafter;
- H) Determinations ~~The physical examination at each visit should include determinations~~ of blood pressure, measured fundal height, fetal heart rate, and, in later months, fetal presentation, urinalysis for albumin and glucose. Hemoglobin or hematocrit level shall should be measured again early in the third trimester. Glucose screening is recommended for women who are 30 years of age or older;
- I) Evaluation and monitoring of nutritional status and habits;
- J) Education for health promotion and maintenance;
- K) Counseling concerning exercise and child birth education programs;
- L) Postpartum review and evaluation four to eight weeks after delivery, including determination of weight and blood pressure and assessment of status of breasts, abdomen, and external and internal

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

genitalia.

- 2) "Routine gynecological evaluations" shall include, ~~at~~ a minimum, the following:
- A) An initial examination, the basic components of which are:
- i) History; any present illnesses; menstrual, reproductive, medical, surgical, emotional, social, family, and sexual history; medications; allergies; family planning; and systems review;~~;~~
 - ii) Physical examination, including height, weight, nutritional status, and blood pressure; head and neck, including thyroid gland; heart; lungs; breasts; abdomen; pelvis, including external and internal genitalia; rectum; extremities, including signs of abuse; lymph nodes; ~~and-~~
 - iii) Laboratory tests, including urine screen; hemoglobin or hematocrit determination and, if indicated, complete blood cell count; cervical cytology; rubella titer.
- B) Annual updates, including but not limited to:
- i) History, including the purpose of the visit; menstrual history; interval history, including systems review; emotional history;~~;~~
 - ii) Physical examination, including weight, nutritional status and blood pressure; thyroid gland; breasts; abdomen; pelvis, including external and internal genitalia; rectum; other areas as indicated by the interval history;~~;~~
 - iii) Laboratory, including urine screen; cervical cytology, unless not indicated; hemoglobin or hematocrit determinations; ~~and-~~
 - iv) Additional laboratory tests, such as screening for sexually transmitted disease, ~~should be performed~~ as warranted by

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

the history, physical findings, and risk factors.

~~C) Cancer screening:~~

- ~~i) An annual Pap test for all women who are or have been sexually active or have reached age 18.~~
- ~~ii) Mammography if indicated.~~

- 3) When a resident is referred for a diagnosis of pregnancy and/or for prenatal care, the facility shall send the health care provider a copy of the resident's medical record, including a list of prescription medications taken by the resident; the resident's use of alcohol, tobacco and illicit drugs; and any, or exposure of the resident to radiation or chemicals during the preceding three months.

h) Cancer screening. Cancer screening for women shall include the following:

- 1) A periodic Pap test. The frequency and administration of Pap tests shall be according to the guidelines set forth in the Guidelines for Women's Health Care, published by the American College of Obstetricians and Gynecologists; and
- 2) Mammography. The frequency and administration of mammograms shall be according to the guidelines set forth in the Guidelines for Women's Health Care.

~~i)h) Every resident shall be permitted to refuse medical treatment and to know the consequences of such action, unless such refusal would be harmful to the health and safety of others and such harm is documented by a physician in the resident's clinical record. (Section 2-104(c) of the Act) ~~(B)~~~~

~~j)i) Inspection and Copying of Records Every resident, resident's guardian, or parent if the resident is a minor shall be permitted to inspect and copy all of the resident's~~the resident's~~ clinical and other records concerning the resident's~~the resident's~~ care and maintenance kept by the facility or by the resident's~~the resident's~~ physician. (Section 2-104(d) of the Act)~~

- ~~2) Every resident's representative shall be permitted to inspect and copy the~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~resident's records. A "resident's representative" is a person, other than the owner or an agent or employee of a facility who is not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Sections 1-123 and 2-202(h) of the Act)~~

k)j) A resident shall be permitted respect and privacy in his or her medical and personal care program. Every resident's case discussion, consultation, examination and treatment shall be confidential and shall be conducted discreetly, and those persons not directly involved in the resident's care must have his or her permission to be present. (Section 2-105 of the Act)

~~(B)~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 390
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
390.340	Amend
390.2720	Amend
390.3020	Amend
390-3220	Amend
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved:

Part 390 regulates facilities that provide long-term care for residents under age 22, including climate control for the residents' comfort and regular medical care that residents receive.

Section 390.340 (Incorporated and Referenced Materials) is being amended to incorporate professional standards necessary to this rulemaking. The Department is preparing more comprehensive amendments to Section 390.340 to be proposed in a future rulemaking.

Sections 390.2720 (Mechanical Systems) and 390.3020 (Mechanical Systems) are being amended to incorporate minimum standards for air conditioning and heating in all facilities mandated by Public Act 95-31, enacted by the General Assembly in 2007

In Section 390.3220 (Medical and Personal Care Program) requirements for cancer screening for women are being updated to conform to the standards of the Guidelines for Women's Health Care, published by the 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*.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 6) Published Studies or Reports, and sources of underlying data, used to compose this rulemaking: Guidelines for Women's Health Care, Second Edition
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 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: dph.rules@Illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
 - A) Type of small businesses, small municipalities and not-for-profit corporations affected: Facilities for under age 22
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART A: GENERAL PROVISIONS

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

390.288	Reduction or Waiver of Penalties
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	Incidents and Accidents
390.750	Contacting Local Law Enforcement
390.760	Infection Control

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: PERSONNEL

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)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART G: MEDICATIONS

Section

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section

390.2010 Maintenance
390.2020 Housekeeping
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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective October 15, 1994; amended at 19 Ill. Reg. 11525, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 535, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10106, effective July 15, 1996; amended at 20 Ill. Reg. 12101, effective September 10, 1996; amended at 22 Ill. Reg. 4062, effective February 13, 1998; amended at 22 Ill. Reg. 7188, effective April 15, 1998; amended at 22 Ill. Reg. 16576, effective September 18, 1998; amended at 23 Ill. Reg. 1069, effective January 15, 1999; amended at 23 Ill. Reg. 8021, effective July 15, 1999; amended at 24 Ill. Reg. 17283, effective November 1, 2000; amended at 25 Ill. Reg. 4890, effective April 1, 2001; amended at 26 Ill. Reg. 4890, effective April 1, 2002; amended at 26 Ill. Reg. 10645, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 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; amended at 33 Ill. Reg. 9406, effective June 17, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 390.340 Incorporated and Referenced Materials

- a) The following regulations, guidelines, and standards are incorporated in this Part:
 - 1) ANSI/ASME Standard No. A17.1-2000, Safety Code for Elevators and Escalators, which may be obtained from the American Society of Mechanical Engineers (ASME) International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 2) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (2001), and Handbook of Applications (1999), which may be obtained from the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329.
- 3) American Society for Testing and Materials (ASTM), International Standard No. E90-02 (1996): Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, [and Standard No. E84-08a, Standard Test Method for Surface Burning Characteristics of Building Materials](#), which may be obtained from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959.
- 4) International Building Code (IBC) (2000), which may be obtained from Building Officials and Code Administrators (BOCA) International, 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795.
- 5) For existing facilities (see Subpart N), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981) and the following additional standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:
 - A) No. 10 (1978): Standards for Portable Extinguishers
 - B) No. 13 (1980): Standards for the Installation of Sprinkler Systems
 - C) [No. 54 \(1998\): National Fuel Gas Code](#)
 - ~~D)C~~) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems
 - ~~E)D~~) No. 70 (1981): National Electric Code
 - ~~F)E~~) No. 90A (1978): Installation of Air Conditioning and Ventilating Systems
 - ~~G)F~~) No. 96 (~~1998~~[1980](#)): Standard for the Installation of Equipment for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

the Removal of Smoke and Grease-Laden Vapors from
Commercial Cooking Equipment

~~H)G)~~ No. 220 (1979): Standards Types of Building Construction

~~D)H)~~ No. 253 (1978): Flooring Radiant Heat Energy Test

~~J)H)~~ No. 255 (1972): Test of Surface Burning Characteristics of
Building Materials

~~K)J)~~ Appendix C (1981): Fire Safety Evaluation System for Health
Occupancies

6) For new facilities (see Subpart M), the following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:

A) NFPA 17A, Standard for Wet Chemical Extinguishing Systems –
2002 Edition

B) NFPA 20, Standard for the Installation of Stationary Pumps for
Fire Protection – 1999 Edition

C) NFPA 22, Standard for Water Tanks for Private Fire Protection –
1998 Edition

D) NFPA 24, Standard for the Installation of Private Fire Service
Mains and Their Appurtenances – 2002 Edition

E) NFPA 50, Standard for Bulk Oxygen Systems at Consumer Sites –
2001 Edition

~~F)~~ NFPA 54, National Fuel Gas Code – 1999 Edition

~~G)F)~~ NFPA 70B, Recommended Practice for Electrical Equipment
Maintenance – 2002 Edition

~~H)G)~~ NFPA 70E, Standard for Electrical Safety Requirements for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Employee Workplaces – 2000 Edition

- ~~I)H)~~ NFPA 80A, Recommended Practice for Protection of Buildings from Exterior Fire Exposures – 2001 Edition
 - ~~J)~~ NFPA 90A, Standard for the Installation of Air Conditioning and Ventilating Systems – 1999 Edition
 - ~~K)~~ NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations – 1998 Edition
 - ~~L)H)~~ NFPA 101, Life Safety Code – 2000 Edition
 - ~~M)H)~~ NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies –1999 Edition
- 7) For new and existing facilities (see Section 300.1410), NFPA 99: Standard for Health Care Facilities – 2003 Edition.
- 8) The following standards, which may be obtained from Underwriters Laboratories (UL), Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:
- A) Fire Resistance Directory (2003 Edition)
 - B) Building Material Directory (2003 Edition)
- 9) The following guidelines of the Center for Infectious Diseases, Centers for Disease Control and Prevention, United States Public Health Service, Department of Health and Human Services, which may be obtained from the National Technical Information Services (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161:
- A) Guideline for Prevention of Catheter-Associated Urinary Tract Infections (October 1981)
 - B) Guideline for Hand Hygiene in Health-Care Settings (October 2002)
 - C) Guidelines for Prevention of Intravascular Catheter-Related

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Infections (2002)

- D) Guideline for Prevention of Surgical Site Infection (1999)
- E) Guideline for Prevention of Nosocomial Pneumonia (February 1994)
- F) Guideline for Isolation Precautions in Hospitals (February 18, 1997)
- G) Guidelines for Infection Control in Health Care Personnel (1998)

10) [American College of Obstetricians and Gynecologists, Guidelines for Women's Health Care, Third Edition \(2007\), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 \(800-762-2264\). \(See Section 390.3220.\)](#)

- 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 amendments or editions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
 - 1) Federal statutes:
 - A) Civil Rights Act of 1964 (42 USC 2000e et seq.)
 - B) Social Security Act (42 USC 301 et seq., 1395 et seq., and 1396 et seq.)
 - C) Controlled Substances Act (21 USC 802)
 - 2) State of Illinois statutes:
 - A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- B) Boiler and Pressure Vessel Safety Act [430 ILCS 75]
- C) Child Care Act of 1969 [225 ILCS 10]
- D) Civil Practice Act [735 ILCS 5]
- E) Court of Claims Act [705 ILCS 505]
- F) Illinois Dental Practice Act [225 ILCS 25]
- G) Election Code [10 ILCS 5]
- H) Freedom of Information Act [5 ILCS 140]
- I) General Not For Profit Corporation Act [805 ILCS 105]
- J) Hospital Licensing Act [210 ILCS 85]
- K) Illinois Controlled Substances Act [720 ILCS 570]
- L) Illinois Health Facilities Planning Act [20 ILCS ~~3960~~3906]
- M) Illinois Municipal Code [65 ILCS 5]
- N) Life Care Facilities Act [210 ILCS 40]
- O) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]
- P) Medical Practice Act ~~of 1987~~ [225 ILCS 60]
- Q) Mental Health and Developmental Disabilities Code [405 ILCS 5]
- R) ~~Nurse~~Nursing and Advanced Practice ~~Nursing~~ Act [225 ILCS 65]
- S) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
- T) Nursing Home Care Act [210 ILCS 45]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- U) Illinois Occupational Therapy Practice Act [225 ILCS 75]
- V) Pharmacy Practice Act ~~of 1987~~ [225 ILCS 85]
- W) Illinois Physical Therapy Act ~~of 1985~~ [225 ILCS 90]
- X) Private Sewage Disposal Licensing Act [225 ILCS 225]
- Y) Probate Act of 1975 [755 ILCS 5]
- Z) Illinois Public Aid Code [305 ILCS 5]
- AA) Safety Glazing Materials Act [430 ILCS 60]
- BB) School Code [105 ILCS 5]
- CC) Illinois Administrative Procedure Act [5 ILCS 100]
- DD) Clinical Psychologist Licensing Act [225 ILCS 15]
- EE) Dietetic and Nutrition Services Practices Act [225 ILCS 30]
- FF) Health Care Worker Background Check Act [225 ILCS 46]
- GG) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- HH) Living Will Act [755 ILCS 35]
- II) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
- JJ) Health Care Surrogate Act [755 ILCS 40]
- KK) Right of Conscience Act [745 ILCS 70]
- LL) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
- MM) Supportive Residences Licensing Act [210 ILCS 65]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- NN) Community Residential Alternatives Licensing Act [210 ILCS 40]
 - OO) Community Living Facilities Licensing Act [210 ILCS 35]
 - PP) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
 - QQ) Counties Code [55 ILCS 5]
 - RR) Podiatric Medical Practice Act of 1987 [225 ILCS 100]
 - SS) Illinois Optometric Practice Act of 1987 [225 ILCS 80]
 - TT) Physician Assistant Practice Act of 1987 [220 ILCS 95]
 - UU) Alternative Health Care Delivery Act [210 ILCS 3]
 - VV) Uniform Conviction Information Act [20 ILCS 2635]
 - WW) Wrongs to Children Act [720 ILCS 150]
 - XX) Criminal Jurisprudence Act [720 ILCS 115]
 - YY) Assisted Living and Shared Housing Act [210 ILCS 9]
 - ZZ) Language Assistance Services Act [210 ILCS 87]
- 3) State of Illinois rules:
- A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
 - B) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
 - C) Department of Public Health
 - i) Control of Communicable Diseases Code (77 Ill. Adm.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Code 690)

- ii) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
- iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)
- iv) Illinois Plumbing Code (77 Ill. Adm. Code 890)
- v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
- vi) Drinking Water Systems Code (77 Ill. Adm. Code 900)
- vii) Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
- viii) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
- ix) [Access to Public Records of the Department of Public Health Freedom of Information Code](#) (2 Ill. Adm. Code ~~1127~~1126)
- x) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- xi) Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
- xii) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
- xiii) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
- xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
- xv) Control of Tuberculosis Code (77 Ill. Adm. Code 696)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- xvi) Health Care Worker Background Check Code (77 Ill. Adm. Code 955)
- xvii) Language Assistance Services Code (77 Ill. Adm. Code 940)
- D) Department of Financial and Professional Regulation:
 - i) Controlled Substances Act (77 Ill. Adm. Code 3100)
 - ii) Pharmacy Practice Act ~~of 1987~~ (68 Ill. Adm. Code 1330)
- E) Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060)
- F) Department of Natural Resources, Regulation of Construction within Flood Plains (17 Ill. Adm. Code 2706)
- G) Department of Healthcare and Family Services~~Public Aid~~, Medical Payment (89 Ill. Adm. Code 140)

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section 390.2720 Mechanical Systems

- a) General Mechanical System Requirements
 - 1) Mechanical systems shall be tested, balanced, and operated to demonstrate that the installation and performance of these systems conform to the requirements of this Section~~these standards~~.
 - 2) Upon the completion of the contract, the owner shall be furnished with a complete set of manufacturer's operating and preventative maintenance instructions, a parts list with numbers and descriptions for each piece of equipment, a and a copy of the air-balance report. A complete set of these documents shall be kept on the premises.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 3) The owner shall be provided with instructions in the operational use of the systems and equipment ~~as required~~.
- b) Thermal and Acoustical Insulation shall be provided as set forth in the ASHRAE Handbook of Fundamentals and the Handbook of Applications and NFPA 90A. Commercial kitchen grease hoods shall be insulated according to NFPA 96 and in accordance with the insulation manufacturer's installation instructions. Domestic water piping that is accessible to residents shall be insulated as required by the Illinois Accessibility Code. Insulation shall be provided for the following:
- 1) ~~Insulation shall be provided for the following:~~
- 1)2) Boilers, smoke breeching, and stacks;:-
- 2)3) Steam supply and condensate return piping;:-(B)
- 3)4) Hot water piping above 180 degrees Fahrenheit and all ~~hot~~-water heaters, generators, and convertors;:-
- 4)5) Hot water piping above 125 degrees Fahrenheit ~~that which~~ is exposed to contact by residents;:-(B)
- 5)6) Chilled water, refrigerant, and other process piping and equipment operating with fluid temperatures below the ambient dew point;:-
- 6)7) Water supply and drainage piping on which condensate may occur;:-
- 7)8) Air ducts and casings with outside surface temperatures below the ambient dew point; and:-
- 8)9) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
- c)10) Insulation may be omitted from hot water and steam condensate piping that is not subject to contact by residents when ~~thesuch~~ insulation is not necessary for preventing excessive system heat loss or excessive heat gain.
- d)11) Insulation, including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment, shall have a flame spread rating of 25 or less and a smoke

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

developed rating of ~~50~~50 or less as determined by an independent testing laboratory in accordance with the American Society for Testing and Materials Standard E84. ~~(B)~~ Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements if where they are located entirely outside of a building, or do not penetrate a wall or roof, or do not create an exposure hazard.

~~12) Access for filter changing shall be provided within equipment rooms.~~

~~e)e)~~ Steam and Hot Water Systems. Supply and return mains and risers for cooling, heating, and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.

~~f)d)~~ Thermal Hazards. Any surface that is accessible to residents and exceedsexceeding a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) that is accessible to residents shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.

~~g)e)~~ Heating, Cooling, and Ventilating, and Air Conditioning Systems

1) Areas of a nursing home used by residents of the nursing home shall be air conditioned and heated by means of operable air-conditioning and heating equipment. The areas subject to this air-conditioning and heating requirement include, without limitation, bedrooms or common areas such as sitting rooms, activity rooms, living rooms, community rooms, and dining rooms. (Section 3-202(8) of the Act) A design temperature of 75 degrees Fahrenheit for both summer and winter design conditions shall be provided for all resident use areas including corridors.

A) The mechanical system shall be capable of maintaining a temperature of at least 75 degrees Fahrenheit at all times.

B) The air-conditioning system shall be capable of maintaining an ambient air temperature of between 75 degrees Fahrenheit and 81 degrees Fahrenheit.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 2) All ventilation supply, return, and exhaust systems shall be mechanically operated.
- 3) Outdoor air intakes shall be located as far as practical, but not less than 15 feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or ~~from~~ areas ~~that~~ which may collect vehicular exhaust and other noxious fumes, including the exhaust stream from fuel-fired heating, ventilating and air conditioning (HVAC) heating sections. The bottom of outdoor air intakes serving central systems shall be located as high as practical, but not less than six feet above ground level, or, if installed above the roof, three feet above roof level. For fuel-fired heating sections of rooftop HVAC units, the exhaust vent may discharge not less than 36 inches above the highest point of the fresh air intake hood in lieu of the 15-foot separation.
- 4) The ventilation systems shall be designed and balanced to provide the pressure relationships and ventilation rates as shown in Table D. ~~(B)~~
- 5) A differential pressure measuring device shall be installed across each filter bed serving a central air system. The device may be a remote readout instrument if the remote readout is readily visible in a location accessible to the maintenance staff, or if the readout is displayed on an interactive screen. ~~A manometer shall be installed across each filter bed serving central air systems.~~
- 6) Air conditioning and ~~ventilating~~ ventilation systems shall be designed, installed, and maintained as required by ~~NFPA National Fire Protection Association Standard~~ 90A. For areas within the footprint of the facility that are heated by fuel-fired appliances using an air-to-air heat exchanger, no fewer than two carbon monoxide (CO) detectors shall be installed in the area served by each heat exchanger. One CO detector shall be installed within five feet of a supply duct and one within five feet of a return or exhaust duct. CO detectors shall be line or system powered and shall signal the building fire alarm system when activated. If detectors are line powered, a battery back-up or connection to the emergency power system is required. ~~(A, B)~~
- 7) The hood and duct system for cooking equipment used in processes that produce ~~producing~~ smoke or grease-laden vapors shall comply ~~be in~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- ~~conformance with NFPA National Fire Protection Association Standard 96. The hood's extinguishment system shall be connected to the building fire alarm system and shall initiate a general alarm when activated. Duct insulation that is used in lieu of spacing from combustible construction members shall terminate at the top of the hood on the lower end, covering the duct collar, and shall pass through any combustible nailer opening in the roof/ceiling assembly and into the roof jack assembly. The material used shall be installed exactly as the manufacturer's installations require. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratories. (A, B)~~
- 8) The ventilation of the medical gas storage ~~and manifold rooms~~ ~~room~~ shall ~~comply with~~ ~~conform to~~ the requirements of ~~NFPA 99, Standard for Health Care Facilities, Chapters 4 and 8, as applicable, National Fire Protection Association Standard 56A "Inhalation Anesthetics"~~ including the gravity option system. If a concentrator is used simultaneously to fill a portable container and as a patient breathing device, the standards in NFPA 99 governing the use of medical gasses shall be observed. ~~(B)~~
- 9) Boiler rooms and other rooms having combustion equipment shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperatures to ~~2097~~ degrees Fahrenheit over ambient air in adjacent interior spaces. If sealed combustion units are in use, the discharge line shall remain clear of any adjacent walk paths and not less than 15 feet from any operable fenestration or air intake. NFPA 54 shall apply, including the calculations for combustion air openings, effective temperature ~~Effective Temperature shall be as defined by the American Society Heating, Refrigerating, and Air Conditioning Refrigeration Engineers Handbook of Fundamentals.~~ ~~(A, B)~~
- 10) Rooms containing heat-producing equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, and sterilizer rooms, shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of ~~10~~ ~~ten~~ degrees Fahrenheit above the ambient temperature.
- 11) Access for filter changing shall be provided within equipment rooms.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING FACILITIES

Section 390.3020 Mechanical Systems

- a) Mechanical systems shall be maintained to assure proper working order and safe operation. Instructions in the operational use of the systems and equipment ~~shall~~must be available at the facility. ~~(B)~~
- b) Thermal and Acoustical Insulation. ~~Insulation shall~~It is recommended that insulation be provided for the following:
- 1) Boilers, smoke breeching, and stacks~~;~~
 - 2) Steam supply and condensate return piping~~;~~
 - 3) Hot water piping above 180 degrees Fahrenheit and all ~~hot~~ water heaters, generators, and converters~~;~~
 - 4) Hot water piping above 125 degrees Fahrenheit ~~that~~which is exposed to contact by residents~~;~~
 - 5) Chilled water, refrigerant, and other process piping and equipment operating with fluid temperatures below the ambient dew point.
 - 6) Water supply and drainage piping on which condensation may occur~~;~~
 - 7) Air ducts and casings with outside surface temperature below the ambient dew point~~; and-~~
 - 8) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
- ~~c)9)~~ Insulation may be omitted from hot water and steam condensate piping that is not subject to contact by residents when ~~the~~such insulation is not necessary for preventing excessive ~~systems~~systems heat loss or excessive heat gain.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- d)40) Insulation on cold surfaces shall include an exterior vapor barrier.
- e)11) Insulation, including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment, shall have a flame spread rating of 25 or less and a smoke developed rating of ~~50~~50 or less as determined by an independent testing laboratory in accordance with ASTM Standard E 84. Exception: Duct, pipe, and equipment coverings shall not be required to meet these requirements ~~if where~~ they are located entirely outside of a building, or do not penetrate a wall or roof, or do not create an exposure hazard.
- f)e) ~~Supply~~It is recommended that supply and return mains and risers for cooling, heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.
- g)d) Thermal Hazards. Any surface ~~that is accessible to residents and exceeds~~exceeding a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) ~~that is accessible to residents~~ shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.
- h)e) Heating, ~~Cooling, and~~ Ventilating, Air Conditioning Systems
- 1) Areas of a nursing home used by residents of the nursing home shall be air conditioned and heated by means of operable air-conditioning and heating equipment. The areas subject to this air-conditioning and heating requirement include, without limitation, bedrooms or common areas such as sitting rooms, activity rooms, living rooms, community rooms, and dining rooms. (Section 3-202(8) of the Act)
- A) The mechanical system shall be capable of maintaining a temperature of at least 75 degrees Fahrenheit at all times. The heating system shall be capable of maintaining a temperature of 75 degrees Fahrenheit in all resident use spaces.
- B) The air-conditioning system shall be capable of maintaining an ambient air temperature of between 75 degrees Fahrenheit and 81

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

degrees Fahrenheit.

- 2) ~~Auxiliary gas or electric space heaters of an approved closed type may be installed in areas requiring more heat than is produced by the central heating system.~~ Heaters or furnaces of a type to be installed under, in, or on the floor are not permitted. ~~(B)~~
- 3) All ventilation supply, return, and exhaust systems shall be mechanically operated.
- 4) The kitchen shall be provided with ventilation for reasonable comfort and with sufficient make-up air for the rangehood exhaust. ~~(B)~~
- 5) The laundry shall be provided with ventilation for reasonable comfort, with air flowing from clean areas to soiled areas and with exhaust to the outdoors. ~~(B)~~
- 6) ~~Outdoor~~ ~~It is recommended that outdoor air~~ intakes shall be located as far as practical, but not less than 15 feet, from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or ~~from~~ areas ~~that~~ which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems ~~shall~~ should be located as high as practical, but not less than six feet above ground level, or, if installed above the roof, three feet above roof level.
- 7) Air conditioning and ventilating systems shall be maintained to comply ~~with~~ ~~conform to~~ the requirements of NFPA 90A. ~~(A, B)~~
- 8) The hood and duct system for cooking equipment used in processes that produce smoke or grease-laden vapors, such as griddle frying or deep frying, shall comply ~~be in conformance with~~ NFPA 96. The hood's extinguishment system shall be connected to the building fire alarm system and shall initiate a general alarm when activated. Duct insulation that is used in lieu of spacing from combustible construction members shall terminate at the top of the hood on the lower end, covering the duct collar, and shall pass through any combustible nailer opening in the roof/ceiling assembly and into the roof jack assembly. The material used shall be installed exactly as the manufacturer's instructions require. ~~That portion of the fire extinguishment system required for protection of the~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratory. (A, B)~~

- 9) Boiler rooms and other rooms housing combustion equipment shall be provided with sufficient outdoor air to maintain proper combustion rates of equipment and to limit room temperatures to 20 degrees Fahrenheit over ambient inside air in adjacent interior spaces. If sealed combustion units are in use, the discharge line is to remain clear of any adjacent walk paths and shall be not less than 15 feet from any operable fenestration or air intakes. NFPA 54 shall apply, including the calculations for combustion air openings. ~~(A, B)~~
- 10) For areas within the footprint of the facility that are heated by fuel-fired appliances using an air-to-air heat exchanger, not fewer than two carbon monoxide (CO) detectors shall be installed in the area served by each heat exchanger. One CO detector shall be installed within five feet of a supply duct and one within five feet of a return or exhaust duct. CO detectors shall be line or system powered and shall signal the building fire alarm system as a supervisory signal when activated. If detectors are line powered, a battery back-up or connection to the emergency power system is required. ~~A capability shall be provided to maintain a temperature of at least 55 degrees Fahrenheit for at least 12 hours when the normal source of electrical power is interrupted. (A, B)~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

SUBPART O: RESIDENT'S RIGHTS

Section 390.3220 Medical ~~and Personal~~ Care Program

- a) *A resident shall be permitted to retain the services of his or her own personal physician at his or her own expense under an individual or group plan of health insurance, or under any public or private assistance program providing such coverage.* (Section 2-104(a) of the Act) ~~(B)~~
- b) *The Department shall not prescribe the course of medical treatment provided to an individual resident by the resident's physician in a facility.* (Section ~~3-2012-104(a)~~ of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- c) *Every resident shall be permitted to obtain from his or her own physician or the physician attached to the facility complete and current information concerning his or her medical diagnosis, treatment and prognosis in terms and language the resident can reasonably be expected to understand.* (Section 2-104(a) of the Act)
- d) *~~Every resident~~All residents shall be permitted to participate in the planning of his or her~~their~~ total care and medical treatment to the extent that his or her~~their~~ condition permits.* (Section 2-104(a) of the Act)
- e) *No resident shall be subjected to experimental research or treatment without first obtaining his or her informed, written consent. The conduct of any experimental research or treatment shall be authorized and monitored by an institutional review committee appointed by the administrator of the facility where such research and treatment is conducted.* (Section 2-104(a) of the Act) ~~(A, B)~~
- f) *All medical treatment and procedures shall be administered as ordered by a physician. All new physician orders shall be reviewed by the facility's director of nursing or charge nurse designee within 24 hours after such orders have been issued to assure facility compliance with such orders.* (Section 2-104(b) of the Act)
- g) *Every woman resident of child-bearing age shall receive routine obstetrical and gynecological evaluations as well as necessary prenatal care.* (Section 2-104(b) of the Act) In addition, women residents ~~shall~~should be referred immediately for diagnosis whenever pregnancy is suspected.
- 1) "Routine obstetrical evaluations" and "necessary prenatal care" shall include, at~~as~~ a minimum, the following:
- A) Early diagnosis of pregnancy~~;~~
- B) A comprehensive health history, including menstrual history, methods of family planning that the patient has used, a detailed record of past pregnancies, and data on the current pregnancy that allow the physician to estimate the date of delivery~~;~~
- C) Identification of factors in the current pregnancy that help to identify the patient at high risk, such as maternal age, vaginal

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

bleeding, edema, urinary infection, exposure to radiation and chemicals, ingestion of drugs and alcohol, and use of tobacco;:-

- D) A comprehensive physical examination, including an evaluation of nutritional status; determination of height, weight and blood pressure; examination of the head, breasts, heart, lungs, abdomen, pelvis, rectum, and extremities;:-
- E) The following laboratory tests, as early in pregnancy as possible. Findings obtained from the history and physical examination may determine the need for additional laboratory evaluations;:-
- i) Hemoglobin or hematocrit measurement;:-
 - ii) Urinalysis, including microscopic examination or culture;:-
 - iii) Blood group and Rh type determination;:-
 - iv) Antibody screen;:-
 - v) Rubella antibody titer measurement;:-
 - vi) Syphilis screen;:-
 - vii) Cervical ~~cytology~~Cytology; and
 - viii) Viral hepatitis (HBsAg) testing;:-
- F) A risk assessment ~~that, which,~~ based on the findings of the history and physical examination, ~~shall~~should indicate any risk factors that may require special management, such as cardiovascular disease, maternal age less than 15 years ~~or more than 35 years~~, neurologic disorder, or congenital abnormalities;:-
- G) Return visits, the frequency of which will be determined by the patient's needs and risk factors. ~~A Generally a~~ woman with an uncomplicated pregnancy ~~shall~~should be seen every ~~four~~4 weeks for the first 28 weeks of pregnancy, every ~~two to three~~2-3 weeks until 36 weeks of gestation, and weekly thereafter;:-

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- H) ~~Determinations~~~~The physical examination at each visit should include determinations~~ of blood pressure, measured fundal height, fetal heart rate, and, in later months, fetal presentation, and urinalysis for albumin and glucose. Hemoglobin or hematocrit level ~~shall~~~~should~~ be measured again early in the third trimester;~~:-~~ ~~Glucose screening is recommended for women who are 30 years of age or older.~~
- I) Evaluation and monitoring of nutritional status and habits;~~:-~~
- J) Education for health promotion and maintenance;~~:-~~
- K) Counseling concerning exercise and child birth education programs;~~:-~~
- L) Postpartum review and evaluation ~~four to eight~~~~4-8~~ weeks after delivery, including determination of weight and blood pressure and assessment of status of breasts, abdomen, and external and internal genitalia.
- 2) "Routine gynecological evaluations" shall include, ~~at~~~~as~~ a minimum, the following:
- A) An initial examination, the basic components of which are:
- i) History; any present illnesses; menstrual, reproductive, medical, surgical, emotional, social, family, and sexual history; medications; allergies; family planning; and systems review;~~:-~~
- ii) Physical examination, including height, weight, nutritional status, and blood pressure; head and neck, including thyroid gland; heart; lungs; breasts; abdomen; pelvis, including external and internal genitalia; rectum; extremities, including signs of abuse; lymph nodes;~~and~~-
- iii) Laboratory tests, including urine screen; hemoglobin or hematocrit determination and, if indicated, complete blood

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

cell count; cervical cytology; rubella titer.

B) Annual updates, including, but not limited to:

- i) History, including the purpose of the visit; menstrual history; interval history, including systems review; emotional history;~~;~~
- ii) Physical examination, including weight, nutritional status and blood pressure; thyroid gland; breasts; abdomen; pelvis, including external and internal genitalia; rectum; other areas as indicated by the interval history;~~;~~
- iii) Laboratory, including urine screen; cervical cytology, unless not indicated; hemoglobin or hematocrit determinations; and~~;~~
- iv) Additional laboratory tests, such as screening for sexually transmitted disease, ~~should be performed~~ as warranted by the history, physical findings, and risk factors.

~~C) Cancer screening:~~

- ~~i) An annual and Pap test for all women who are or have been sexually active or have reached age 18.~~
- ~~ii) Mammography if indicated.~~

- 3) When a resident is referred for a diagnosis of pregnancy and/or for prenatal care, the facility shall send the health care provider a copy of the resident's medical record, including a list of prescription medications taken by the resident; the resident's use of alcohol, tobacco and illicit drugs, and any~~or~~ exposure of the resident to radiation or chemicals during the preceding three months.

h) Cancer screening. Cancer screening for women shall include the following:

- 1) A periodic Pap test. The frequency and administration of Pap tests shall be according to the guidelines set forth in the Guidelines for Women's

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Health Care, published by the American College of Obstetricians and Gynecologists; and

2) Mammography. The frequency and administration of mammograms shall be according to the guidelines set forth in the Guidelines for Women's Health Care.

- i) *Every resident shall be permitted to refuse medical treatment and to know the consequences of such action, unless such refusal would be harmful to the health and safety of others and such harm is documented by a physician in the resident's clinical record. (Section 2-104(c) of the Act) (B)*
- ii) *Every resident, resident's guardian, or parent ~~(if the resident is a minor shall be permitted to inspect and copy all of the~~ the resident's clinical and other records concerning the resident's~~the resident's~~ care and maintenance kept by the facility or by the resident's~~the resident's~~ physician (Section 2-104 (d) of the Act).*
- jj) *~~Every resident's representative shall be permitted to inspect and copy the resident's records. A "resident's representative" is a person, other than the owner or an agent or employee of a facility who is not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Sections 1-123 2-202(h) of the Act).~~*
- k) *A resident~~All residents~~ shall be permitted respect and privacy in his or her~~their~~ medical and personal care program. Every resident's case discussion, consultation, examination and treatment shall be confidential and shall be conducted discreetly, and those persons not directly involved in the resident's care must have his or her ~~the resident's~~ permission to be present. (Section 2-1052-015 of the Act) (B)*

(Source: Amended at 34 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hearings and Enforcement Proceedings
- 2) Code Citation: 11 Ill. Adm. Code 204
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
204.20	Amend
204.25	New
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: Currently Section 204.20 allows licensees to appeal all stewards' rulings and decisions through a formal administrative hearing process presided over by a hearing officer and recorded by a court reporter. Both sides are usually represented by counsel, an evidentiary hearing is conducted under formal rules of evidence, the hearing officer awaits the transcript, then produces his report and recommendation to the Board. The report and the entire record is sent to the Board members for review and presentation at the next available Board meeting. The process is often cumbersome, time consuming and expensive, with some hearings pending up to a year or two due to an arduous judiciary process.

An evidentiary administrative hearing affording maximum protection and due process to the licensee is required by Section 16 of the Horse Racing Act for any matters concerning the suspension of a license. Our current rules have extended the formal evidentiary hearing process to all appeals of steward's rulings. The result is that an appeal of a \$50 fine is afforded the same due process and administrative hearing proceeding as an appeal of a lengthy suspension, resulting in expensive, inefficient formal Board hearings to settle relatively minor matters. The proposed rulemaking provides an alternate proceeding designed to be more efficient in terms of cost and man-hours for minor matters such as appeals for fines of \$500 or less, and the disqualification of horses for interference (without a penalty to the jockey/driver) during the running of a race.

An alternative type of proceeding is not without precedent in State agencies. The Illinois Department of Revenue has an informal review procedure for taxpayer protests. Other racing jurisdictions have also adopted a two-tiered appeal process. The proposed procedure will be defined as a "Director's Review Conference" or DRC. The DRC will be mandatory for appeals of steward's rulings for fines of \$500 or less and disqualifications resulting from a claim of foul or interference in the absence of a jockey/driver penalty. Licensees facing larger fines, suspensions, or disqualifications under 11 Ill. Adm. Code 603 (Medication), will have the option of the DRC, in lieu of an

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

administrative hearing under Section 16 of the Act. However, any single member of the Board may sua sponte direct any appeal to a formal administrative hearing before the Board if the case merits the Board's personal attention.

Section 204.25 lays out the procedures for the DRC. It states that the DRC's will be presided over by the Racing Board Executive Director or his designated reviewer. The Board counsels and the administrative law judges cannot serve as designated reviewers. The licensee will be able to submit documentation and present his defense in an informal setting. The designated reviewer will question the parties and any witnesses presented and consider all relevant evidence. The DRC will be recorded by audiotape or similar media.

At the conclusion of the DRC, the Executive Director or designated reviewer will render a decision. The reviewer may resolve the issue in favor of the licensee, resolve the issue in favor of the Board stewards, or modify the penalty or ruling

Final decisions from the Director's Review Conference shall not be further appealable to the Board, however, they would be subject to Illinois Administrative Review Law.

- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Suite 7-701
Chicago, Illinois 60601

312/814-5017

- 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 which this rulemaking was summarized: January 2010

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 204
HEARINGS AND ENFORCEMENT PROCEEDINGS

Section	
204.10	Applicability
204.20	Requests for Hearing
204.25	Requests and Proceedings for Director's Review Conference
204.30	Purse Distribution
204.40	Appointment and Disqualification
204.50	Transcripts
204.60	Appearances
204.65	Discovery
204.70	Service
204.80	Subpoenas
204.85	Proceedings for Hearings Involving Action by the Board
204.90	Proceedings for Hearings Involving Action by Organization Licensees
204.100	Evidence
204.110	Stipulations
204.120	Continuances
204.130	Closing Arguments
204.140	Findings of Fact and Conclusions of Law

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Appeals and Enforcement Proceedings, amended December 30, 1977; codified at 5 Ill. Reg. 10876; amended at 10 Ill. Reg. 3825, effective February 13, 1986; amended at 18 Ill. Reg. 7419, effective April 29, 1994; amended at 22 Ill. Reg. 14494, effective August 1, 1998; amended at 26 Ill. Reg. 10806, effective July 1, 2002; amended at 34 Ill. Reg. _____, effective _____.

Section 204.20 Requests for Hearing

- a) Any person aggrieved by a final ~~decision, order, or~~ ruling of the ~~Stewards~~stewards

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

may, as a matter of right, request a Board hearing. ~~The~~~~Such~~ a hearing shall be a proceeding de novo.

- b) All requests for hearings shall:
- 1) be in writing;
 - 2) contain an address and telephone number where the petitioner may be notified; and
 - 3) identify the ~~Stewards'~~~~stewards'~~ ruling and state the specific reasons for the request.
- c) Requests for hearing under this Part shall be filed no later than five business days after receipt of notice of the ~~Stewards'~~~~stewards'~~ ruling, ejection ~~or~~, exclusion or other action of the Board. If the petitioner is the subject of a pre-hearing suspension or exclusion, the~~The~~ Board shall conduct its hearing within seven regular business days after the receipt of ~~thesueh~~ request unless the petitioner or the Board requests a postponement and shows good cause and the petitioner specifically waives the seven day hearing requirement.
- d) For appeals concerning civil penalties of \$500 or less or disqualifications based on an occurrence in the race such as interference or a claim of foul where no penalty was assessed against the driver or jockey, the petitioner shall be required to submit to a Director's Review Conference conducted pursuant to Section 204.25.
- e) For appeals concerning a suspension, exclusion, civil penalty greater than \$500, redistribution of the purse after the race results have been finalized by the Stewards, or disqualification based on a violation of 11 Ill. Adm. Code 603 (Medication), the petitioner shall be entitled to an administrative hearing pursuant to this Part or shall be given the option of submitting to a Director's Review Conference conducted pursuant to Section 204.25. Should a petitioner request a Director's Review Conference, his or her right to an administrative hearing shall be deemed waived.
- f) Notwithstanding subsections (d) and (e), any single member of the Board may sua sponte direct that any appeal be subject to a formal administrative hearing if the case merits the Board's personal attention.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- g) Requests for hearing may be filed in person at, or by mail addressed to, the Board's office at 100 W. Randolph, Suite ~~7-70144-400~~, Chicago, Illinois 60601. Requests submitted by mail will be deemed timely if postmarked no later than five business days after receipt of notice of the Stewards'~~stewards'~~ ruling, ejection ~~or~~; exclusion or other action of the Board.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 204.25 Requests and Proceedings for Director's Review Conference

- a) Any properly filed appeal concerning a ruling of the Stewards resulting in a civil penalty in an amount of \$500 or less or for a disqualification based on an occurrence in the race such as interference, or a claim of foul for which no penalty was assessed against the jockey or driver, shall be required to submit to a Director's Review Conference conducted pursuant to this Section.
- b) Any properly filed appeal concerning a ruling of the Stewards resulting in a suspension, exclusion, civil penalties greater than \$500, redistribution of the purse after the race results are finalized by the Stewards, or disqualification based on a violation of 11 Ill. Adm. Code 603 (Medication), may, in lieu of an administrative hearing, request a Director's Review Conference.
- c) The Director's Review Conference process affords licensees the opportunity to resolve protests through a method providing an option to a formal administrative hearing before an Administrative Law Judge. The Executive Director of the Board or his or her designee shall serve as the designated reviewer in accordance with the provisions of this Section. The Executive Director or reviewer shall have authority and knowledge of the rules and regulations of the Board sufficient to make a reasoned and appropriate resolution of the matter.
- d) All requests for a Director's Review Conference shall:
- 1) be in writing;
 - 2) contain an address and telephone number where the petitioner may be notified;

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) identify the Stewards' ruling and state the specific reasons for the request; and
- 4) include a list of all supporting documentation to be presented at the Director's Review Conference.
- e) Unless unavailability of the Executive Director and/or designee requires otherwise, the Director's Review Conference shall be conducted within 30 calendar days after the request.
- f) Board counsel and any Board employee who may be called as a witness shall not serve as the designated reviewer. Administrative Law Judges shall in no instance serve as the designated reviewer under this Section.
- g) At the Director's Review Conference, Board counsel shall present the Stewards' evidence to the reviewer. The licensee may be represented by counsel or may appear without counsel and present his or her evidence and witnesses. The reviewer shall consider all relevant evidence.
- h) The Illinois Administrative Procedure Act [5 ILCS 100], Section 16 of the Illinois Horse Racing Act [230 ILCS 5], and Sections 204.40, 204.50, 204.60, 204.65, 204.70, 204.80, 204.85, 204.90, 204.100, 200.110, 204.120, 204.130 and 204.140 of this Part shall not apply to the Director's Review Conference. Rules of evidence shall be construed liberally, and hearsay shall be allowed at the reviewer's discretion. The reviewer may ask questions of the witnesses and the parties during the Director's Review Conference.
- i) Director's Review Conferences conducted under this Part shall be recorded by audiotape or other similar media.
- j) At the conclusion of the Director's Review Conference, the reviewer shall issue a written report of his or her findings. The reviewer can find in favor of the licensee, uphold the Stewards' ruling, or modify the penalty. Decisions of the reviewer may not be appealed to the Board, but are subject to the Administrative Review Law [735 ILCS 5/Art. III].
- k) Requests for a Director's Review Conference may be filed in person at, or by mail addressed to, the Board's office at 100 W. Randolph, Suite 7-701, Chicago, Illinois 60601. Requests submitted by mail will be deemed timely if postmarked

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

no later than five regular business days after receipt of notice of the Stewards' ruling, ejection or exclusion or other action of the Board.

(Source: Added at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.3200 Proposed Action:
Amendment
- 4) Statutory Authority: 35 ILCS 5/303
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates the guidance on when a taxpayer is "taxable in another state" for purposes of allocation and apportionment of income in order to properly incorporate the decision in *Dover Corp. v. Dept. of Revenue*, 271 Ill.App.3d 700 (1995). Under the IITA, allocation of some items of nonbusiness income is done by an alternative rule if the primary rule would allocate the income to a state in which the taxpayer is not taxable. Also, the sales factor treatment of sales of tangible personal property and sales of services use an alternative rule if the primary rule would source the sales to a state in which the taxpayer is not subject to tax.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
100.8000	New Section	34 Ill. Reg. 6339; May 7, 2010
100.8010	New Section	34 Ill. Reg. 6339; May 7, 2010
100.9750	Amendment	34 Ill. Reg. 6566; May 14, 2010
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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

Paul Caselton
Deputy General Counsel – Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/524-3951

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses engaged in a multistate operations will receive guidance on when they are required to use alternative allocation or sales factor sourcing rules because they are not taxable in a particular state.
 - 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: July 2009

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

- 100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 and Noncombination Rule Companies
- 100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
- 100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

- 100.2655 Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND
APPORTIONMENT OF BASE INCOME

Section

100.3000	Terms Used in Article 3 (IITA Section 301)
100.3010	Business and Nonbusiness Income (IITA Section 301)
100.3015	Business Income Election (IITA Section 1501)
100.3020	Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section

100.3100	Compensation (IITA Section 302)
100.3110	State (IITA Section 302)
100.3120	Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3200	Taxability in Other State (IITA Section 303)
100.3210	Commercial Domicile (IITA Section 303)
100.3220	Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3300	Allocation and Apportionment of Base Income (IITA Section 304)
100.3310	Business Income of Persons Other Than Residents (IITA Section 304) – In General
100.3320	Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
100.3330	Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
100.3340	Business Income of Persons Other Than Residents (IITA Section 304)
100.3350	Property Factor (IITA Section 304)
100.3360	Payroll Factor (IITA Section 304)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.3370	Sales Factor (IITA Section 304)
100.3371	Sales Factor for Telecommunications Services
100.3380	Special Rules (IITA Section 304)
100.3390	Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
100.3400	Apportionment of Business Income of Financial Organizations for Taxable Years Ending Prior to December 31, 2008 (IITA Section 304(c))
100.3405	Apportionment of Business Income of Financial Organizations for Taxable Years Ending on or after December 31, 2008 (IITA Section 304(c))
100.3420	Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
100.3500	Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

100.4500	Carryovers of Tax Attributes (IITA Section 405)
----------	---

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

100.5000	Time for Filing Returns: Individuals (IITA Section 505)
100.5010	Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020	Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030	Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040	Innocent Spouses
100.5050	Frivolous Returns
100.5060	Reportable Transactions
100.5070	List of Investors in Potentially Abusive Tax Shelters and Reportable Transactions
100.5080	Registration of Tax Shelters (IITA Section 1405.5)

SUBPART O: COMPOSITE RETURNS

Section

100.5100	Composite Returns: Eligibility
100.5110	Composite Returns: Responsibilities of Authorized Agent
100.5120	Composite Returns: Individual Liability
100.5130	Composite Returns: Required forms and computation of Income

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.5140	Composite Returns: Estimated Payments
100.5150	Composite Returns: Tax, Penalties and Interest
100.5160	Composite Returns: Credits on Separate Returns
100.5170	Composite Returns: Definition of a "Lloyd's Plan of Operation"
100.5180	Composite Returns: Overpayments and Underpayments

SUBPART P: COMBINED RETURNS

Section	
100.5200	Filing of Combined Returns
100.5201	Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205	Election to File a Combined Return
100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
100.5215	Filing of Separate Unitary Returns
100.5220	Designated Agent for the Members
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section	
100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7035	Nonresident Partners, Subchapter S Corporation Shareholders, and Trust Beneficiaries (IITA Section 709.5)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section

- 100.7100 Withholding Exemption (IITA Section 702)
- 100.7110 Withholding Exemption Certificate (IITA Section 702)
- 100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section

- 100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

- 100.7300 Returns and Payments of Income Tax Withheld from Wages (IITA Sections 704 and 704A)
- 100.7310 Returns Filed and Payments Made on Annual Basis (IITA Section 704)
- 100.7320 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld Prior to January 1, 2008 (IITA Section 704)
- 100.7325 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld On or After January 1, 2008 (IITA Section 704A)
- 100.7330 Payment of Tax Required to be Shown Due on a Return (IITA Sections 704 and 704A)
- 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)
- 100.7350 Domestic Service Employment (IITA Sections 704 and 704A)
- 100.7360 Definitions and Special Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
- 100.7370 Penalty and Interest Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)

SUBPART U: COLLECTION AUTHORITY

Section

- 100.9000 General Income Tax Procedures (IITA Section 901)
- 100.9010 Collection Authority (IITA Section 901)
- 100.9020 Child Support Collection (IITA Section 901)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART V: NOTICE AND DEMAND

Section
100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section
100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section
100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320 Limitations on Notices of Deficiency (IITA Section 905)
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section
100.9400 Credits and Refunds (IITA Section 909)
100.9410 Limitations on Claims for Refund (IITA Section 911)
100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section
100.9500 Access to Books and Records (IITA Section 913)
100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510 Taxpayer Representation and Practice Requirements
100.9520 Conduct of Investigations and Hearings (IITA Section 914)
100.9530 Books and Records

SUBPART AA: JUDICIAL REVIEW

Section
100.9600 Administrative Review Law (IITA Section 1201)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART BB: DEFINITIONS

Section	
100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9720	Nexus
100.9730	Investment Partnerships (IITA Section 1501(a)(11.5))
100.9750	Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section	
100.9800	Letter Ruling Procedures

SUBPART DD: MISCELLANEOUS

Section	
100.9900	Tax Shelter Voluntary Compliance Program
100.APPENDIX A	Business Income Of Persons Other Than Residents
100.TABLE A	Example of Unitary Business Apportionment
100.TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378,

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. _____, effective _____.

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section 100.3200 Taxability in Other State (IITA Section 303)

a) General definition

1) For purposes of allocation of nonbusiness income and for purposes of the sales factor used in apportioning business income, a taxpayer is taxable in another state if:

A) in that state he or she is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or

B) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not subject the taxpayer to such a tax.

2) A taxpayer is subject to one of the specified taxes in subsection (a)(1)(A)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

in a particular state only if he or she is subject to thesueh tax by reason of income-producing activities in thatsueh state. For example, a corporation thatwhich pays a minimum franchise tax in order to qualify for the privilege of doing business in a state is not subject to tax by that state within the meaning of subsection (a)(1)(A) if the amount of thatsueh minimum tax bears no relation to the corporation's activities within thatsueh state. Further, a taxpayer claiming to be taxable in another state under the testtests set forth in subsection (a)(1)(A) must establish not only that under the laws of thatsueh state he or she is subject to one of the specified taxes, but that he or she, in fact, pays thesueh tax. If a taxpayer is subject to one of the taxes specified in subsection (a)(1)(A) but does not, in fact, pay thesueh tax, thesueh taxpayer may not claim to be taxable in the state imposing thesueh tax under the test set forth in subsection (a)(1)(A) or (a)(1)(B) this subsection (a)(2). (See Dover Corp. v. Dept. of Revenue, 271 Ill. App. 3d 700 (1995).) On the other hand, if a taxpayer is not subject in a given state to any of the taxes specified in subsection (a)(1)(A) but thesueh taxpayer establishes that his or her activities in thatsueh state are such as to give the state jurisdiction to subject him or her to a net income tax, then, under the test set forth in this subsection (a)(2), the taxpayer is taxable in thatsueh state, notwithstanding the fact that thatsueh state has not enacted legislation subjecting him or her to thesueh tax. For purposes of this Section:

- A) A net income tax is a tax for which an individual may claim a deduction under 26 USC 164(a)(3) or for which a foreign tax credit may be claimed under 26 USC 901.
- B) In the case of any state other than a foreign country or political subdivision of a foreign country thereof, the determination of whether asueh state has jurisdiction to subject the taxpayer to a net income tax will be determined under the Constitution, and statutes and treaties of the United States. Such a state does not have jurisdiction to subject the taxpayer to a net income tax if it is prohibited from imposing thatsueh-a tax by reason of the provisions of Public Law 86-272; (15 USC Sections 381-385). See 100.9720 of this Part for guidance on nexus standards under the Constitution and statutes of the United States.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- C) In the case of any foreign country or political subdivision of a foreign country~~thereof~~, the determination of whether ~~a such~~ state has jurisdiction to subject the taxpayer to a net income tax will be determined as if the foreign country or political subdivision were a state of the United States or a political subdivision of a U.S. state~~thereof~~. A person who is not required to pay net income tax by a foreign country or political subdivision as the result of a treaty provision exempting certain persons, business activities or sources of income from tax is not subject to net income tax in that jurisdiction.
- D) A person is not subject to tax in another state or in a foreign country under subsection (a)(1)(B) if that state or country imposes a tax on net income, unless he or she can show a specific provision of that state's or country's constitution, statutes or regulations, or a holding of that state's or country's courts or taxing authorities, that exempts the person from taxation even though that person could be subject to a net income tax under the Constitution, statutes and treaties of the United States.

b) Examples. Section 100.3200 of this Part may be illustrated by the following examples:

- 1) ~~EXAMPLE~~Example 1. A corporation, although subject to the provisions of the net income tax statute imposed by X state, has never filed income tax returns in that jurisdiction and has never paid income tax to X. For purposes of allocation and apportionment of A's income, A is not taxable in X state because it does not meet ~~the~~either test specified in either subsection (a)(1)(A) or (1)(B)(2).
- 2) ~~EXAMPLE~~Example 2. B corporation, an Illinois corporation, is actively engaged in manufacturing farm equipment in Y foreign country. Y does not impose a franchise tax measured by net income or a corporate stock tax. It does impose a franchise tax for the privilege of doing business, but B corporation is not subject to that tax because it applies only to corporations incorporated under Y's laws. Y also imposes a net income tax upon foreign corporations doing business within its boundaries, but B is not subject to that tax because the income tax statute grants tax exemption to corporations manufacturing farm equipment. For purposes of allocation

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

and apportionment of B's income, B is taxable in Y country. B does not meet the test specified in subsection (a)(1)(A), but does meet the test specified in subsection (a)(1)(B)(2), since Y has jurisdiction to impose a net income tax on B.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Dental Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1220
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1220.200	Amendment
1220.220	Amendment
1220.240	Amendment
1220.245	Amendment
1220.260	Amendment
1220.270	Amendment
1220.335	Amendment
1220.440	Amendment
1220.500	Amendment
1220.505	Amendment
1220.510	Amendment
1220.520	Amendment
1220.525	Amendment
1220.530	Amendment
1220.540	Repealed
1220.560	Amendment
1220.APPENDIX D	Amendment
- 4) Statutory Authority: Illinois Dental Practice Act [225 ILCS 25]
- 5) Effective Date of Amendments: May 5, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: September 25, 2009; 33 Ill. Reg. 12927
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

11) Differences between proposal and final version:

In Sections 1220.240, 1220.245, 1220.510, and 1220.520, the deadline for licensees to complete the new training requirements contained in this rulemaking was changed to September 30, 2011.

In Section 1200.500, a definition of "anesthesia case" was added and the definition of "minimal sedation" amended to match that of the American Dental Association.

In Sections 1220.510 and 1220.520, the proposed requirement that permit holders perform at least 10 sedation cases per year was removed; instead, permit holders must certify the number of sedation cases performed annually and keep a logbook on such cases. Also, additional training in airway management is now required of only one of the dental assistant or dental hygienist members of the anesthesia team.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this rulemaking replace any emergency rulemakings currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Amendments: PA 95-399 required the Department to promulgate rules relating to the administration and monitoring of anesthesia and the requisite training of dental personnel. This adopted rulemaking implements those requirements. Both the initial training and renewal requirements relating to the practice and use of anesthesia for dentists and dental hygienists has been strengthened, depending on the level of sedation being administered. The rulemaking also re-created the Anesthesia Review Panel to advise the Director on anesthesiology-related issues. In addition, the adopted rulemaking clarifies the continuing education requirements for dental hygienists to conform with the Act.16) Information and questions regarding these adopted amendments shall be directed to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, Illinois 62786

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

217/785-0813 Fax: 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1220

ILLINOIS DENTAL PRACTICE ACT

SUBPART A: DENTIST

Section

- 1220.100 Application for Licensure
- 1220.110 Application for Examination (Repealed)
- 1220.120 Dental Examinations
- 1220.130 System of Retaking the Clinical Sections of the Examination (Repealed)
- 1220.140 Minimum Standards for an Approved Program in Dentistry
- 1220.150 Licensure (Repealed)
- 1220.155 Restricted Faculty Licenses
- 1220.156 Temporary Training License
- 1220.160 Restoration
- 1220.170 Renewal

SUBPART B: DENTAL HYGIENIST

Section

- 1220.200 Application for Licensure
- 1220.210 Application for Examination (Repealed)
- 1220.220 Dental Hygiene Examination
- 1220.230 System of Grading (Repealed)
- 1220.231 System of Retaking the Clinical Examination (Repealed)
- 1220.240 Prescribed Duties for Dental Hygienists
- 1220.245 Prescribed Duties of Dental Assistants
- 1220.250 Approved Programs of Dental Hygiene
- 1220.260 Restoration
- 1220.270 Renewal

SUBPART C: DENTAL SPECIALIST

Section

- 1220.310 Applications

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1220.320	Examination
1220.330	System of Grading (Repealed)
1220.335	American Board Diplomates
1220.340	Specialty Listing (Repealed)
1220.350	Restoration
1220.360	Renewal

SUBPART D: GENERAL

Section	
1220.380	Definitions
1220.400	Reportable Diseases and Conditions
1220.405	Reporting of Adverse Occurrences
1220.406	Impaired Dentist and Dental Hygienist Program of Care, Counseling or Treatment
1220.410	Endorsement
1220.415	Fees
1220.421	Advertising
1220.425	Referral Services
1220.431	Employment by Corporation (Repealed)
1220.435	Renewals (Repealed)
1220.440	Continuing Education
1220.441	Granting Variances

SUBPART E: ANESTHESIA PERMITS

Section	
1220.500	Definitions
1220.505	Minimal Sedation (Anxiolysis) in the Dental Office Setting
1220.510	Moderate Sedation (Conscious Sedation) in the Dental Office Setting
1220.520	Deep Sedation and General Anesthesia in the Dental Office Setting
1220.525	Renewal
1220.530	Anesthesia Review Panel (Repealed)
1220.540	Approved Programs in Anesthesiology (Repealed)
1220.550	Reporting of Adverse Occurrences (Repealed)
1220.560	Restoration of Permits

1220.APPENDIX A	Pre-clinical Restorative Dentistry Sub-section (Repealed)
1220.APPENDIX B	Dental Assistant Permitted Procedures (Repealed)
1220.APPENDIX C	Dental Hygienist Permitted Procedures (Repealed)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1220.APPENDIX D Characteristics of Levels of Anesthesia

AUTHORITY: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; emergency expired December 12, 1983; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13 Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559, effective January 25, 1993; emergency amendment at 17 Ill. Reg. 8309, effective May 21, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15890, effective September 21, 1993; amended at 17 Ill. Reg. 21492, effective December 1, 1993; amended at 19 Ill. Reg. 6606, effective April 28, 1995; amended at 21 Ill. Reg. 378, effective December 20, 1996; emergency amendment at 22 Ill. Reg. 2332, effective January 8, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10574, effective June 1, 1998; amended at 22 Ill. Reg. 14880, effective July 29, 1998; amended at 23 Ill. Reg. 7294, effective June 10, 1999; amended at 24 Ill. Reg. 13992, effective August 31, 2000; amended at 25 Ill. Reg. 10901, effective August 13, 2001; amended at 26 Ill. Reg. 18286, effective December 13, 2002; amended at 30 Ill. Reg. 8574, effective April 20, 2006; emergency amendment at 30 Ill. Reg. 12999, effective July 18, 2006, for a maximum of 150 days; emergency expired December 14, 2006; amended at 30 Ill. Reg. 19656, effective December 18, 2006; amended at 34 Ill. Reg. 7205, effective May 5, 2010.

SUBPART B: DENTAL HYGIENIST

Section 1220.200 Application for Licensure

An applicant for licensure as a dental hygienist shall file an application, on forms supplied by the Division, that shall include:

- a) Certification of successful completion of 2 academic years of credit from a dental

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

hygiene program approved by the Commission on Dental Accreditation of the American Dental Association;

- b) Proof that the applicant has passed the National Dental Hygienist Board Examination given by the Joint Commission on National Dental Examinations and has been issued a National Board Certificate, mailed to the Division by the Joint Commission. In order to be successful, a grade of at least 75 is required;
- c) Proof of successful completion of an examination pursuant to Section 1220.220(a) received directly from the testing entity;
- d) A current certification in Basic Life Support for Healthcare Providers (BLS), or its equivalent, cardiopulmonary resuscitation from the American Red Cross, the American Heart Association or an equivalent agency or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification;
- e) Certification, on forms provided by the Division, from the state in which an applicant was originally licensed and is currently licensed, if applicable, stating:
 - 1) The time during which the applicant was licensed in that state, including the date of the original issuance of the license; and
 - 2) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
- f) The required fee set forth in Section 1220.415(a)(3).

(Source: Amended at 34 Ill. Reg. 7205, effective May 5, 2010)

Section 1220.220 Dental Hygiene Examination

- a) The Division, upon recommendation of the Board, shall accept the American Dental Hygiene Licensing Examination (~~ADHLEX~~~~ADLEX~~) developed by the American Board of Dental Examiners, Inc. (ADEX) for licensure. The passing score accepted by the Division shall be the passing score established by the testing entity. Dental hygiene licensure candidates can view and download a copy of the Candidate's Manual online at www.nerb.org/manual.htm or www.crds.org/dental.htm.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- b) The Division, upon recommendation from the Board, shall also accept the following examinations for licensure if administered and passed in their entirety prior to October 1, 2006:
- 1) The North East Regional Board (NERB) with a passing score of 75 or better on each part of the examination. Beginning July 1, 1998, the passing score accepted by the Division shall be the passing score established by the testing entity;
 - 2) The Central Regional Dental Testing Service (CRDTS) Examination after January 1, 1988, with a passing score of 75 prior to May 1993. Beginning in May 1993 a passing score of 70 or better on each part of the examination shall be accepted for licensure. Beginning July 1, 1998, the passing score accepted by the Division shall be the passing score established by the testing entity. Beginning July 1, 2002, the passing score on the examination shall be 75;
 - 3) The Southern Regional Testing Agency, Inc. (SRTA) Examination after January 1, 1991, with a passing score of 75% or better on each part of the examination. Beginning July 1, 1998, the passing score accepted by the Division shall be the passing score established by the testing entity; or
 - 4) The Western Regional Examination Boards (WREB) Examination taken after May 1, 1998, with a passing score as established by the testing entity.
- c) Retake requirements shall be that of the testing entity.
- d) The applicant shall have examination scores submitted to the Division directly from the reporting entity.
- e) The Division will only accept examinations that have been completed in the 5 years prior to submission of the application, if never licensed in another jurisdiction.

(Source: Amended at 34 Ill. Reg. 7205, effective May 5, 2010)

Section 1220.240 Prescribed Duties of Dental Hygienists

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- a) Dental hygienists may perform the operative procedure of dental hygiene, consisting of oral prophylaxis procedures.
- b) Dental hygienists may perform dental health education functions and may record case histories and oral conditions observed.
- c) Dental hygienists may perform all procedures that may be performed by an appropriately trained dental assistant.
- d) Dental hygienists shall not perform those procedures that constitute the practice of dentistry as described in the Illinois Dental Practice Act. Hygienists may not perform procedures that require the professional judgment and skill of a dentist. Such prohibited procedures include, but shall not be limited to, the following:
 - 1) Making denture adjustments.
 - 2) Condensing or carving amalgam restorations.
 - 3) Placing and finishing composite restorations.
 - 4) Taking final impressions for the fabrication of prosthetic appliances, crowns, bridges, inlays, onlays or other restorative or replacement dentistry.
 - 5) Permanently cementing permanent crowns or bridges.
 - 6) Permanently re-cementing permanent crowns or bridges that have come loose.
- e) Dental hygienists may administer and monitor nitrous oxide under the following conditions:
 - 1) The dental hygienist functions under the supervision of the dentist who ~~must remain~~remains in the facility;
 - 2) The dental hygienist may administer (start the flow of) nitrous oxide to the patient and control the induction of the gas, so that the patient is at a level of analgesia not anesthesia;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 3) The dental hygienist may remove the patient from nitrous oxide when the hygiene procedures have been completed; ~~and~~
- 4) Proof of Completion
- A) The dental hygienist is responsible for obtaining proof of certification, validating completion of a 12 hour course relative to nitrous oxide analgesia and submitting certification to the dentist of valid completion of the required course. ~~The~~ course shall have been completed no earlier than December 31, 1994.
- B) A dental hygienist who completed the 12 hour course shall complete an additional 2 hour course in nitrous oxide analgesia administration. The course shall be completed by September 30, 2011. ~~A~~ dental hygienist, who has not completed the 12 hour course, shall complete an approved course of 14 hours relative to the administration and monitoring of nitrous oxide analgesia and submit certification of successful completion to the dentist. ~~The~~ course shall have been completed no earlier than January 1, 1998.
- C) An individual who graduated from an approved dental hygiene program after January 1, 1998 that contained nitrous oxide analgesia administration and monitoring in the curriculum shall not be required to complete the 14 hour course upon proof to the dentist of the required curriculum.
- D) A dental hygienist who has not completed the 12 or 14 hour course shall complete an approved 6 hour course relative to the administration and monitoring of nitrous oxide analgesia and submit certification of successful completion to the dentist.
- E) Proof of nitrous oxide analgesia education shall be made available to the Division upon request. The required hours shall include both didactic and clinical components and be given by a continuing education sponsor approved pursuant to Section 1220.440 or a dental hygiene program approved by the Division pursuant to Section 1220.250;:-

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 5) The dental hygienist must maintain Basic Life Support for Healthcare Providers certification or its equivalent, which will be in addition to the required courses. Certification or its equivalent shall be completed by September 30, 2011.
- f) Dental hygienists may assist in the provision of moderate sedation (conscious sedation), deep sedation, and general anesthesia, as defined in Section 1220.500, under the following conditions:
- 1) The dental hygienist functions under the supervision of the dentist who must remain in the facility. When the hygienist is the treatment provider while the patient is under moderate sedation (conscious sedation), deep sedation, or general anesthesia, the anesthesia permit holder must remain in the treatment room;
 - 2) The dental hygienist is responsible for obtaining proof of certification validating completion of a course or courses totaling 12 hours or more. The course or courses shall include areas of anatomy, physiology, pharmacology, monitoring and emergency procedures with an emphasis on airway management. The required hours shall include both didactic and clinical components and be given by a continuing education sponsor approved pursuant to Section 1220.440 or a dental hygiene program approved by the Division pursuant to Section 1220.250;
 - 3) If the dental hygienist has complied with the provisions set forth in subsection (e)(4), the dental hygienist may complete an additional course or courses totaling 6 hours or more on advanced airway management and monitoring equipment in lieu of the 12 hour course required by subsection (f)(2). Proof shall be made available to the Division upon request;
 - 4) The dental hygienist must maintain Basic Life Support for Healthcare Providers certification or its equivalent, which will be in addition to the required courses. Certification or its equivalent shall be completed by September 30, 2011.
- gf) Dental hygienists may administer local anesthetics under the following conditions:
- 1) The dental hygienist functions under the supervision of the dentist who

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

remains in the facility.

- 2) The dental hygienist is responsible for obtaining proof of certification, indicating successful completion of a 32 hour course that contains 24 hours of lecture and 8 hours of clinical training relative to the administration of local anesthetics and submitting certification to the dentist. An individual who graduated from an approved dental hygiene program after January 1, 1999 that contained administration of local anesthetics in the curriculum shall not be required to complete the 32 hour course upon proof to the dentist of the required curriculum. Proof of completion of education shall be made available to the Division upon request. The required hours shall include both didactic and clinical components and be given by a continuing education sponsor approved pursuant to Section 1220.440 or a dental or a dental hygiene program approved by the Division pursuant to Section 1220.250. The course shall contain at a minimum the following topics:
 - A) Patient preevaluation, which includes dental and medical health history (e.g., drug interactions/anxiety/pain and a physical evaluation);
 - B) Pharmacology (e.g., drugs/types, vasoconstrictors, dosages, toxicity);
 - C) Recordkeeping;
 - D) Anatomy/Neuroanatomy/Physiology;
 - E) Armamentarium;
 - F) Techniques that include adjunctive use of topical anesthetics, mandibular block and infiltration;
 - G) Complications;
 - H) Post-operative instructions; and
 - I) Clinical experience that includes combining techniques for quadrant anesthesia and practical use of different techniques in all

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

areas of oral cavity.

- 3) A dental hygienist who was licensed in another state and was authorized to administer local anesthesia in that jurisdiction will not be required to complete an additional course. Proof shall be submitted to the dentist and shall be made available to the Division upon request.

hg) The licensed dentist need not be present in the facility for a dental hygienist to perform the procedures set forth in this Section (except for the administration and monitoring of nitrous oxide, minimal sedation (anxiolysis), assisting in the provision of moderate sedation (conscious sedation), deep sedation, and general anesthesia, as defined in Section 1220.500, and the administration of injectable local anesthetics, which must be done under the direct supervision of a dentist as outlined in subsection (e)(1)) on persons who reside in a long-term care facility licensed by the State of Illinois or a mental health or developmental disability facility operated by the Department of Human Services hospital or other similar institution and are unable to travel to a dental office because of illness or infirmity. The dentist shall personally examine and diagnose the patient and determine which services are necessary to be performed, which shall be contained in a written order to the hygienist. The order must be implemented within 90 days after its issuance and an updated medical history and oral inspection must be performed by the hygienist immediately prior to beginning the procedures to ensure that the patient's health has not changed in any manner to warrant a re-examination by the dentist.

ih) All intraoral procedures performed by a dental auxiliary, except those provided for in subsections (b) and (**hg**), must be examined by the supervising dentist prior to the dismissal of the patient from the facility that day.

(Source: Amended at 34 Ill. Reg. 7205, effective May 5, 2010)

Section 1220.245 Prescribed Duties of Dental Assistants

- a) "Dental Assistant" means an appropriately trained person who, under the supervision of a dentist, provides dental services or procedures as authorized by Section 17 of the Illinois Dental Practice Act or as prescribed by this Part. "Appropriately trained" means a person who:
- 1) Has completed formal training as a condition for administering a specific

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

service or procedure as required by the Illinois Dental Practice Act or this Part; and

- 2) Is considered, for all other authorized or prescribed services or procedures, by the supervising dentist to be competent to render such service or procedure as a result of on-the-job training.
- b) Provided that a dental assistant is appropriately trained pursuant to this Section and is acting under the supervision and full responsibility of a dentist, a dental assistant may perform any dental service or procedure except the following:
- 1) Any and all diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws, or adjacent structures.
 - 2) Removal of, restoration of, or addition to the hard or soft tissues of the oral cavity. For purposes of this Section, coronal polishing and acid etching of a tooth surface are not considered removal of hard or soft tissues.
 - 3) Any and all correction of malformation of teeth or of the jaws.
 - 4) Administration of anesthetics except for topical anesthetics and monitoring of nitrous oxide as specified in this Section.
 - 5) Removal of calculus from teeth.
 - 6) Taking of final impressions for the fabricating of prosthetic appliances, crowns, bridges, inlays, onlays, or other restorative or replacement dentistry.
 - 7) The operative procedure of dental hygiene consisting of oral prophylactic procedures except for coronal polishing as specified in this Section.
 - 8) Making denture adjustments.
 - 9) Condensing or carving amalgam restorations.
 - 10) Placing and finishing composite restorations.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 11) Permanently cementing permanent crowns or bridges.
 - 12) Permanently re-cementing permanent crowns or bridges that have come loose.
 - 13) Placement of any chemotherapeutic agent for the management of periodontal disease.
 - 14) Applying cavity bases.
 - 15) Cementing bands and/or bonding brackets.
 - 16) Performing supragingival or subgingival scaling.
 - 17) Performing pulp vitality tests.
- c) A dental assistant, who is at least 18 years of age and has 1000 hours of clinical dental assisting experience or has graduated from a dental assistant program accredited by the Commission on Dental Accreditation of the American Dental Association, or is a currently certified dental assistant as designated by the Dental Assisting National Board, Inc., may perform the following services and procedures, but only under the following terms and conditions:
- 1) Monitoring nitrous oxide, provided:
 - A) The dental assistant has completed an approved course of 12 hours relative to nitrous oxide analgesia and has submitted certification to the dentist of valid completion of such course. TheSuch course shall have been completed no earlier than January 1, 1998.
 - i) A dental assistant who has not completed the 12 hour course shall complete an approved course or courses totaling 6 hours or more relative to monitoring nitrous oxide analgesia and submit certification of successful completion to the dentist.
 - ii) Proof shall be made available to the Division upon request.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- iii) The required hours shall include both didactic and clinical components and have been designed by an educational institution such as a dental school, dental hygiene or dental ~~assistant association~~ program or by an approved CE sponsor. ~~The course shall and~~ include areas of anatomy, physiology, monitoring, pharmacology and emergency procedures with an emphasis on airway management dental emergencies. Courses being offered by approved CE sponsors, ~~as provided for in approved pursuant to~~ Section 1220.440(b)(2)(N) must be preapproved by the Division prior to their initial offering and must meet the requirements set forth in this subsection (c)(1). ~~In addition to the required hours, the assistant must be currently certified in CPR;~~
- B) The dental assistant is functioning under the supervision of the dentist who ~~must remain~~ remains in the facility;
- C) Only a dentist or dental hygienist qualified pursuant to Section 1220.240(e) shall administer (start the flow of) nitrous oxide to the patient and control the induction of the gas so that the patient is at a level of analgesia, not anesthesia;
- D) Only a dentist or dental hygienist qualified pursuant to Section 1220.240(e) shall remove the patient from nitrous oxide when the dentist or dental hygienist has completed the procedures on the patient~~;~~
- E) If the dental assistant has completed a monitoring course or courses totaling 12 hours or more provided by the American Association of Oral and Maxillofacial Surgeons (AAOMS) or a similar course preapproved by the Division, the dental assistant need not complete the course hours required in subsection (c)(1)(A). The course shall have been completed no earlier than December 31, 2002. Proof shall be made available to the Division upon request;
- F) The dental assistant maintains Basic Life Support for Healthcare Providers certification or its equivalent, which will be in addition

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

to the required courses. Certification or its equivalent shall be completed by September 30, 2011.

- 2) Monitoring minimal sedation (anxiolysis), moderate sedation (conscious sedation), deep sedation, or general anesthesia, as defined in Section 1220.500, provided:
- A) The dental assistant is responsible for obtaining proof of certification validating completion of a course or courses totaling 12 hours or more. The course or courses shall include areas of anatomy, physiology, pharmacology, monitoring and emergency procedures with an emphasis on airway management. The required hours shall include both didactic and clinical components and be given by a continuing education sponsor approved pursuant to Section 1220.440 or a dental hygiene program approved by the Division pursuant to Section 1220.250.
 - B) If the dental assistant has complied with the provisions set forth in subsection (c)(1)(A), the dental assistant shall complete an additional 6 hour course on advanced airway management and monitoring equipment in lieu of the 12 hour course required in subsection (c)(2)(A). Proof shall be made available to the Division upon request.
 - C) If the dental assistant has completed a monitoring course or courses totaling 12 hours or more provided by the American Association of Oral and Maxillofacial Surgeons (AAOMS) or a similar course or courses preapproved by the Division, the dental assistant need not complete the course hours required in subsection (c)(2)(A). The course shall have been completed no earlier than December 31, 2002. Proof shall be made available to the Division upon request.
 - D) The dental assistant is functioning under the supervision of the dentist who must remain in the facility.
 - E) The dental assistant maintains Basic Life Support for Healthcare Providers certification or its equivalent, which will be in addition

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

to the required courses. Certification or its equivalent shall be completed by September 30, 2011.

- 32) Coronal polishing, provided:
- A) The dental assistant has completed an approved course of 6 hours relative to coronal polishing and has submitted certification of successful completion to the dentist. Such course shall have been completed no earlier than January 1, 1998. Proof shall be made available to the Division upon request. The required hours shall include a minimum of 4 hours of didactic study in areas of anatomy, physiology, pharmacology and dental emergencies and 2 hours of clinical instruction and have been provided by an educational institution such as a dental school, dental hygiene or dental assistant program or by an approved CE sponsor. Courses being offered by CE sponsors approved pursuant to Section 1220.440(b)(2)(N) must be preapproved by the Division prior to their initial offering and must meet the requirements set forth in this subsection (c)(2). The assistant must pass an examination in the didactic portion of the course and the clinical portion must contain experience on human subjects;
 - B) Coronal polishing ~~is shall be~~ limited to polishing the clinical crown of the tooth and existing restoration, supragingivally;
 - C) Coronal polishing ~~is shall be~~ limited to the use of slow speed rotary instruments using a rubber cup and/or brush polishing method. The use of air polish by dental assistants is not permitted; and
 - D) A dentist shall be limited to supervising 4 dental assistants at any one time for the task of coronal polishing.
- 43) Pit and fissure sealant application, provided:
- A) The dental assistant has completed a course of at least 2 hours of didactic study and 2 hours of clinical instruction;
 - B) Prior to being permitted to place sealants in accord with this Section, the supervising dentist has personally observed the dental

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- assistant ~~successfully placing~~~~successful place~~ 6 pit and fissure sealants;
- C) The supervising dentist ~~documents~~~~must document~~ that the training has been completed; and
- D) The supervising dentist is responsible for examining the patient prior to and following the placement of sealants by a dental assistant.
- d) An individual who graduated from an approved dental assisting program after January 1, 1999 that contained monitoring of nitrous oxide, coronal polishing, and sealant application in the curriculum shall not be required to complete an additional course or courses in these areas as prescribed in this Section upon proof to the dentist of having successfully completed the required curriculum.
- e) All intraoral procedures performed by a dental assistant must be examined by the supervising dentist prior to the dismissal of the patient from the facility that day.

(Source: Amended at 34 Ill. Reg. 7205, effective May 5, 2010)

Section 1220.260 Restoration

- a) A licensee seeking restoration of a dental hygienist license after it has expired or been placed on inactive status for less than 5 years shall have the license restored by submitting proof of ~~3624~~ hours of continuing education pursuant to Section 1220.440 within ~~32~~ years prior to application for restoration, proof of certification in ~~Basic Life Support for Healthcare Providers (BLS) or its equivalent~~~~cardiopulmonary resuscitation~~ or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification and payment of \$20 plus all lapsed renewal fees, but not to exceed \$85. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee.
- b) A licensee seeking restoration of a dental hygienist license after it has expired or been placed on inactive status for 5 years or more shall file an application, on forms supplied by the Division, together with the fees required by Section ~~1220.41521 of the Act~~, proof of ~~3624~~ hours of continuing education pursuant to Section 1220.440 within ~~32~~ years prior to application for restoration and proof of

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

certification in ~~BLS or its equivalent~~cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee. The licensee shall also submit either:

- 1) Certification of lawful active practice in another jurisdiction for at least 3 of the last 5 years. The certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
 - 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a license within 2 years of termination of such service, he/she shall have the license restored without paying any lapsed renewal or restoration fees.
- c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.220.

(Source: Amended at 34 Ill. Reg. 7205, effective May 5, 2010)

Section 1220.270 Renewal

- a) Beginning with the September 30, 2006 renewal, every dental hygienist license issued under the Act shall expire on September 30 every 3 years. The holder of a license may renew the license during the month preceding the expiration date by:
 - 1) certifying on the application to completion of ~~3624~~ hours of continuing education pursuant to Section 1220.440 ~~of this Part~~;
 - 2) certifying to current certification in Basic Life Support for Healthcare Providers or its equivalent~~cardiopulmonary resuscitation~~ or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification; and
 - 3) submitting the fee required in Section ~~1220.41521 of the Act~~.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- b) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- c) Practicing or offering to practice on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 23 of the Act.

(Source: Amended at 34 Ill. Reg. 7205, effective May 5, 2010)

SUBPART C: DENTAL SPECIALIST

Section 1220.335 American Board Diplomates

- a) An applicant for dental specialist licensure as a specialist in Endodontics, Pediatric Dentistry, Periodontics, Prosthodontics, Orthodontics and Dentofacial Orthopedics, Oral Maxillofacial Radiology or Oral and Maxillofacial Surgery who is also certified as an American Board Diplomate in the specialty for which application for licensure is made shall not be required to take the examination for dental specialist licensure as provided for in Section 1220.320 of this Part. To qualify for this exemption from the Division's dental specialty examination, the American Board Diplomate must have passed both the written and oral examinations provided by the specialty board, regardless of whether American Board Diplomate status is conferred by the specialty board without passage of both examinations.
- b) American Board Diplomates applying for dental specialist licensure shall meet the requirements for specialty licensure set forth in Section 1220.310, with the exception of the examination, and shall additionally submit evidence of certification as an American Board Diplomate and proof of passage of both the written and oral examinations provided by the specialty board at time of application for licensure.

(Source: Amended at 34 Ill. Reg. 7205, effective May 5, 2010)

SUBPART D: GENERAL

Section 1220.440 Continuing Education

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- a) Continuing Education Hours Requirements
- 1) Beginning with the September 30, 2009 renewal and every renewal thereafter, each person who applies for renewal of a license as a dentist shall have completed 48 hours of continuing education (CE) relevant to the practice of dentistry during the prerenewal period.
 - 2) Beginning with the September 30, 2009 renewal and every renewal thereafter, each person who applies for renewal of a license as a dental hygienist shall have completed ~~3632~~ hours of CE relevant to the practice of dental hygiene during the prerenewal period.
 - 3) A prerenewal period is the 36 months preceding September 30 of the year of the renewal.
 - 4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of a dental or dental hygienist license.
 - 5) Continuing education is not required to renew a dental specialty license. The holder of a dental specialty license is, however, required to complete 48 hours to renew the dental license.
 - 6) Dentists or dental hygienist licensed in Illinois but residing in other states shall comply with the CE requirements set forth in this Section.
 - 7) Continuing education credit for hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.
- b) Approved Continuing Education/Continuing Education Sponsors
- 1) All CE courses shall be relevant to the treatment and care of patients and shall be:
 - A) Clinical courses in dentistry and dental hygiene; or
 - B) Nonclinical subjects that relate to the skills necessary to provide dental or dental hygiene services and are supportive of clinical

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

services (i.e., patient management, legal and ethical responsibilities, stress management). Courses not acceptable for the purpose of this definition include, but are not limited to, estate planning, financial planning, investments and personal health.

- 2) CE credit may be earned for verifiable attendance at or participation in any courses that meet the requirements of subsection (b)(1) given by one of the following sponsors:
 - A) American Dental Association and National Dental Association, its constituent and component/branch associations and the American Dental Association Continuing Education Recognition Programs;
 - B) American Dental Hygienist's Association and National Dental Hygienist's Association, its constituent and component/branch associations;
 - C) Dental programs approved by the Division as meeting minimum standards for an approved curriculum in dentistry under Section 1220.140 and dental hygiene programs approved under Section 1220.250 of this Part;
 - D) Organizations of specialties recognized by the American Dental Association and its constituent and component/branch associations, such as, but not limited to:
 - i) Oral and Maxillofacial Surgery
 - ii) Endodontics
 - iii) Pediatric Dentistry
 - iv) Prosthodontics
 - v) Orthodontics
 - vi) Periodontology;
 - vii) Oral and Maxillofacial Radiology;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- E) Academy of General Dentistry, its constituent and component/branch associations and approved sponsors;
 - F) American Dental Society of Anesthesiology and its constituent and component/branch associations;
 - G) Community colleges with an approved dental hygiene program if offered under the auspices of the dental hygiene program;
 - H) A college or university accredited by an agency approved by the U.S. Office of Education or a community college approved by the Illinois Community College Board;
 - I) A hospital that has been accredited by the Joint Commission on Accreditation of Healthcare Organizations;
 - J) The American Heart Association and the American Cancer Society;
 - K) A medical school that is accredited by the American Medical Association's Liaison Committee for Medical Education;
 - L) American Medical Association (AMA), specialty medical associations/organizations, the Accreditation Council on Continuing Medical Education;
 - M) Federal and State government agencies (i.e., dental division, military dental division, Veterans' Administration, etc.); or
 - N) A person, firm or association approved by the Division in accordance with subsection (c).
- 3) CE credit may be earned for completion of an individual study course (correspondence, audio or video course) sponsored by an approved sponsor. Such courses shall include a test that the licensee must pass to obtain credit. No more than 50% of the required CE credit hours during a prerenewal period may be acquired through correspondence courses.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 4) CE credit may be earned from teleconferencing courses with a moderator present given by an Illinois approved sponsor.
 - 5) CE credit may be earned from courses leading to an advanced degree or specialty in dental or dental hygiene. Such courses shall be allotted CE credit at the rate of 15 CE hours for each semester hour and 10 CE hours for each quarter hour of school credit awarded.
 - 6) CE credit may be earned as an instructor of continuing education courses given by approved sponsors. Credit will be applied for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations). No more than 50% of the required CE credit hours during a prerenewal period may be acquired through teaching continuing education courses.
 - 7) CE credit may be earned for presenting volunteer community oral health education programs. Credit will be applied for each hour of presentation documented by the program director. No more than 2 hours of the required CE credit hours during a prerenewal period may be acquired through presentation of volunteer community oral health education programs.
 - 8) ~~Hours for CPR recertification shall not be counted toward meeting CE requirements for dental hygienists.~~⁹⁾ Continuing education hours required by a disciplinary order shall not be used to satisfy the continuing education requirements for license renewal.
- ~~910)~~ If a renewal applicant will be earning or has earned CE hours in another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an Illinois approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (b)(1) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted prior to the expiration date of the license.
- c) Sponsor Application Pursuant to Subsection (b)(2)(M)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Entities seeking approval as CE sponsors pursuant to subsection (b)(2)(M) shall file an application, on forms supplied by the Division, along with the fee set forth in Section 1220.415(a)(9). The applicant shall certify on the application the following:
 - A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (b)(1) and all other criteria in this Section;
 - B) That the sponsor will be responsible for providing a certificate of attendance and will maintain attendance records for at least 5 years. The certificate of attendance shall contain:
 - i) The name and address of the sponsor;
 - ii) The name, address and license number of the participant;
 - iii) A brief statement of the subject matter;
 - iv) The number of hours attended in each program;
 - v) An indication of whether the program fulfills CE requirements for dentist, dental hygienist or both;
 - vi) The date and place of the program; and
 - vii) The signature of the sponsor;
 - C) That, upon request by the Division, the sponsor will submit evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the Division has reason to believe that there is not full compliance with this Part and that the information is necessary to ensure compliance.
- 2) To maintain approval as a sponsor, each sponsor shall submit to the Division by September 30 of each even-numbered year a renewal application, the fee set forth in Section 1220.415(b)(5) and a list of courses

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.

- 3) The sponsor shall be responsible for ensuring that any dentist or dental hygienist who will be performing some type of procedure as a part of a continuing education course shall have a current license in Illinois or another jurisdiction.
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, to full compliance with the CE requirements set forth in subsection (a).
 - 2) The Division may require additional evidence (e.g., certificate of attendance, transcripts, proof of registration) demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. The evidence shall be retained for at least 5 years following the renewal period in which the CE was taken.
 - 3) The Division may conduct random audits to verify compliance with CE requirements.
 - 4) When there is evidence of a lack of compliance with CE requirements, an applicant shall be notified in writing and may request a hearing before the Board. The Division may recommend that steps be taken to begin the formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of the license or certificate without having fully complied with these CE requirements shall file with the Division a renewal application, a statement setting forth the facts concerning such noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Board. If the Division finds from such statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Division

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of such period;
 - B) A temporary~~An~~ incapacitating illness documented by a licensed physician. A second, consecutive request for a CE waiver pursuant to this subsection (e)(2)(B) shall be prima facie proof that the renewal applicant has a physical or mental illness, including, but not limited to, deterioration through the aging process, or loss of motor skills that results in the dentist's inability to practice dentistry with reasonable judgment, skill or safety, in violation of Section 23(24) of the Act, and shall be grounds for denial of the renewal or other discipline;
 - C) Temporary undue~~Undue~~ hardship (e.g., prolonged hospitalization, being disabled and unable to practice dentistry or dental hygiene on a temporary basis);~~;~~
 - ~~D) Being retired from practice and not performing any dental or dental hygiene services (if a dentist or dental hygienist wishes to still practice occasionally, he/she shall be required to fulfill the requirements of continuing education as he/she is actively functioning in a professional capacity, albeit infrequently); or~~
 - ~~E) Being disabled and unable to practice dentistry or dental hygiene.~~
- 3) If an interview is requested at the time the request for waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

(Source: Amended at 34 Ill. Reg. 7205, effective May 5, 2010)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: ANESTHESIA PERMITS

Section 1220.500 Definitions

"Anesthesia Case" means a situation in which the permit holder is responsible for anesthesia care on a live patient.

"Deep Sedation" means a ~~pharmacologically induced depressed~~~~controlled~~ state of ~~depressed~~ consciousness, accompanied by partial loss of protective reflexes, including ~~the~~ inability to respond purposefully to ~~oral commands~~. The purposeful response to painful stimulation is maintained verbal command, produced by a pharmacologic method.

"General Anesthesia" means a ~~pharmacologically induced~~~~controlled~~ state of unconsciousness accompanied by a partial or complete loss of protective reflexes, including ~~the~~ inability to independently maintain an airway and respond purposefully to ~~painful~~~~physical~~ stimulation or ~~oral commands~~~~verbal command~~, ~~produced by a pharmacologic method.~~

"Minimal Sedation" or "Anxiolysis-or-Mood-Altering Sedation" means a minimally depressed level of consciousness, produced by a pharmacological method, that retains the patient's ability to independently and continually maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected, pharmacologically induced, altered state of consciousness (altered mood; reduced anxiety) where an individual is awake but has decreased anxiety to facilitate coping skills, retaining interaction ability.

"Moderate Sedation" or "Conscious Sedation" means a pharmacologically induced depressed state of consciousness (altered consciousness; signs of sleep) under which an individual retains the ability to independently and continuously maintain an airway and respond appropriately to light tactile~~physical~~ stimulation and ~~oral~~~~verbal~~ commands.

(Source: Amended at 34 Ill. Reg. 7205, effective May 5, 2010)

Section 1220.505 Minimal Sedation (Anxiolysis) in the Dental Office Setting

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- a) ~~Minimal sedation (anxiolysis)~~~~Anxiolysis or mood-altering sedation~~ includes the prescription or administration of ~~a~~ pharmacologic ~~anxiolitic~~~~anxiolysis~~ either with or without ~~concomitant~~~~one~~~~commitant~~ use of nitrous oxide dental analgesia. The drugs and/or techniques used must carry a margin of safety wide enough to prevent a depressed level of consciousness.
- b) No permit is required beyond the D.D.S. or D.M.D. degrees.
- c) Minimal monitoring of the patient is to be by clinical observation and appropriately documented in the patient's record.

(Source: Amended at 34 Ill. Reg. 7205, effective May 5, 2010)

Section 1220.510 Moderate Sedation (Conscious Sedation) in the Dental Office Setting

- a) ~~Moderate sedation (conscious~~~~Conseious~~ sedation) includes the prescription or administration of ~~pharmacologic~~~~pharmoeologie~~ agents to be used for the purposes of ~~moderate~~~~conseious~~ sedation. ~~Moderate sedation (conscious~~~~Conseious~~ sedation) must be administered by an individual qualified under this Section. (See Appendix D for characteristics of levels of anesthesia.) The drugs and/or techniques used must carry a margin of safety wide enough to render unintended loss of consciousness unlikely.
- b) A licensed dentist seeking a Permit A for moderate sedation (conscious sedation) administration privileges shall file an application with the Division, on forms provided by the Division, that ~~shall include~~~~includes~~:
- 1) Certification of completion of an anesthesiology training program that meets the following requirements: ~~set forth in Section 1220.540(a);~~
 - A) Include a minimum of 75 hours of didactic and clinical study that includes training in moderate sedation (conscious sedation), physical evaluation, venipuncture, advanced airway management, technical administration, recognition and management of complications and emergencies, and monitoring with additionally supervised experience in providing conscious sedation to 20 or more patients; and

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

B) Be an organized sequence of study operated by one entity and completed in less than one calendar year;

2) A signed affidavit certifying that:

A) the dentist will practice in a facility properly equipped in accordance with subsection ~~(g)(h) of this Section~~ for the administration of moderate sedation (conscious sedation);

B) ~~the facility will be and~~ staffed with a supervised team that will remain in the treatment room. For each patient, the anesthesia team will consist ~~consists~~ of at least:

i) the dentist who holds the Permit A;

ii) one dental hygienist or dental assistant who has completed the training prescribed in Section 1220.240(f) or 1220.245(c)(2); and

iii) one additional hygienist or dental assistant;

C) the dentist permit holder will remain immediately available to the patient being treated under moderate sedation. A dental hygienist or dental assistant trained to monitor a patient under moderate sedation will remain with the sedated patient until the patient is no longer sedated;

D) all members of the anesthesia team are capable of assisting with procedures, problems and emergencies incident to the administration of sedation and, after September 30, 2011, will maintain current certification in Basic Life Support for Healthcare Providers (BLS) or its equivalent; and

E) for the dentist permit holder, the BLS certification is in addition to the required 9 sedation technique CE hours (see subsection (k)) required per renewal cycle; ~~a minimum of 2 individuals per patient, in addition to the dentist, capable of assisting with procedures, problems and emergencies incident to the administration of such sedation (e.g., Basic Life Support (BLS)); and~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 3) Proof of current Advanced Cardiac Life Support (ACLS) certification or Pediatric Advanced Life Support (PALS) certification. Certification shall be completed by September 30, 2011; and
 - 4) The required fee set forth in Section 1220.41521 of the Act.
- c) Dentists who have a current valid permit for moderate sedation (conscious sedation) issued by the Division shall be permitted to administer without additional application.
- d) ~~Dentists who need to obtain a permit will be required to complete the required training and apply for the permit by December 1, 2003.e)~~ Upon review and recommendation of the Board in accordance with the standards set forth in this Section, the Division will:
- 1) Issue a moderate sedation (conscious sedation) permit (Permit A).
 - 2) Re-issue a moderate sedation (conscious sedation) permit to Permit A holders who attest to completing continuing education.
- ef) Licensees qualified to administer deep sedation (Permit B) pursuant to Section 1220.520 may administer moderate sedation (conscious sedation) without a Permit A.
- fg) If the accuracy, relevance or sufficiency of any submitted documentation is questioned by the Division or the Board, because of discrepancies or conflicts in information, needing further clarification, and/or missing information, additional documentation may be required and/or an on-site evaluation of the facilities, equipment and personnel may be conducted by the Division or a member of the Board's Anesthesia Review Panel.
- gh) A properly equipped facility for the administration of moderate sedation (conscious sedation) shall include at minimum:
- 1) Sphygmomanometer and stethoscope;
 - 2) An oxygen delivery system with full face masks and connectors appropriate to the patient population being served that is capable of

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- delivering oxygen to the patient under positive pressure, with an emergency~~a~~ backup system;
- 3) Emergency drugs and equipment appropriate to the medications administered;
 - 4) Suction equipment, including an emergency backup suction system;
 - 5) An emergency backup~~back-up~~ lighting system that will permit the completion of any operation underway; ~~and~~
 - 6) A pulse oximeter;:-
 - 7) Laryngoscope complete with selection of blades and spare batteries and bulbs in sizes appropriate to the patient population being served;
 - 8) Advanced airway devices that would isolate the trachea and facilitate positive pressure oxygen administration in sizes appropriate for the patient population being served (e.g., endotracheal tubes or laryngeal mask airway);
 - 9) Tonsillar or pharyngeal suction tips adaptable to all office outlets;
 - 10) Nasal and oral airways in sizes appropriate to the patient population being served;
 - 11) Defibrillator (an automated external defibrillator is an acceptable defibrillator);
 - 12) Equipment for the establishment of an intravenous infusion;
 - 13) An operating table or an operating chair that permits appropriate access to the patient and provides a firm platform for the management of cardiopulmonary resuscitation; and
 - 14) A recovery area that has available oxygen, lighting, suction and electrical outlets. The Permit A holder shall remain with the patient until the patient retains the ability to independently and consciously maintain an airway

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

and respond appropriately to physical stimulation and oral commands.
The recovery area may be the operating theatre.

- hi) The following records shall be kept during the administration of moderate sedation (conscious sedation):
- 1) Medical history of the patient and consent for administration of anesthesia prior to the performance of any procedure;
 - 2) Preoperative, intraoperative, and pre-discharge monitoring of blood pressure, pulse, respiration and oxygen saturation; A time based record shall be entered into the patient's chart.
 - 3) Drugs and dosages of these drugs used during the operative procedure, including the identification of the person administering drugs and times of their administration over the course of the procedure.
- i) The dentist who holds the Permit A shall report adverse occurrences to the Division and the Board as required by Section 1220.405.
- j) A licensed dentist shall hold Permit A in order to perform dentistry while a licensed certified nurse anesthetist administers moderate sedation (conscious sedation). A nurse anesthetist for purposes of this Section is a licensed certified nurse anesthetist who holds a license as an advanced practice nurse under the NurseIllinois Nursing and Advanced Practice Nursing Act [225 ILCS 65]. The dentist shall enter into a written collaborativepractice agreement with the nurse anesthetist in accordance with Section 15-25 of the NurseIllinois Nursing and Advanced Practice Nursing Act and 68 Ill. Adm. Code 13001305.
- k) Proof of 94 hours of continuing education per renewal cycle in sedation techniques, including medications and recognition and management of complications and emergencies, is required for renewal of Permit A.
- l) A treating dentist does not need to hold Permit A to perform dentistry when another dentist, who holds Permit A or Permit B, or a physician assists the treating dentist by administering moderate sedation (conscious sedation). Physician for purposes of this Section means a physician who is licensed to practice medicine in all of its branches under the Medical Practice Act [225 ILCS 60] and is authorized to provide anesthesia services in a licensed hospital or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

licensed ambulatory surgical treatment center or is a Board certified anesthesiologist.

1) The treating dentist shall be prepared to provide affidavits to the following if requested by the Division:

A+) ~~Proof of Basic Life Support (BLS) training;~~ 2) That the facility used for sedation meets the criteria of subsection (g) of this Section;

B3) That the dentist shall staff the facility with a supervised team that includes a minimum of 32 individuals ~~(in addition to the provider sedating)~~ per patient. The team shall be composed of either:

i) One dental hygienist or dental assistant capable of assisting with procedures, problems and emergencies incident to the administration of ~~thesuch~~ sedation; the treating dentist; and the dentist who holds a Permit A or B providing the anesthesia services; or

ii) One dental hygienist or dental assistant; the treating dentist; and a physician or dental anesthesiologist who holds a Permit B and has completed the certification prescribed in Section 1220.520(a)(1)(A) providing the anesthesia services.

2) All members of the team, including the treating dentist (non-permit holder) must maintain current (e.g., BLS certification or its equivalent). Certification or its equivalent shall be completed by September 30, 2011.

3) In addition, the dentist shall report adverse occurrences to the Division as set forth in Section 1220.405 and accept the responsibility to verify the certification and licensure of any licensed provider present during the moderate sedation (conscious sedation) of a patient who is receiving dental care.

m) A dentist holding a Permit A shall maintain current Advanced Cardiac Life Support (ACLS) certification or Pediatric Advanced Life Support (PALS) certification. ACLS or PALS certification shall be in addition to the required 9

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

hours of anesthesia CE per renewal cycle. Certification shall be completed by September 30, 2011.

- n) A dentist holding a Permit A shall maintain a logbook indicating the sedation cases performed. The log shall include the patient name, date, route of sedation administration, drug name and dosage, and the names of anesthesia team members assisting. This information shall be supplied to the Division upon request.

(Source: Amended at 34 Ill. Reg. 7205, effective May 5, 2010)

Section 1220.520 Deep Sedation and General Anesthesia in the Dental Office Setting

Deep sedation and general anesthesia must be administered by an individual qualified under this Section. (See Appendix D for characteristics of levels of anesthesia.)

- a) A licensed dentist seeking a permit to administer deep sedation or general anesthesia shall make application to the Division, on forms provided by the Division, that shall include:
- 1) Certification of meeting one or more of the following:
 - A) Completion of a minimum of 2 years of advanced training in anesthesiology ~~or related academic subjects, or its equivalent,~~ beyond the pre-doctoral level, in a training program approved by the American Dental Association, Commission on Dental Education, as outlined in Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students~~Part 2 of Teaching the Comprehensive Control of Pain and Anxiety in an Advanced Education Program,~~ published by the American Dental Association, ~~Commission Council~~ on Dental Education (October 2007), ~~dated December 2002.~~
 - B) Be a diplomate of the American Board of Oral and Maxillofacial Surgery.
 - C) Have an active, approved application with the American Board of Oral and Maxillofacial Surgery to obtain diplomat status.
 - ~~DE)~~ Has a specialty license in oral and maxillofacial surgery

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

issued by the Division;

~~D) Has a current valid permit for deep sedation or general anesthesia administration issued by the Division;~~

2) A signed affidavit certifying that:

A) the dentist will practice in a facility properly equipped in accordance with subsection (d) of this Section for the administration of deep sedation and general anesthesia;

B) the facility will be staffed with a supervised anesthesia team that will remain in the treatment room during the procedure on the patient. For each patient, the anesthesia team will consist of at least:

i) the dentist who holds the permit B;

ii) one dental hygienist or dental assistant who has completed the training prescribed in Section 1220.240(f) or 1220.245(c)(2); and

iii) one additional hygienist or dental assistant;

C) the dentist permit holder will remain immediately available to the patient being treated under deep sedation or general anesthesia. A dental hygienist or dental assistant trained to monitor a patient under deep sedation or general anesthesia will remain with the sedated patient until the patient is no longer sedated;

D) all members of the anesthesia team are capable of assisting with procedures, problems and emergencies incident to the administration of sedation and, after September 30, 2011, will maintain current certification in Basic Life Support for Healthcare Providers (BLS) or its equivalent; and

E) for the dentist permit holder, the BLS certification is in addition to the required 9 sedation technique CE hours (see subsection (h)) required per renewal cycle includes a minimum of 2 individuals, in

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~addition to the dentist, capable of assisting with procedures, problems and emergencies incident to the administration of such sedation (e.g., BLS); and~~

- ~~3)~~ Proof of current Advanced Cardiac Life Support (ACLS) certification or Pediatric Advanced Life Support (PALS) certification. Certification shall be completed by September 30, 2011; and
- ~~43)~~ The required fee set forth in Section 1220.415.
- b) Upon review and recommendation of the Board in accordance with the standards set forth in this Section, the Division will issue a deep sedation or general anesthesia permit (Permit B).
- c) If the accuracy, relevance or sufficiency of any submitted documentation is questioned by the Division or the Board because of discrepancies or conflicts in information needing further clarification, and/or missing information, additional documentation may be required and/or an on-site evaluation of the facilities, equipment and personnel may be conducted by the Division or a member of the Board's Anesthesia Review Advisory Panel.
- d) A properly equipped~~Each~~ facility for the administration of~~where~~ deep sedation or general anesthesia ~~is administered~~ shall include, at a minimum~~be equipped with equipment specified in Section 1220.510(g) as well as the following:~~
 - 1) Sphygmomanometer and stethoscope;
 - 2) An oxygen delivery system with full face masks and connectors appropriate to the patient population being served that is capable of delivering oxygen to the patient under positive pressure, with an emergency backup system;
 - 3) Emergency drugs and equipment appropriate to the medications administered;
 - 4) Suction equipment, including an emergency backup suction system;
 - 5) An emergency backup lighting system that will permit the completion of any operation underway;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- ~~61~~) Laryngoscope complete with selection of blades and spare batteries and bulbs in sizes appropriate to the patient population being served;
- ~~72~~) Endotracheal tubes and connectors ~~and face masks~~ in sizes appropriate for the patient population being served ~~and a device capable of delivering positive pressure ventilation~~;
- ~~83~~) Tonsillar or pharyngeal suction tips adaptable to all office outlets;
- ~~94~~) Nasal and oral airways in sizes appropriate to the patient population being served;
- ~~105~~) Device for monitoring temperature (e.g., temperature strips, thermometer);
- ~~116~~) Electrocardioscope and defibrillator (an automated external defibrillator is an acceptable defibrillator);
- ~~127~~) Pulse oximeter;
- ~~138~~) Equipment for the establishment of an intravenous infusion;
- ~~9~~) ~~Emergency drugs and equipment appropriate to the medications administered~~;
- ~~1410~~) An operating table or an operating chair that permits appropriate access to the patient and provides a firm platform for the management of cardiopulmonary resuscitation; and
- ~~1511~~) A recovery area that has available oxygen, lighting, suction and electrical outlets. The Permit B holder shall ~~patient should~~ remain with the patient in the recovery area until the patient individual retains the ability to independently and consciously maintain an airway and respond appropriately to physical stimulation and oral commands ~~verbal command~~. The recovery area may be the operating theatre. ~~;~~ and
- ~~12~~) ~~An emergency back-up lighting system that will permit the completion of any operation underway.~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- e) The following records shall be kept when administering deep sedation and general anesthesia:
- 1) Medical history and patient evaluation prior to the performance of any procedure;
 - 2) Preoperative, intraoperative, and pre-discharge monitoring of blood pressure, pulse, respiration and oxygen saturation; A time based record shall be entered into the patient's chart;
 - 3) EKG monitoring during the entire procedure;
 - 4) Drugs and dosages of agents used during the operative procedure, including nitrous oxide and oxygen, and including identification of the person administering drugs and times of their administration over the course of the procedure. Documentation of the anesthetic encounter will be consistent with currently accepted standards of anesthetic practice.
- f) The dentist who holds the Permit B shall report adverse occurrences to the Division and the Board as required by Section 1220.405.
- g) A licensed dentist shall hold a Permit B in order to perform dentistry while a licensed certified nurse anesthetist administers deep sedation or general anesthesia. A nurse anesthetist for purposes of this Section is a licensed certified nurse anesthetist who holds a license as an advanced practice nurse under the NurseIllinois Nursing and Advanced Practice Nursing Act [225 ILCS 65]. The dentist shall enter into a written collaborativepractiee agreement with the nurse anesthetist in accordance with Section 65-3515-25 of the NurseIllinois Nursing and Advanced Practice Nursing Act and 68 Ill. Adm. Code 13001305.
- h) Proof of 94 hours of continuing education per renewal cycle in sedation techniques, including medications and recognition and management of complications and emergencies, is required for renewal of Permit B.
- i) A treating-dentist does not need to hold Permit B to perform dentistry when another dentist, who holds Permit B, or a physician assists the treating dentist by administering deep sedation or general anesthesia. Physician for purposes of this Section means a physician who is licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 60] and is authorized

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

to provide anesthesia services in a licensed hospital or licensed ambulatory surgical treatment center or is ~~a Board certified~~ anesthesiologist.

- 1) The dentist shall be prepared to provide affidavits attesting to the following if requested by the Division:
 - 1) ~~BLS training;~~
 - A2) That the facility used is equipped as specified in subsection (d) of this Section;
 - B3) That ~~the dentist shall staff the facility~~staffing of the deep sedation or general anesthesia is with a supervised team that ~~includes~~consists of a minimum of ~~32~~ individuals per patient. The team shall be composed of either:
 - i) One dental hygienist or dental assistant who has completed the training prescribed in Section 1220.240(f) or 1220.245(c)(2) capable of assisting with procedures, problems and emergencies incident to the administration of the sedation; the treating dentist; and the dentist who holds a Permit B providing the anesthesia services; or
 - ii) One dental hygienist or dental assistant; the treating dentist; and a physician or dental anesthesiologist who holds a Permit B and has completed the certification prescribed in subsection (a)(1)(A) providing the anesthesia services.
- 2) ~~All members of the anesthesia team, including the treating dentist (non-Permit B holder) must maintain certification in BLS or its equivalent. Certification or its equivalent shall be completed by September 30, 2011, in addition to the dentist, capable of handling procedures, problems and emergencies incident to the administration of such sedation (e.g., BLS).~~
- 3) In addition, the dentist shall report severe adverse occurrences to the Division as set forth in Section 1220.405 and accept the responsibility for verifying certification and licensure of any licensed provider present during the deep sedation or general anesthesia of a patient receiving dental care.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- j) A dentist holding a Permit B shall maintain current Advanced Cardiac Life Support (ACLS) certification or Pediatric Advanced Life Support (PALS) certification. ACLS or PALS certification shall be in addition to the required 9 hours of anesthesia CE per renewal cycle. Certification shall be completed by September 30, 2011.
- k) A dentist holding a Permit B shall maintain a logbook indicating the sedation cases performed. The log shall include the patient name, date, route of sedation administration, drug name and dosage, and the names of anesthesia team members assisting. This information shall be supplied to the Division upon request.

(Source: Amended at 34 Ill. Reg. 7205, effective May 5, 2010)

Section 1220.525 Renewal

- a) Beginning with the September 30, 2006 renewal, every anesthesia permit issued under the Act shall expire on September 30 every 3 years. The holder of a permit may renew the permit during the month preceding the expiration date by paying the required fee in Section 1220.415 and completing the following:
- 1) 94 hours of continuing education as required in Section 1220.510(k) or 1220.520(h).
 - 2) Certification of the number of anesthesia cases that the renewal applicant has performed.
 - 3) Certification that the renewal applicant has held at least semiannual emergency drills with staff that participates in Permit A or B related activities. These drills shall consist of the staff actively going through simulated emergencies that may occur during the administration of anesthesia. It is incumbent upon the permit holder to design the emergency drills to ensure adequate preparation of staff in the case of a real emergency. In addition, the staff shall assemble and review the necessary office emergency supplies and equipment intended for use in an actual office emergency, including verifying the expiration dates for emergency medications and checking that batteries for defibrillators and

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

laryngoscopes are properly charged. Documentation of the semiannual drills shall be provided to the Division upon request.

- b) No anesthesia permit shall be renewed if the dental license of the permit holder is expired, revoked, suspended or otherwise subject to discipline under Section 23 of the Act.
- c) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- d) Certification of Anesthesia Cases
- 1) Each renewal applicant shall certify, on the renewal application, the number of anesthesia cases performed each year by the renewal applicant appropriate to the permit held.
 - 2) The licensee shall be required to maintain the logbooks required in Section 1220.510(n) or 1220.520(k) and shall provide the logbook to the Division upon request.
 - 3) The Division may conduct audits to verify compliance and/or competency. When a licensee is reviewed, the Division will provide notice to the licensee and request that the licensee's anesthesia logbook be submitted. Within 14 days after receipt of the notice, the licensee shall submit to the Division the records required to be kept pursuant to Section 1220.510(h) or 1220.520(e), as appropriate to the permit held, of all anesthesia cases performed during the renewal cycle.
 - 4) When the Division has reason to believe that there is a lack of competency or a lack of compliance, a licensee shall be notified in writing and may request a conference before the Division with a Board member present. When the Division finds a violation of the Act or this Part, it may recommend that steps be taken to begin formal disciplinary proceedings.

(Source: Amended at 34 Ill. Reg. 7205, effective May 5, 2010)

Section 1220.530 Anesthesia Review Panel ~~(Repealed)~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- a) The Director may appoint an Anesthesia Review Panel that shall consist of six members.
- b) The members shall meet the following minimum requirements:
 - 1) Each member shall be a licensed dentist in the State of Illinois whose license is active and in good standing;
 - 2) Three members shall hold an active Permit A;
 - 3) Three members shall hold an active Permit B.
- c) The Panel shall:
 - 1) Meet only at the direction of the Director;
 - 2) Be reimbursed for all legitimate, necessary and authorized expenses incurred in attending the meetings of the panel;
 - 3) Review Permit A and Permit B applications at the request of the Director;
 - 4) Recommend to the Director the eligibility of applicants;
 - 5) Recommend to the Director when an on-site inspection may be necessary and conduct an inspection with a Board member present;
 - 6) Evaluate results of on-site inspection and make recommendation to the Director as to eligibility of applicants; and
 - 7) Advise the Director in regard to anesthesiology related matters that include mortality and morbidity statistics.
- d) Each Panel member shall serve a 4 year term and may be appointed once.

(Source: Amended at 34 Ill. Reg. 7205, effective May 5, 2010)

Section 1220.540 Approved Programs in Anesthesiology (Repealed)

- a) ~~Conscious Sedation in the Dental Office Setting~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~The anesthesiology training program shall:~~

- ~~1) Include a minimum of 60 hours of didactic and clinical study that includes training in conscious sedation (both light and deep), physical evaluation, venipuncture, technical administration, recognition and management of complications and emergencies, and monitoring with additionally supervised experience in providing conscious sedation to 20 or more patients; and~~
- ~~2) Be an organized sequence of study operated by one entity and completed in less than one calendar year.~~

~~b) Deep Sedation or General Anesthesia~~

- ~~1) An approved training program in anesthesiology to administer deep sedation or general anesthesia shall be 2 calendar years that includes a minimum of 200 hours of didactic and 2,000 hours of clinical training.~~
- ~~2) The didactic aspect may precede the clinical training or it may be offered in an integrated manner. The trainee must receive the equivalent of 2 calendar years, on a consecutive basis, not to exceed 3 years, as the minimum required to provide an acceptable clinical and didactic program in comprehensive pain control. Both lectures and seminars are appropriate for providing the didactic training. The didactic subject matter shall include:
 - ~~A) The basic sciences (physiology, pharmacology, anatomy, biochemistry). The instruction shall not be based only on its relationship to a limited technical practice of anesthesia but shall also provide the opportunity for a thorough understanding of the processes of respiration, circulation, kidney function and liver function;~~
 - ~~B) Patient evaluation (physical diagnosis and internal medicine);~~
 - ~~C) Psychological aspects of human behavior and management of pain;~~
 - ~~D) Techniques of pain control, including physical, psychological and~~~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~pharmacological methods; and~~

~~E) Management of related emergencies and complications.~~

~~3) If the advanced training is obtained in a hospital based residency in anesthesiology, the training shall be restricted to those hospitals having anesthesia training programs approved by the Council on Medical Education of the American Medical Association or American Dental Association or American Dental Society of Anesthesiology.~~

~~e) An anesthesiology training program shall be based in a university or hospital.~~

(Source: Repealed at 34 Ill. Reg. 7205, effective May 5, 2010)

Section 1220.560 Restoration of Permits

- a) A licensee seeking restoration of a permit after it has expired for ~~12 months~~⁵ years or less shall have the permit restored upon payment of \$20 plus the current renewal fee. ~~The licensee shall also submit certification of anesthesia cases as provided in Section 1220.525(d) and the records required to be kept pursuant to Section 1220.510(n) or 1220.520(k), as appropriate to the permit held, of all anesthesia cases performed since the permit was last renewed. The permit will be restored if the Division finds that the applicant is competent to provide anesthesia services appropriate to the permit for which restoration is sought.~~
- b) A licensee seeking restoration of a permit after it has expired for more than ~~12 months~~⁵ years shall file an application, on forms supplied by the Division, together with the fees required by Section 1220.415. The licensee shall also submit:
- 1) Sworn evidence of lawful active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
 - 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of the permit within 2 years after termination of such service, he/she shall have the permit restored without paying any lapsed renewal or restoration fees; or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 3) For Permit A restoration, proof of the training set forth in Section 1220.~~510(b)(1)~~~~540(a)~~ taken 2 years prior to application; or
- 4) For Permit B restoration, proof of the training set forth in Section ~~1220.520(a)(1)~~~~1220.540(b)~~ taken 2 years prior to application.

c) When proof of remedial training is provided, the permit shall not be restored unless and until the Board has reviewed and approved the training. The Board may require the renewal applicant to obtain additional training when it finds that the training completed was not sufficient.

(Source: Amended at 34 Ill. Reg. 7205, effective May 5, 2010)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1220.APPENDIX D Characteristics of Levels of Anesthesia*

Factors	<u>Minimal Sedation/Anxiolysis</u> (No Permit required)	<u>Moderate/Conscious Sedation</u> (Permit A)	Deep Sedation (Permit B)	General Anesthesia (Permit B)
Goal	Decrease anxiety; facilitate coping skills	Decrease or eliminate anxiety; facilitate coping skills	Eliminate anxiety; coping skills over-ridden	Eliminate cognitive, sensory and skeletal motor activity
Definition	<u>Minimally depressed level of consciousness, produced by a pharmacological method, that retains the patient's ability to independently and continually maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected. Pharmacologically induced, altered state of consciousness (altered mood; reduced anxiety) where an individual is awake but has</u>	Pharmacologically induced depressed state of depressed consciousness (altered consciousness, signs of sleep) under which an individual retains the ability to independently and continuously maintain an airway and respond appropriately to <u>light tactile physical</u> stimulation and oral <u>verbal</u> commands	Pharmacologically induced controlled state of depressed consciousness, accompanied by partial loss of protective reflexes, including inability to respond purposefully to <u>oral commands. The purposeful response to painful stimulation is maintained</u> verbal command	Pharmacologically induced controlled state of unconsciousness accompanied by a partial or complete loss of protective reflexes, including inability to independently maintain an airway and respond purposefully to <u>painful physical stimulation or oral commands</u> verbal command

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

	<p>decreased anxiety to facilitate coping skills, retaining interaction ability</p>			
<p>Personnel</p>	<p>1 (treating dentist)</p>	<p>3 (treating dentist with Permit A; trained person to monitor patient or nurse anesthetist; trained assistant) OR 3 (treating dentist w/o Permit A/B; physician or dentist with Permit A/B; trained assistant)</p>	<p>3 (treating dentist with Permit B; trained person to monitor patient or nurse anesthetist; trained assistant) OR 3 (treating dentist w/o Permit B; physician or dentist with Permit B; trained assistant)</p>	<p>3 (treating dentist with Permit B; trained person to monitor patient or nurse anesthetist, trained assistant) OR 3 (treating dentist w/o Permit B; physician or dentist or dentist with Permit B; trained assistant)</p>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Monitoring	Clinical observation and monitoring as appropriate	Preoperative, intraoperative and pre-discharge monitoring of BP, pulse, respiration and oxygen saturation	Preoperative, intraoperative, and pre-discharge monitoring of BP, pulse, respiration and oxygen saturation, EKG monitoring. Defibrillator; defibrillator required	Preoperative, intraoperative, and pre-discharge monitoring of BP, pulse, respiration and oxygen saturation, EKG monitoring. Defibrillator; defibrillator required
------------	--	---	---	---

*Chart adapted from American Academy of Pediatric Dentistry, Reference Manual 2000-2001, Templates of Definitions and Characteristics for Levels of Sedation and General Anesthesia [and the American Dental Association, Guidelines for the Use of Sedation and General Anesthesia by Dentists \(October 2007\)](#).

(Source: Amended at 34 Ill. Reg. 7205, effective May 5, 2010)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: 113.264 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13]
- 5) Effective Date of Amendment: May 10, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency' principal office and is available for public inspection.
- 9) Notice of proposal published in the Illinois Register: September 18, 2009; 33 Ill. Reg. 12644
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: Pursuant to provisions of Public Act 96-22, this rulemaking deletes the July 1, 2009 sunset date for the program that provides AABD cash to refugees and certain other immigrants who are ineligible for Supplemental Security Income (SSI) due to the federal seven-year limit.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

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

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

217/785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

- 113.1 Description of the Assistance Program
- 113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.9 Client Cooperation
- 113.10 Citizenship
- 113.20 Residence
- 113.30 Age
- 113.40 Blind
- 113.50 Disabled
- 113.60 Living Arrangement
- 113.70 Institutional Status
- 113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.100 Unearned Income
- 113.101 Budgeting Unearned Income
- 113.102 Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/Or Date of Decision
- 113.103 Initial Receipt of Unearned Income
- 113.104 Termination of Unearned Income
- 113.105 Unearned Income In-Kind
- 113.106 Earmarked Income
- 113.107 Lump Sum Payments and Income Tax Refunds
- 113.108 Protected Income (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 113.109 Earned Income (Repealed)
- 113.110 Budgeting Earned Income (Repealed)
- 113.111 Protected Income
- 113.112 Earned Income
- 113.113 Exempt Unearned Income
- 113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 113.115 Initial Employment
- 113.116 Budgeting Earned Income For Contractual Employees
- 113.117 Budgeting Earned Income For Non-contractual School Employees
- 113.118 Termination of Employment
- 113.120 Exempt Earned Income
- 113.125 Recognized Employment Expenses
- 113.130 Income From Work/Study/Training Programs
- 113.131 Earned Income From Self-Employment
- 113.132 Earned Income From Roomer and Boarder
- 113.133 Earned Income From Rental Property
- 113.134 Earned Income In-Kind
- 113.139 Payments from the Illinois Department of Children and Family Services
- 113.140 Assets
- 113.141 Exempt Assets
- 113.142 Asset Disregard
- 113.143 Deferral of Consideration of Assets
- 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
- 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
- 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
- 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
- 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96
- 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

- Section
- 113.245 Payment Levels for AABD
- 113.246 Personal Allowance
- 113.247 Personal Allowance Amounts
- 113.248 Shelter

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care, Personal Care or Nursing Care Rates
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262	Meeting the Needs of an Ineligible Dependent with Client's Income
113.263	Service Animals
113.264	Refugees Ineligible for SSI

SUBPART E: OTHER PROVISIONS

Section	
113.300	Persons Who May Be Included In the Assistance Unit
113.301	Grandfathered Cases
113.302	Interim Assistance (Repealed)
113.303	Special Needs Authorizations
113.304	Retrospective Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture (Repealed)
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.309	Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320	Redetermination of Eligibility
113.330	Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section	
113.400	Description of the Interim Assistance Program

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 113.405 Pending SSI Application (Repealed)
- 113.410 More Likely Than Not Eligible for SSI (Repealed)
- 113.415 Non-Financial Factors of Eligibility (Repealed)
- 113.420 Financial Factors of Eligibility (Repealed)
- 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
- 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
- 113.435 Medical Eligibility (Repealed)
- 113.440 Attorney's Fees for SSI Applicants (Repealed)
- 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
- 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
- 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12469, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 648, effective December 16, 2004; amended at 29 Ill. Reg. 5703, effective April 11, 2005; amended at 29 Ill. Reg. 10176, effective July 5, 2005; amended at 30 Ill. Reg. 16065, effective September 21, 2006; amended at 31 Ill. Reg. 6981, effective April 30, 2007; amended at 31 Ill. Reg. 11306, effective July 19, 2007; amended at 32 Ill. Reg. 17187, effective October 16, 2008; peremptory amendment at 32 Ill. Reg. 18065, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4993, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7337, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12775, effective September 8, 2009; emergency amendment at 33 Ill. Reg. 12850, effective September 4, 2009, for a maximum of 150 days; emergency expired January 31, 2010; amended at 33 Ill. Reg. 13846, effective September 17, 2009; amended at 33 Ill. Reg. 15033, effective October 22, 2009; amended at 33 Ill. Reg. 16845, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6944, effective May 1, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 7255, effective May 10, 2010.

SUBPART D: PAYMENT AMOUNTS

Section 113.264 Refugees Ineligible for SSI

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- a) ~~An~~Until July 1, 2009, an allowance not to exceed \$500 is authorized to be provided to persons who are ineligible for SSI due to the expiration of the period of eligibility for certain noncitizens pursuant to 8 USC 1612(a)(2)(A).
- b) This group includes noncitizens who entered the U.S. under one of the following immigrant classifications:
- 1) Refugee admitted under section 207 of the Immigration and Nationality Act (8 USC 1157);
 - 2) Asylee admitted under section 208 of the Immigration and Nationality Act (8 USC 1158);
 - 3) Cuban/Haitian immigrant admitted under section 501(e) of the Refugee Education Assistance Act of 1980 (PL 96-422);
 - 4) Amerasian immigrant admitted under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (Act) (as contained in section 101(e) of PL 100-202, as amended by PL 100-461); and
 - 5) Deportation withheld under section 243(h) or section 241(b)(3) of the Immigration and Nationality Act (8 USC 1253).
- c) No other allowances will be authorized.

(Source: Amended at 34 Ill. Reg. 7255, effective May 10, 2010)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
121.30	Amendment
121.52	Amendment
121.55	Amendment
121.140	Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) Effective Date of Amendments: May 10, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency' principal office and is available for public inspection.
- 9) Notice of proposal published in the Illinois Register: August 14, 2009; 33 Ill. Reg. 11772
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: References to the Food Stamps Program were changed to Supplemental Nutrition Assistance Program (SNAP) and references to coupons were changed to benefits. "(SNAP)" was also added to the Part name.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers: Proposed Action: Illinois Register Citation:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

121.60	Amendment	33 Ill. Reg. 14463; October 23, 2009
121.61	Amendment	33 Ill. Reg. 14463; October 23, 2009
121.63	Amendment	33 Ill. Reg. 14463; October 23, 2009
121.63	Amendment	34 Ill. Reg. 1512; January 29, 2010
121.20	Amendment	34 Ill. Reg. 6564; May 14, 2010

- 15) Summary and purpose of rulemaking: Pursuant to provisions of the Food, Conservation, and Energy Act of 2008 (FCEA), this rulemaking changes references from the Food Stamp Program to Supplemental Nutrition Assistance Program (SNAP) and changes references from coupons and coupon allotment to SNAP benefits and benefit amount.

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

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

217/785-9772

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers or Boarders <u>Roomer and Boarder</u>
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or SNAP Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For SNAP Benefits
- 121.97 Supplemental Payments
- 121.98 Client Training Brochure for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.108 Transitional Food Stamp (TFS) Benefits
- 121.120 Redetermination of Eligibility
- 121.125 Simplified Reporting Redeterminations
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.136 Food and Nutrition Act of 2008
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 7265, effective May 10, 2010.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.30 Unearned Income

- a) All currently available unearned income ~~that, which~~ is not specified as exempt, shall be considered in the determination of eligibility and ~~benefit amount coupon allotment~~ for SNAP benefits food stamps.
- b) The penalty amount imposed for failure to comply with a federal, State or local welfare cash assistance program requirement is considered available unearned income in the determination of eligibility and ~~benefit amount coupon allotment~~. This includes:
 - 1) monies recouped under the ~~Temporary Assistance for Needy Families Aid to Families with Dependent Children~~ Program or the ~~federal Federal~~ Supplementary Security Income Program as the result of a conviction for criminal or civil fraud under ~~Section Sections~~ 8A-2 or 8A-7 of the Illinois Public Aid Code [305 ILCS 5/8A-2 or 8A-7]; or
 - 2) the amount of cash assistance benefits withheld from the household due to a failure to comply with requirements of a federal, State or local welfare cash assistance program.
- c) Unearned income is all income other than that received in the form of salary for services performed as an employee or profits from self-employment.

(Source: Amended at 34 Ill. Reg. 7265, effective May 10, 2010)

Section 121.52 Earned Income from Roomers or Boarders ~~From Roomer and Boarder~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) The income from roomers or boarders shall include all direct payments to the household for room and meals, including contributions to the household's shelter expenses.
- b) The cost of doing business is an allowable deduction as long as it does not exceed the amount of the payment received from the boarder and is equal to one of the following:
 - 1) The maximum monthly benefit amount~~coupon allotment~~ for the size of household that is equal to the number of boarders; or
 - 2) The actual documented cost of providing room and meals, if the actual cost exceeds the benefit amount~~coupon allotment above~~.
- c) Net income from boarders shall be added to any other earned income prior to the calculation of any other deductions from income.

(Source: Amended at 34 Ill. Reg. 7265, effective May 10, 2010)

Section 121.55 Sponsors of Aliens

- a) A sponsor is a person who signed an affidavit or other statement accepted by the U.S. Citizenship and Immigration ~~and Naturalization~~ Service (USCIS~~INS~~) agreeing to support an alien as a condition of the alien's admission for permanent residence. A sponsor is an individual, not an organization. Portions of sponsor's income and assets are deemed available to the alien for three years after the alien's date of entry into the United States (see subsection(i)). The alien's date of entry is the date established by USCIS~~the INS~~ as the date the alien was admitted for permanent residence in the United States. The following individuals are excluded from the provisions of this Section~~rule~~:
 - 1) an alien who is participating in SNAP~~the Food Stamp program~~ as a member of his or her sponsor's~~sponsors's~~ household;
 - 2) an alien whose sponsor is participating in SNAP~~the Food Stamp program~~ separate and apart from the alien;
 - 3) an alien who is sponsored by an organization or group, as opposed to an individual; or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 4) an alien who is not required to have a sponsor under the Immigration and Nationality Act (8 USC 1101(a)(15) and 1101(a)(20)). This includes but is not limited to a refugee, a parolee, one granted asylum and a Cuban or Haitian entrant.
- b) Certain amounts of the gross income and assets of the sponsor or sponsor's spouse, if they live together, are deemed available (see subsection ~~122.55(j)~~) as unearned income and assets of the individual alien applying for or receiving ~~SNAP~~~~food stamp~~ benefits if:
 - 1) the sponsor signed an affidavit of support or a similar agreement on or after February 1, 1983, assuring the alien will not become a public charge; and
 - 2) the alien has been a resident of the United States for less than three years.
- c) The gross income and assets of the sponsor's spouse, if living with the sponsor, will be counted even if the sponsor and spouse married after the agreement was signed (see subsection ~~121.55(i)~~).
- d) The gross income of the sponsor and the sponsor's spouse will be counted even if the sponsor claims to have given up sponsorship responsibility.
- e) Sponsorship Duration
 - 1) The sponsorship responsibility continues until:
 - A) the three-year sponsorship period expires; or
 - B) the alien obtains a new sponsor; or
 - C) the sponsor dies.
 - 2) When the alien obtains another sponsor, the Department will recalculate deemed income/assets using the new sponsor's income and assets.
- f) If two or more aliens are sponsored by the same sponsor, the income of the sponsor deemed available is divided equally among the aliens applying for or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

receiving ~~SNAP food stamp~~ benefits.

g) Alien Responsibility

1) It is the responsibility of the alien to:

- A) provide the Department with any information or documentation necessary to determine the income and assets of the sponsor (e.g., pay stubs of earned income, checking and saving ~~account~~ statements);
- B) obtain the necessary cooperation (in accordance with Section 121.5) of the sponsor in determining the amount of the sponsor's available income;
- C) provide the Department with the names of other aliens that the sponsor has signed an agreement to support, for the purpose of prorating the sponsor's deemed income;
- D) report any changes in the sponsor's income, source of income, assets and number of dependents ~~that~~ which directly affect the eligibility and benefit level of the alien;
- E) report a change in sponsors and all required information regarding the new sponsor's income, spouse, assets and dependents;
- F) report the death of the sponsor.

2) The alien is not eligible until income/asset information is received. However, if the alien or the alien's sponsor receives TANF, the information concerning the sponsor's income and assets is taken from the TANF case record.

h) Department's Responsibility

Obtain from the alien, the alien's spouse, the sponsor or the sponsor's spouse, or from the TANF record, and document:

- 1) The gross income and assets of the alien's sponsor and the sponsor's spouse (if living with the sponsor) for the fiscal month of the alien's

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

application for ~~SNAP~~~~food-stamp~~ benefits.

- 2) The names of other aliens for whom the sponsor has signed an affidavit of support or similar agreement, for the purpose of prorating the sponsor's deemed income.
- 3) The provision of the Immigration and Nationality Act under which the alien was admitted.
- 4) The date of the alien's entry or admission as a lawful permanent resident, as established by ~~USCIS~~~~the INS~~.
- 5) The alien's date of birth, place of birth and alien registration number.
- 6) The number of dependents claimed or that could be claimed for ~~federal~~~~Federal~~ income tax purposes by the sponsor and the sponsor's spouse (if living with sponsor).
- 7) The name, address and phone number of the alien's sponsor.

i) Determination of a Sponsor's Available Income

The income of the sponsor and the sponsor's spouse (if they live together) includes all gross income except for exempt income listed in Sections 121.31 and 121.50. Income deemed available from the sponsor and the sponsor's spouse is budgeted monthly. If the sponsor and/or the sponsor's spouse receive income on a yearly basis, the income is divided by 12 to arrive at the monthly amount of income to deem available to the alien.

- 1) Determine the gross earned income of the sponsor and the sponsor's spouse for the fiscal month of application.
- 2) Determine net earned income by multiplying the total gross earned income by ~~80~~~~82~~%.
- 3) Add the unearned income of the sponsor and sponsor's spouse to the net earned income.
- 4) Deduct the Gross Monthly Income Eligibility Standard for a household equal in size to the sponsor, the sponsor's spouse and any other person

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

claimed or that could be claimed by the sponsor or the sponsor's spouse for income tax purposes.

- 5) Income remaining is deemed available to the alien.
 - 6) Divide the sponsor's deemed income by the number of named aliens who apply for or participate in ~~SNAP~~~~the Food Stamp program~~.
 - 7) Determine the ~~sponsor's sponsor~~ and the sponsor's ~~spouse's spouse~~ income using prospective budgeting in accordance with Section 121.92.
- j) **Determination of Sponsor's Assets**
The total amount of assets available to the alien is the total of non-exempt assets of the sponsor and the sponsor's spouse minus \$1,500. If the individual is sponsoring more than one alien, divide the deemed assets (see Section 121.57) by the number of named aliens who apply for or participate in ~~SNAP~~~~the Food Stamp program~~.
- k) **Overissuance Due to Incorrect Sponsor Information**
- 1) The sponsor and/or the alien is responsible for repayment of overissuance of ~~benefit~~~~coupons~~ as a result of incorrect information provided by the sponsor. If the alien's sponsor had good cause or was without fault (see Section 121.200(b)) for supplying incorrect information, the alien's household is responsible for repayment.
 - 2) If the sponsor did not have good cause, the Department will decide whether to establish a claim for overissuance against the sponsor or alien, or both (see ~~Sections~~~~Section~~ 121.200(a) and 121.150 through 121.154).

(Source: Amended at 34 Ill. Reg. 7265, effective May 10, 2010)

Section 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

- a) **Small Group Living Arrangement Facilities**
 - 1) Blind or disabled recipients of benefits under Title II (42 ~~USCU.S.C.~~ 402 et seq.) or Title XVI (42 ~~USCU.S.C.~~ 1381 et seq.) of the Social Security

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Act residing in a public or private non-profit group living arrangement facility ~~that~~which services no more than ~~sixteen (16)~~ residents may voluntarily apply for ~~SNAP benefits~~food stamps. Residents of a group living arrangement facility shall either apply for ~~SNAP~~food stamp benefits and be certified through the use of an authorized representative designated by the facility or apply for ~~SNAP~~such benefits on their own behalf. If the resident applies for ~~SNAP benefits~~food stamps through an authorized representative designated by the facility (see Section 121.1), and if determined eligible for ~~SNAP~~such benefits, the resident will be certified as a one-person household. If the resident applies for ~~SNAP benefits~~food stamps on his/her own behalf, the household size is determined in accordance with Section 121.70.

- 2) Disabled or blind residents of a public or private non-profit group living arrangement facility must meet all other eligibility requirements of this Part and 7 CFR 273 (1987, ~~with no later editions or amendments~~).

b) Drug Addict/Alcoholic Treatment Centers

- 1) Residents of publicly operated or private non-profit drug addict/alcoholic treatments centers authorized by USDA pursuant to 7 CFR 278.1 and 278.2(g) (1987, ~~with no later editions or amendments~~) to accept ~~SNAP benefits~~food coupons may voluntarily apply for ~~SNAP benefits~~food stamps. Residents of a drug addict/alcoholic treatment center shall apply for ~~SNAP benefits~~food stamps and, if determined eligible ~~for such benefits~~, be certified as a one-person household through the use of an authorized representative designated by the facility (see Section 121.1). The treatment center shall receive and spend the ~~benefit amount~~coupon allotment for food prepared by and/or served to the addict or alcoholic.
- 2) Residents of publicly operated or private non-profit drug addict/alcoholic treatment centers must meet all other eligibility requirements of this Part and 7 CFR 273 (~~1987, with no later editions or amendments~~).

c) Small group living arrangements facilities~~Group Living Arrangement Facilities~~ and drug addict/alcoholic treatment centers~~Drug/Alcoholic Treatment Centers~~ have the following responsibilities:

- 1) Provide the Department with a list of currently participating residents.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

signed by the facility director attesting to the validity of the list.

- 2) The facility/treatment center is responsible for any misrepresentation or fraud ~~which~~ the facility/treatment center knowingly commits (see Section 121.150) in the certification of facility/treatment center residents. The facility/treatment center must be knowledgeable about a household's circumstances (e.g., income and assets) and should carefully review those circumstances with the resident prior to applying for ~~SNAP benefits~~~~food stamps~~ on behalf of a particular resident. The facility/treatment center is strictly liable for all losses or misuse of ~~SNAP benefits~~~~food stamps~~ held on behalf of resident households and for all overissuances ~~that~~~~which~~ occur while households are residents of the facility/treatment center.
- 3) The facility/treatment center must immediately (when the change occurs) notify the local ~~Family Community Resource Center~~~~public aid office~~ of changes in the resident's circumstances ~~that~~~~which~~ may affect the resident's eligibility for ~~SNAP benefits~~~~food stamps~~, including but not limited to changes in residence, income, and assets.
- 4) When the resident leaves the facility/treatment center, he/she must receive his/her full ~~SNAP benefits~~~~food stamp allotment~~ if already issued and if no ~~benefit~~~~coupons~~ have been spent on behalf of that individual. These procedures apply at any time during the month. However, if any portion of the ~~SNAP benefits~~~~food stamps~~ have been spent on behalf of the resident and he/she leaves the facility/treatment center prior to the 16th day of the month, the facility/treatment center must provide the individual with one half of his/her ~~SNAP~~~~food stamp~~ allotment. In either case, the facility shall retain a receipt as proof of issuance. If the resident leaves on or after the 16th day of the month and the ~~benefit~~~~coupons~~ have already been issued and used, he/she will not receive any ~~benefit~~~~coupons~~.
- 5) ~~The facility/treatment center must return any unused food stamps not provided to departing residents at the end of each month to the local public aid office. Any food stamps received for a resident subsequent to his/her departure from the facility must be returned to the local public aid office.~~

(Source: Amended at 34 Ill. Reg. 7265, effective May 10, 2010)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Personal Property Warehouses
- 2) Code Citation: 92 Ill. Adm. Code 1458
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1458.10	New Section
1458.20	New Section
1458.100	New Section
1458.110	New Section
1458.120	New Section
1458.130	New Section
1458.200	New Section
1458.210	New Section
1458.220	New Section
1458.230	New Section
1458.240	New Section
1458.250	New Section
1458.260	New Section
1458.300	New Section
1458.310	New Section
1458.320	New Section
1458.400	New Section
1458.410	New Section
1458.420	New Section
1458.500	New Section
1458.510	New Section
1458.520	New Section
1458.530	New Section
1458.540	New Section
1458.550	New Section
1458.600	New Section
1458.610	New Section
1458.700	New Section
- 4) Statutory Authority: Implementing Sections 15.5 and 15.6 and authorized by Section 16 of the Personal Property Storage Act [240 ILCS 10/15.5, 15.6 and 16]
- 5) Effective Date of Rules: May 6, 2010

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 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 rulemaking, including any material incorporated by reference, is on file in the agency's Transportation Division, 527 East Capitol Avenue, Springfield, Illinois 62701.
- 9) Notice of Proposal Published in Illinois Register: December 18, 2009; 33 Ill. Reg. 17006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 1458.200(b), the underlined phrase below was added:

"Except as otherwise provided in subsection (c) of this Section, a personal property warehouse is liable for damages for loss of or injury to the goods caused by failure to exercise care in regard to the goods as a reasonably careful person would exercise under like circumstances."

In Section 1458.210(b), the underlined phrases below were added:

"Except as otherwise provided in this subsection, no personal property storage shall be conducted for compensation on behalf of a customer at any location other than a licensed warehouse location. Notwithstanding this prohibition, personal property may, with the consent of the owner, be stored temporarily, for a period not to exceed 5 days, in a motor vehicle used to pick up or transport the property, provided the vehicle is parked on or adjacent to the lot where the licensed warehouse is located."

In Section 1458.310(a)(6), the amount of insurance liability coverage required for a Class 6 warehouse was changed from \$25,000 to \$50,000.

In Section 1458.320(b), the underlined phrase below was added:

The coverage shall remain in effect until a cancellation form is filed with the Commission or the coverage is cancelled by filing with the Commission a subsequent certificate of insurance or bond.

In Section 1458.420(c)(4), the subsection was revised as follows:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

"A statement whether the goods received will be delivered to the bearer or to a specified person;"

In Section 1458.700(c), the annual fee for additional personal property warehouse locations was reduced from \$150 to \$100.

In addition, minor grammatical and wording changes have been made to the rules at the suggestion of JCAR staff.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: These rules implement Public Act 96-515, which transferred the regulation of personal property warehouses from the Illinois Department of Agriculture to the Illinois Commerce Commission. That regulation oversees the storage of the public's goods in warehouses located throughout Illinois for protection from the risk of damage due to such things as fire, vermin, insects, or water. As part of this legislation, the Commission is mandated to establish by administrative rule the minimum bond or legal liability insurance policy amounts required by each personal property warehouse in the State. In addition, Public Act 96-515 creates licensure and inspection processes that must be satisfied before the issuance of a personal property warehouse license. The effective date for the Commission to assume regulatory responsibility over these warehouses was January 1, 2010.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Steven L. Matrisch
Office of Transportation Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/782-6447
smatrisc@icc.illinois.gov

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION

CHAPTER III: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLY

PART 1458

PERSONAL PROPERTY WAREHOUSES

SUBPART A: MISCELLANEOUS PROVISIONS

Section

- 1458.10 Definitions
- 1458.20 Classification of Personal Property Warehouses

SUBPART B: LICENSES

Section

- 1458.100 Application for License
- 1458.110 Annual Renewal of License
- 1458.120 Suspension and Revocation of License
- 1458.130 Reinstatement of License

SUBPART C: WAREHOUSE OPERATIONS

Section

- 1458.200 Warehouse Facilities and Operation
- 1458.210 Placement of Goods into a Self-Storage Facility
- 1458.220 Inspection of Warehouse Facilities
- 1458.230 Posting of Personal Property Warehouse Sign
- 1458.240 Advertising
- 1458.250 Standards for Forms of Payment
- 1458.260 Notification to Customers of Revocation

SUBPART D: INSURANCE OR BOND COVERAGE

Section

- 1458.300 Licenses Conditioned upon Compliance with Insurance Requirements
- 1458.310 Minimum Insurance Amounts Required
- 1458.320 Proof of Insurance or Bond Coverage

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

SUBPART E: NOTICES AND WAREHOUSE RECEIPTS

Section

- 1458.400 Notice of Liability Limits
- 1458.410 Warehouse Receipts
- 1458.420 Form of Warehouse Receipt; Essential Terms; Optional Terms

SUBPART F: ENFORCEMENT

Section

- 1458.500 Imposition of Sanctions
- 1458.510 Informal Settlement in Lieu of Formal Proceeding
- 1458.520 Initiation of Operating Practices Proceeding
- 1458.530 Failure to Appear at Hearing
- 1458.540 Standards for the Assessment of Civil Penalties
- 1458.550 Payment of Civil Penalties

SUBPART G: ACCOUNTING AND FINANCIAL RECORD REQUIREMENTS

Section

- 1458.600 Audit and Inspection of Books and Records
- 1458.610 Maintenance of Records

SUBPART H: FEES

Section

- 1458.700 Fees

AUTHORITY: Implementing Sections 15.5 and 15.6 and authorized by Section 16 of the Personal Property Storage Act [240 ILCS 10/15.5, 15.6 and 16].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 17142, effective December 10, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 7283, effective May 6, 2010.

SUBPART A: MISCELLANEOUS PROVISIONS

Section 1458.10 Definitions

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

"Act": the Personal Property Storage Act [240 ILCS 10].

"Commission": the Illinois Commerce Commission.

"Governmental fair license": a license issued to a fair or fair association that is engaged in the storage of personal property for compensation.

"License": a personal property warehouse license.

"Personal property warehouse": any location for storage of personal property for compensation where access to the goods is controlled by the warehouse operator.

Section 1458.20 Classification of Personal Property Warehouses

For the purposes of this Part, a personal property warehouse is classified according to the amount of storage space in that warehouse as follows:

- a) Class 1: for less than 20,000 net square feet of floor space or for less than 50,000 net cubic feet of volume devoted to the storage of personal property;
- b) Class 2: for 20,000 and less than 50,000 net square feet of floor space or for 50,000 and less than 100,000 net cubic feet of volume devoted to the storage of personal property;
- c) Class 3: for 50,000 and less than 100,000 net square feet of floor space or for 100,000 and less than 200,000 net cubic feet of volume devoted to the storage of personal property;
- d) Class 4: for 100,000 and less than 200,000 net square feet of floor space or for 200,000 and less than 300,000 net cubic feet of volume devoted to the storage of personal property;
- e) Class 5: for 200,000 and less than 300,000 net square feet of floor space or for 300,000 and less than 400,000 net cubic feet of volume devoted to the storage of personal property;
- f) Class 6: for 300,000 or more net square feet of floor space or for 400,000 or more net cubic feet of volume devoted to the storage of personal property.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

SUBPART B: LICENSES

Section 1458.100 Application for License

- a) Applications for personal property warehouse licenses shall be filed on forms provided by the Commission.
- b) Incomplete or incorrect applications for licenses may be refused or rejected by the Commission.

Section 1458.110 Annual Renewal of License

All personal property warehouse licenses shall be renewed annually. All licenses shall expire one year from the day the license was issued by the Commission.

Section 1458.120 Suspension and Revocation of License

The Commission will suspend any personal property warehouse license for failure to comply with this Part or the Act. Continued failure to comply with the Act and this Part relating to personal property warehouses shall result in the revocation of the license.

Section 1458.130 Reinstatement of License

Subject to payment of the reinstatement fee in Section 1458.700(d) and compliance with the Act and this Part, a personal property warehouse license may be reinstated within one year after revocation. Licenses revoked for greater than one year shall not be reinstated.

SUBPART C: WAREHOUSE OPERATIONS

Section 1458.200 Warehouse Facilities and Operation

- a) Each personal property warehouse shall be suitable for the type of storage operations conducted at that warehouse. Warehouses shall be maintained and operated in a manner that will reasonably protect the stored property against loss or damage.
- b) Except as otherwise provided in subsection (c) of this Section, a personal property warehouse is liable for damages for loss of or injury to the goods caused by

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

failure to exercise care in regard to the goods as a reasonably careful person would exercise under like circumstances.

- c) Damages may be limited by a conspicuous term in the warehouse receipt or storage agreement limiting the amount of liability in case of loss or damage, and setting forth a specific liability per article or item, or value per unit of weight, beyond which the warehouse shall not be liable; however, such liability may, on written request of the owner of the goods at the time of signing the storage agreement or within a reasonable time after receipt of the warehouse receipt, be increased on part or all of the goods. In this event, increased rates may be charged based on the increased valuation. No such limitation is effective with respect to the warehouse's liability for conversion to the warehouse's own use.
- d) Reasonable provisions as to the time and manner of presenting claims and instituting actions based on the storage of the goods shall be included in the warehouse receipt.

Section 1458.210 Placement of Goods into a Self-Storage Facility

- a) No person shall place, or arrange to place, another person's goods into a self-storage warehouse facility unless the owner of those goods has possession of the key and access to the warehouse and the owner's name appears on the storage contract.
- b) Except as otherwise provided in this subsection, no personal property storage shall be conducted for compensation on behalf of a customer at any location other than a licensed warehouse location. Notwithstanding this prohibition, personal property may, with the consent of the owner, be stored temporarily, for a period not to exceed 5 days, in a motor vehicle used to pick up or transport the property, provided the vehicle is parked on or adjacent to the lot where the licensed warehouse is located.

Section 1458.220 Inspection of Warehouse Facilities

A compliance inspection shall be conducted by Commission staff prior to the issuance of a personal property warehouse license. The inspection shall include, but not be limited to, a review of:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- a) physical characteristics of the warehouse, including, but not limited to, the size, location and overall condition of the storage facilities;
- b) types of goods stored;
- c) proper storage of goods;
- d) size of warehouse facility;
- e) method of protection from fire;
- f) method of protection from theft or burglary;
- g) potential damage to stored goods by vermin, insects or water;
- h) business organization records;
- i) proper documentation of storage lots, including warehouse receipts;
- j) advertising.

Section 1458.230 Posting of Personal Property Warehouse Sign

Every personal property warehouse shall keep posted, at the main outside entrance of each warehouse operated, a conspicuous sign that clearly states the name of the warehouse and the license number issued by the Commission and identifies that warehouse as a personal property warehouse.

Section 1458.240 Advertising

- a) For purposes of this Section, the term "advertisement" means any advertisement, solicitation, or other communication with the public in relation to the offer or sale of Illinois personal property warehouse storage service. The term shall include advertisement by radio, television, internet, computer media or any other medium.
- b) Each personal property warehouse shall include in every advertisement the full name of the warehouse as it appears on its Commission issued license. The advertisement shall also identify the warehouse by showing the license number assigned to the warehouse by the Commission.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- c) Personal property warehouses shall not misrepresent the scope of services offered and made available to the public under authority of the license issued by the Commission.
- d) No applicant for a personal property warehouse license shall advertise by any means until authority to operate has been issued by the Commission.

Section 1458.250 Standards for Forms of Payment

- a) Personal property warehouses shall accept payment tendered in the following forms:
 - 1) Cash;
 - 2) Cashier's check; or
 - 3) Money order.
- b) Bartering is not permissible.

Section 1458.260 Notification to Customers of Revocation

If a personal property warehouse license is revoked by the Commission, the warehouse shall send notification to all persons with goods in storage. The revocation notification shall inform the customer of reasonable business hours when goods may be claimed and shall permit any person with goods in storage to remove those goods. The warehouse shall provide the notification within 3 business days after the revocation by the Commission.

SUBPART D: INSURANCE OR BOND COVERAGE

Section 1458.300 Licenses Conditioned upon Compliance with Insurance Requirements

A license issued by the Commission to a personal property warehouse has force and effect only while the warehouse is in compliance with requirements for the filing of proof of insurance or bond coverage.

Section 1458.310 Minimum Insurance Amounts Required

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- a) Each personal property warehouse shall have on file with the Commission evidence of insurance liability coverage in the following amount for each warehouse location:
- 1) For a Class 1 warehouse, \$10,000;
 - 2) For a Class 2 warehouse, \$20,000;
 - 3) For a Class 3 warehouse, \$30,000;
 - 4) For a Class 4 warehouse, \$40,000;
 - 5) For a Class 5 warehouse, \$50,000;
 - 6) For a Class 6 warehouse, \$50,000 plus an additional \$5,000 for each additional 100,000 net square feet, or net cubic feet of volume, or fraction thereof.
- b) The insurance coverage required by this Section shall protect against damage to personal property goods including, but not limited to, damage caused by fire, vermin, insects, water or loss.
- c) A continuous surety bond may be used in lieu of the insurance coverage required in subsection (a) as security against damage to personal property, provided that all of the following conditions are satisfied:
- 1) the surety bond is made payable to the Commission for the benefit of owners of stored property or their assignees;
 - 2) the bond is endorsed by a surety company authorized to do business in the State of Illinois;
 - 3) the bond is in a form approved by the Commission containing all of the terms and conditions required by the Commission;
 - 4) the surety bond shall be continuing and subject to cancellation by the surety company only upon 30 days written notice to the Commission served in person or by certified mail;

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

Section 1458.320 Proof of Insurance or Bond Coverage

A personal property warehouse shall file with the Commission evidence of proof of insurance or bond coverage in the amount shown in Section 1458.310. The conditions of bond or insurance coverage are as follows:

- a) The filing of the proof shall constitute acceptance of the minimum terms required by this Part or by statute and shall bind the insurance company to those terms.
- b) The coverage shall remain in effect until a cancellation form is filed with the Commission or the coverage is cancelled by filing with the Commission a subsequent certificate of insurance or bond.
- c) Evidence of the insurance or bond coverage shall be on a form approved by the Commission containing all of the terms and conditions required by the Commission.
- d) The insurance policy or bond shall be continuing and subject to cancellation or nonrenewal by the insurer only upon 30 days prior written notice to the Commission served in person or by certified mail.

SUBPART E: NOTICES AND WAREHOUSE RECEIPTS

Section 1458.400 Notice of Liability Limits

Before a personal property warehouse contracts to store personal property for any person, the warehouse shall notify that person of any limit on the warehouse's liability for loss or damage to property in storage and of that person's responsibility to provide additional coverage if desired.

Section 1458.410 Warehouse Receipts

Whenever a personal property warehouse receives property from any person for storage, the warehouse shall issue to that person a warehouse or storage receipt for that property. The receipt shall clearly identify the property that the warehouse has received from that person, the location of the warehouse where the property will be stored, the terms and conditions of storage, and the date on which the receipt is issued.

Section 1458.420 Form of Warehouse Receipt; Essential Terms; Optional Terms

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- a) A warehouse receipt need not be in any particular form.
- b) A warehouse receipt shall be signed by the customer.
- c) Unless a warehouse receipt embodies within its written or printed terms each of the following, the warehouse is liable for damages caused by the omission to a person injured by the omission:
 - 1) The location of the warehouse where the goods are stored;
 - 2) The date of issue of the receipt;
 - 3) The consecutive number of the receipt;
 - 4) A statement whether the goods received will be delivered to the bearer or to a specified person;
 - 5) The rate of storage and handling charges;
 - 6) A description of the goods or of the packages containing them;
 - 7) The signature of an employee or agent of the warehouse.
- d) A warehouse may insert in its receipt any other terms that are not contrary to the Act or this Part, or its duty of care. Any contrary provisions are ineffective.

SUBPART F: ENFORCEMENT

Section 1458.500 Imposition of Sanctions

When the Commission has reason to believe that a person has committed an act that is a violation of the Act or this Part it may conduct an operating practices proceeding to impose sanctions including, but not limited to, the suspension or revocation of the respondent's license and/or the assessment of civil penalties. In deciding whether to conduct an operating practices proceeding, the Commission will consider, among other factors, the severity of the offense, the probability of guilt, and possible effects of sudden suspension or revocation on the personal property warehouse's customers.

Section 1458.510 Informal Settlement in Lieu of Formal Proceeding

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

Prior to the institution of formal enforcement proceedings before the Commission, a respondent shall be given the opportunity to settle, at an informal staff level, any controversy regarding the respondent's alleged illegal activity under the Act.

- a) The Notice of Alleged Violation and Opportunity to Settle (NAVOS) setting forth the alleged violations of the Act or this Part shall be served on the respondent and shall specify the procedure for the respondent to exercise the option to settle. Included will be instructions to telephone or write to the specific Commission staff member assigned to the case to request and schedule a settlement conference, if the respondent chooses to exercise the settlement option. The respondent shall have 20 days from the date of service to exercise the option to settle.
- b) Monetary settlements specified in the NAVOS shall be based upon the minimum and maximum amounts set forth in Section 18c-1704(2) of the Illinois Commercial Transportation Law (ICTL) [625 ILCS 5/18c-1704(2)].
- c) An amount less than the minimum established in the NAVOS may be agreed upon between the staff of the Commission and the respondent during informal settlement discussions. This lesser amount shall be incorporated in a stipulated settlement agreement that shall be presented to the Commission for approval or rejection pursuant to the provisions of Section 18c-1705 of the ICTL.
- d) Settlement amounts shall be determined upon consideration of the respondent's past compliance history, his/her cooperation with authorities in the resolution of the dispute, his/her willingness to comply with the Act and this Part, the type of violation, the amount of revenue realized from the unlawful activities, and the number of violations.
- e) If a settlement agreement is not reached, the matter will be set for hearing before a Commission Hearing Examiner (see 83 Ill. Adm. Code 200).
- f) The respondent's right to a hearing and the respondent's position at hearing will not be prejudiced in any way if settlement is not reached.

Section 1458.520 Initiation of Operating Practices Proceeding

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- a) An enforcement proceeding shall be initiated by the issuance of a Complaint that shall set forth the alleged violations of the Act. The Complaint shall be served on the respondent by certified mail, return receipt requested, at the last address known to the Commission, or by personal service if the respondent is not licensed by the Commission and service by mail cannot be accomplished.
- b) The respondent shall have 20 days from the date of service of the Complaint to file a responsive pleading with the Commission. Failure to respond within the specified time shall result in the matter being set for hearing. Notice of the time, date and place for the hearing shall be mailed to the respondent.
- c) All matters set for hearing as a result of this Section shall be conducted in accordance with 83 Ill. Adm. Code 200 (Rules of Practice) and with the provisions of Section 18c-1704 of the ICTL.
- d) Respondent's failure to appear at a hearing or otherwise respond to a complaint shall constitute a waiver of the respondent's right to contest the alleged violations. Commission staff shall present evidence in support of its allegations and the Commission is authorized, without further notice or hearing, to make findings and may forthwith order the imposition of any applicable sanction.

Section 1458.530 Failure to Appear at Hearing

Respondent's failure to appear at the hearing set for the violations in issue, may constitute a waiver of respondent's right to appear to contest the alleged violations. Commission staff shall testify in support of its allegations and the Commission is authorized without further notice to find the facts to be as alleged in the order and may forthwith order the imposition of any applicable sanction.

Section 1458.540 Standards for the Assessment of Civil Penalties

- a) In determining whether to assess civil penalties, the Commission shall consider the following factors:
 - 1) the lack of mitigating circumstances, including:
 - A) whether the violation's occurrence was attributable to causes beyond the respondent's control rather than to respondent's fault or intent; and

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- B) whether the violation's occurrence was attributable to action by the Commission that precluded compliance;
 - 2) the lack of good faith or intent, including:
 - A) the past compliance history of the respondent; and
 - B) whether a violation is the result of willful conduct or comes about through mistake, inadvertence, or negligence;
 - 3) the financial ability of the respondent to pay the penalties assessed;
 - 4) the degree to which the violative conduct was harmful to the public; and
 - 5) the financial benefit accruing to the respondent as a result of its illegal activities.
- b) The Commission's consideration shall be limited to only those violations for which evidence exists. It shall be the burden of the respondent to establish a compelling reason why the civil penalty should be mitigated.

Section 1458.550 Payment of Civil Penalties

Whenever the Commission assesses a civil penalty under this Part:

- a) Payment of the civil penalty shall be made by certified or cashier's check, money order, or in installments by the foregoing means after execution of a promissory note containing an agreement for judgment;
- b) All remittances shall be made payable to the Illinois Commerce Commission and sent to Transportation Regulatory Fund, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701.

SUBPART G: ACCOUNTING AND FINANCIAL RECORD REQUIREMENTS

Section 1458.600 Audit and Inspection of Books and Records

Each personal property warehouse shall permit Commission staff to inspect or audit its books

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

and records, on request, at any time when the warehouse is open to the public.

Section 1458.610 Maintenance of Records

A personal property warehouse shall keep a record of all property received for storage and of all warehouse or storage receipts issued for one year after the goods were removed from storage. Records shall include the warehouse or storage receipt number, a description of the property received for storage, the date on which the property was received for storage, and the date on which the property was withdrawn from storage. Persons holding an interest in stored property may, at any reasonable time, inspect the warehouse's records related to that property.

SUBPART H: FEES

Section 1458.700 Fees

The following fees shall apply:

- | | | |
|----|--|-------|
| a) | Initial application fee for personal property warehouse license | \$250 |
| b) | Annual renewal fee for personal property warehouse license | \$150 |
| c) | Annual fee for each additional personal property warehouse operated by applicant | \$100 |
| d) | Personal property warehouse license reinstatement fee | \$100 |
| e) | Special governmental fairs annual license | \$50 |

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Freedom of Information Code
- 2) Code Citation: 2 Ill. Adm. Code 1126
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1126.10	Repealed
1126.20	Repealed
1126.100	Repealed
1126.110	Repealed
1126.200	Repealed
1126.210	Repealed
1126.300	Repealed
1126.310	Repealed
1126.400	Repealed
1126.410	Repealed
1125.420	Repealed
- 4) Statutory Authority: The Freedom of Information Act [5 ILCS 140], Section 2310-195 of the Department of Public Health Powers and Duties Law [20 ILCS 2310/230-195], and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]
- 5) Effective Date of Rulemaking: May 7, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Published in Illinois Register: This repealer is adopted pursuant to Section 5-15 of the Illinois Administrative Procedure Act and was not required to be published for First Notice.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: This repealer is adopted pursuant to Section 5-15 of the Illinois Administrative Procedure Act and was not required to be published for First Notice.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? This rulemaking is adopted pursuant to Section 5-15 of the Illinois Administrative Procedure Act and was not subject to Second Notice requirements.
- 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: These rules are being replaced by new rules (2 Ill. Adm. Code 1127) that implement changes to the Freedom of Information Act in accordance with Public Act 96-542.
- 16) Information and questions regarding this Adopted Repealer shall be directed to:

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

217/782-2043
e-mail: dph.rules@illinois.gov

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Access to Records of the Department of Public Health
- 2) Code Citation: 2 Ill. Adm. Code 1127
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1127.101	New
1127.102	New
1127.201	New
1127.202	New
1127.203	New
1127.301	New
1127.302	New
1127.303	New
1127.401	New
1127.402	New
1127.403	New
1127.404	New
1127.405	New
1127.406	New
1127.407	New
1127.501	New
1127.502	New
1127.503	New
1127.APPENDIX A	New
- 4) Statutory Authority: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)], Section 2310-195 of the Department of Public Health Powers and Duties Law [20 ILCS 2310/2310-195], and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]
- 5) Effective Date of Rulemaking: May 7, 2010
- 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 rulemaking, and any material incorporated by reference, is on file in the Department of Public Health's principal office and is available for public inspection.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- 9) Notice of Proposal Published in the Illinois Register: Because this rulemaking is adopted under Section 5-15 of the Illinois Administrative Procedure Act (IAPA) [415 ILCS 100/5-315], the Agency was not required to publish Proposed Amendments.
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between proposal and final version: Because this rulemaking is adopted under Section 5-15 of the APA, it is not subject to First Notice publication or to Second Notice review by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Because this rulemaking is adopted under Section 5-15 the IAPA, it is not subject to Second Notice review by JCAR.
- 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 Department is adopting this rulemaking to reflect changes made to the Freedom of Information Act [5 ILCS 140] by PA 96-542, which took effect on January 1, 2010. The rulemaking includes definitions; the types of records that shall and shall not be disclosed under the Freedom of Information Act; procedures for requesting records from the Department; the Department's responses to requests for records; procedures for providing records to requesters; and a fee schedule for duplication of records.
- 16) Information and questions regarding these adopted rules shall be directed 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: dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER XVIII: DEPARTMENT OF PUBLIC HEALTH

PART 1127

ACCESS TO RECORDS OF THE DEPARTMENT OF PUBLIC HEALTH

SUBPART A: INTRODUCTION

Section

- 1127.101 Summary and Purpose
- 1127.102 Definitions

SUBPART B: CLASSIFICATION OF RECORDS

Section

- 1127.201 Records that Shall Be Disclosed
- 1127.202 Records that Shall Be Withheld from Disclosure
- 1127.203 Statutory Exemptions

SUBPART C: PROCEDURES FOR REQUESTING RECORDS FROM THE AGENCY

Section

- 1126.301 Submittal of Requests for Records
- 1126.302 Information To Be Provided in Requests for Records
- 1126.303 Requests for Records for Commercial Purposes

SUBPART D: AGENCY RESPONSE TO REQUESTS FOR RECORDS

Section

- 1127.401 Timeline for Agency Response
- 1127.402 Requests for Records that the Agency Considers Unduly Burdensome
- 1127.403 Requests for Records that Require Electronic Retrieval
- 1127.404 Denials of Requests for Records
- 1127.405 Requests for Review of Denials – Public Access Counselor
- 1127.406 Circuit Court Review
- 1127.407 Administrative Review

SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

Section

- 1127.501 Inspection and Copying of Records
- 1127.502 Fees for Records
- 1127.503 Reduction and Waiver of Fees
- 1127.APPENDIX A Fee Schedule for Duplication of Records

AUTHORITY: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)] and authorized by Section 2310-195 of the Department of Public Health Powers and Duties Law [20 ILCS 2310/2310-195] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 34 Ill. Reg. 7303, effective May 7, 2010.

SUBPART A: INTRODUCTION

Section 1127.101 Summary and Purpose

- a) This Part states the policy of the Department of Public Health (Agency) for making its records available for reasonable public inspection while, at the same time, protecting legitimate interests in confidentiality.
- b) This Part:
 - 1) Establishes the following classifications for records in the Agency's possession:
 - A) Records that shall be disclosed; and
 - B) Records that shall be withheld from disclosure.
 - 2) Contains the procedures by which requesters may obtain records in the Agency's possession; and
 - 3) Contains the procedures for claiming and determining that records submitted to the Agency are exempt from disclosure.

Section 1127.102 Definitions

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

Terms not defined in this Section shall have the same meaning as in the Freedom of Information Act [5 ILCS 140]. The following definitions are applicable for purposes of this Part:

"Act" means the Department of Public Health Act [20 ILCS 2305].

"Agency" means the Department of Public Health as established by the Act.

"Commercial purpose" means the use of any part of a record or records, or information derived from records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is to access and disseminate information concerning news and current or passing events, for articles or opinion or features of interest to the public, or for the purpose of academic, scientific, or public research or education. (Section 2(c-10) of FOIA)

"Copying" means the reproduction of any record by means of any photographic, electronic, mechanical, or other process, device or means now known or hereafter developed and available to the Agency. (Section 2(d) of FOIA)

"Director" means the Director of the Agency.

"FOIA" means the Freedom of Information Act [5 ILCS 140].

"News media" means a newspaper or other periodical issued at regular intervals, news service in paper or electronic form, radio station, television station, television network, community antenna television service, or person or corporation engaged in making news reels or other motion picture news for public showing. (Section 2(f) of FOIA)

"Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group. (Section 2(b) of FOIA)

"Private information" means unique identifiers, including a person's Social Security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. (Section 2(c-5) of FOIA)

"Public Access Counselor" means an individual appointed to that office by the Attorney General under Section 7 of the Attorney General Act [15 ILCS 205].

"Public body" means all legislative, executive, administrative, or advisory bodies of the State, State universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, any subsidiary bodies of any of the forgoing, including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code [105 ILCS 5]. (Section 2(a) of FOIA)

"Records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of or under the control of the Agency. (Section 2(c) of FOIA)

"Requester" is any person who has submitted to the Agency a written request, electronically or on paper, for records.

"Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. (Section 7(1)(c) of FOIA)

SUBPART B: CLASSIFICATION OF RECORDS

Section 1127.201 Records that Shall Be Disclosed

Upon request meeting the requirements of this Part, the Agency shall disclose to the requester all records requested, except that it shall not disclose certain records as provided in Section 1127.202. Records covered under this Section shall include, but not be limited to:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- a) *Records of funds. All records relating to the obligation, receipt and use of public funds of the Agency are records subject to inspection and copying by the public. (Section 2.5 of FOIA)*
- b) *Payrolls. Certified payroll records submitted to the Agency under Section 5(a)(2) of the Prevailing Wage Act [820 ILCS 130] are records subject to inspection and copying in accordance with the provisions of FOIA; except that contractors' and employees' addresses, telephone numbers, and Social Security numbers must be redacted by the Agency prior to disclosure. (Section 2.10 of FOIA)*
- c) *Criminal history records. The following documents maintained by the Agency pertaining to criminal history record information are records subject to inspection and copying by the public pursuant to FOIA:*
 - 1) *Court records that are public;*
 - 2) *Records that are otherwise available under State or local law; and*
 - 3) *Records in which the requesting party is the individual identified, except as provided under Section 1127.202(a)(5)(F) of this Part. (Section 2.15(b) of FOIA)*
- d) *Settlement agreements. All settlement agreements entered into by or on behalf of the Agency are records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 1127.202 of this Part may be redacted. (Section 2.20 of FOIA)*

Section 1127.202 Records that Shall Be Withheld from Disclosure

When a request is made to inspect or copy a record that contains information that is otherwise exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the Agency shall make the remaining information available for inspection and copying. (Section 7(1) of FOIA)

- a) *Subject to this requirement and Section 7 of FOIA, the following shall be exempt from inspection and copying:*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- 1) *Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law. (Section 7(1)(a) of FOIA)*
- 2) *Private information, unless disclosure is required by another provision of FOIA, a State or federal law or a court order. (Section 7(1)(b) of FOIA)*
- 3) *Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects. (Section 7(1)(b-5) of FOIA)*
- 4) *Personal information contained within records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. (Section 7(1)(c) of FOIA)*
- 5) *Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:*
 - A) *Interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;*
 - B) *Interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;*
 - C) *Create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- D) *Unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the Agency will provide traffic accident reports, the identities of witnesses to traffic accidents, and rescue reports, except when disclosure would interfere with an active criminal investigation;*
- E) *Disclose unique or specialized investigative techniques other than those generally used and known, or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the Agency;*
- F) *Endanger the life or physical safety of law enforcement personnel or any other person; or*
- G) *Obstruct an ongoing criminal investigation by the Agency that is the recipient of the request. (Section 7(1)(d) of FOIA)*
- 6) *Records that relate to or affect the security of correctional institutions and detention facilities. (Section 7(1)(e) of FOIA)*
- 7) *Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the Agency. The exemption provided in this subsection (a)(7) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents. (Section 7(1)(f) of FOIA)*
- 8) *Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

records requested. All trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund; this exemption does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption also does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm. Nothing in this subsection (a)(8) shall be construed to prevent a person or business from consenting to disclosure. (Section 7(1)(g) of FOIA)

- 9) *Proposals and bids for any contract, grant, or agreement, including information that if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the Agency, until an award or final selection is made. Information prepared by or for the Agency in preparation of a bid solicitation shall be exempt until an award or final selection is made. (Section 7(1)(h) of FOIA)*
- 10) *Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by the Agency when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this subsection (a)(10) does not extend to requests made by news media as defined in Section 1127.102 of this Part when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public. (Section 7(1)(i) of FOIA)*
- 11) *The following information pertaining to educational matters:*
 - A) *Test questions, scoring keys, and other examination data used to administer an academic exam;*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- B) *Information received by a primary or secondary school, college, or university under its procedure for the evaluation of faculty members by their academic peers;*
 - C) *Information concerning a school's or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and*
 - D) *Course materials or research materials used by faculty members. (Section 7(1)(j) of FOIA)*
- 12) *Architects' plans and engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security. (Section 7(1)(k) of FOIA)*
- 13) *Minutes of meetings of the Agency closed to the public as provided in the Open Meetings Act [5 ILCS 120] until the Agency makes the minutes available to the public under Section 2.06 of the Open Meetings Act. (Section 7(1)(l) of FOIA)*
- 14) *Communications between the Agency and an attorney or auditor representing the Agency that would not be subject to discovery in litigation, and materials prepared or compiled by or for the Agency in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the Agency, and materials prepared or compiled with respect to internal audits of the Agency. (Section 7(1)(m) of FOIA)*
- 15) *Records relating to the Agency's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed. (Section 7(1)(n) of FOIA)*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- 16) *Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section. (Section 7(1)(o) of FOIA)*
- 17) *Records relating to collective negotiating matters between the Agency and its employees or representatives, except that any final contract or agreement shall be subject to inspection and copying. (Section 7(1)(p) of FOIA)*
- 18) *Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment. (Section 7(1)(q) of FOIA)*
- 19) *The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act [735 ILCS 30], records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt only until a sale is consummated. (Section 7(1)(r) of FOIA)*
- 20) *Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self-insurance (including any intergovernmental risk management association or self-insurance pool) claims, loss or risk management information, records, data, advice or communications. (Section 7(1)(s) of FOIA)*
- 21) *Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

insurance companies, unless disclosure is otherwise required by State law.
(Section 7(1)(t) of FOIA)

- 22) *Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act [5 ILCS 175].* (Section 7(1)(u) of FOIA)
- 23) *Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this subsection (a)(23) may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.* (Section 7(1)(v) of FOIA)
- 24) *Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.* (Section 7(1)(x) of FOIA)
- 25) *Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act [20 ILCS 3855] and Section 16-111.5 of the Public Utilities Act [220 ILCS 5] that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.* (Section 7(1)(y) of FOIA)
- 26) *Information about students exempted from disclosure under Section 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009 [110 ILCS 26].* (Section 7(z) of FOIA)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- 27) *Information the disclosure of which is exempted under the Viatical Settlements Act of 2009 [215 ILCS 158]. (Section 7(1)(aa) of FOIA)*
- 28) *Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act [760 ILCS 100] or the Cemetery Oversight Act [225 ILCS 411], whichever is applicable. (Section 7(1)(bb) of FOIA)*
- b) *A record that is not in the possession of the Agency but is in the possession of a party with whom the Agency has contracted to perform a governmental function on behalf of the Agency, and that directly relates to the governmental function and is not otherwise exempt under FOIA, shall be considered a record of the Agency for purposes of Subpart C of this Part. (Section 7(2) of FOIA)*

Section 1127.203 Statutory Exemptions

To the extent provided for by the statutes referenced in this Section, the following shall be exempt from inspection and copying (Section 7.5 of FOIA):

- a) *Information and records held by the Agency and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act [410 ILCS 325]. (Section 7.5(d) of FOIA)*
- b) *Information the disclosure of which is exempted under the State Officials and Employees Ethics Act [5 ILCS 430], and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act. (Section 7.5(h) of FOIA)*
- c) *Records and information provided to a residential health care facility sexual assault and death review team or Executive Council under the Abuse Prevention Review Team Act [210 ILCS 28]. (Section 7.5(l) of FOIA)*
- d) *Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act [410 ILCS 525]. (Section 7.5(o) of FOIA)*
- e) *Information prohibited from being disclosed by the Personnel Records Review Act [820 ILCS 40]. (Section 7.5(q) of FOIA)*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

SUBPART C: PROCEDURES FOR REQUESTING RECORDS FROM THE AGENCY

Section 1127.301 Submittal of Requests for Records

Requests for public records shall be submitted to the Freedom of Information Officer of the Agency. Requests shall be submitted by one of three methods:

- a) By mail to the following address:

Freedom of Information Officer
Illinois Department of Public Health
535 West Jefferson
Springfield, Illinois 62761

- b) By e-mail to:

DPH.FOIA@illinois.gov Supportive documents shall be scanned and attached to the e-mail.

- c) By telefax to:

Freedom of Information Officer
217/782-3987

Section 1127.302 Information To Be Provided in Requests for Records

A request for records should include:

- a) The complete name, mailing address and telephone number and e-mail address of the requester;
- b) As specific a description as possible of the records sought. Requests that the Agency considers unduly burdensome or categorical may be denied (see Section 3(g) of FOIA and Section 1127.402 of this Part);
- c) A statement as to the requested medium and format for the Agency to use in providing the records sought: for example, paper, specific types of digital or magnetic media, or videotape;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- d) A statement as to the requested manner for the Agency to use in providing the records sought: for example, inspection at Agency headquarters or providing paper or electronic copies;
- e) A statement as to whether the requester needs certified copies of all or any portion of the records, including reference to the specific documents that require certification;
- f) A signed release or a court order authorizing the disclosure of personal or medical information if the records requested contain such information; and
- g) A statement as to whether the request is for a commercial purpose.

Section 1127.303 Requests for Records for Commercial Purposes

- a) It is a violation of FOIA for a person to knowingly obtain a record for a commercial purpose without disclosing that it is for a commercial purpose if requested to do so by the Agency.
- b) The Agency *shall respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response shall:*
 - 1) *Provide to the requester an estimate of the time required by the Agency to provide the records requested and an estimate of the fees to be charged, which the Agency may require the person to pay in full before copying the requested documents;*
 - 2) *Deny the request pursuant to one or more of the exemptions set out in Section 1127.202 of this Part;*
 - 3) *Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*
 - 4) *Provide the records requested. (Section 3.1(a) of FOIA)*
- c) *Unless the records are exempt from disclosure, the Agency shall comply with a request within a reasonable period considering the size and complexity of the*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

request, and giving priority to records requested for non-commercial purposes.
(Section 3.1(b) of FOIA)

SUBPART D: AGENCY RESPONSE TO REQUESTS FOR RECORDS

Section 1127.401 Timeline for Agency Response

- a) Except as stated in subsection (b) or (c) of this Section, the Agency will respond to any *request for public records within 5 business days after its receipt of the request. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request.* If the Agency fails to respond to a request within the requisite periods in this subsection (a) but thereafter provides the requester with copies of the requested records, it may not impose a fee for such copies. If the Agency fails to respond to a request received, it may not treat the request as unduly burdensome as provided under Section 1127.402 of this Part. (Section 3(d) of FOIA) A written request from the Agency to provide additional information shall be considered a response to the FOIA request.
- b) *The time limits prescribed in subsection (a) of this Section may be extended by the Agency for not more than 5 business days from the original due date for any of the following reasons:*
 - 1) *The requested records are stored in whole or in part at locations other than the office having charge of the requested records;*
 - 2) *The request requires the collection of a substantial number of specified records;*
 - 3) *The request is couched in categorical terms and requires an extensive search for the records responsive to it;*
 - 4) *The requested records have not been located in the course of routine search and additional efforts are being made to locate them;*
 - 5) *The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 or 7.5 of FOIA or should be revealed only with appropriate deletions;*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- 6) *The request for records cannot be complied with by the Agency within the time limits prescribed by subsection (a) of this Section without unduly burdening or interfering with the operations of the Agency; or*
- 7) *There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request. (Section 3(e) of FOIA)*
- c) *The person making a request and the Agency may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the Agency agree to extend the period for compliance, a failure by the Agency to comply with any previous deadlines shall not be treated as a denial of the request for the records. (Section 3(e) of FOIA)*
- d) *When additional time is required for any of the reasons set forth in subsection (b) of this Section, the Agency shall, within 5 business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. If the Agency fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested public records, it may not impose a fee for those copies. If the Agency issues an extension and subsequently fails to respond to the request, it may not treat the request as unduly burdensome under Section 1127.402 of this Part. (Section 3(f) of FOIA)*

Section 1127.402 Requests for Records that the Agency Considers Unduly Burdensome

- a) *The Agency shall fulfill requests calling for all records falling within a category unless compliance with the request would unduly burden the Agency, there is no way to narrow the request, and the burden on the Agency outweighs the public interest in the information. Before invoking this exemption, the Agency shall extend to the requester an opportunity to confer with it in an attempt to reduce the request to manageable proportions. (Section 3(g) of FOIA) The amended request shall be in writing.*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- b) If the Agency determines that a request is unduly burdensome, *it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Agency. Such a response shall be treated as a denial of the request for information.* (Section 3(g) of FOIA)
- c) *Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under this Part shall be deemed unduly burdensome.* (Section 3(g) of FOIA)

Section 1127.403 Requests for Records that Require Electronic Retrieval

- a) A request for records that requires electronic retrieval will be treated the same as any other request for records, with the same timeline and extensions as allowed for other records.
- b) The Agency will retrieve and provide electronic records only in a format and medium that is available to the Agency.

Section 1127.404 Denials of Requests for Records

- a) The Agency shall deny requests for records when:
 - 1) Compliance with the request would unduly burden the Agency, as determined pursuant to Section 1127.402 of this Part, and the requester has not reduced the request to manageable proportions;
 - 2) The records are exempt from disclosure pursuant to Section 7 or 7.5 of FOIA or Section 1127.202 or Section 1127.203 of this Part.
- b) The denial of a request for records must be in writing.
 - 1) The notification shall include a description of the records denied; *the reason for the denial, including a detailed factual basis for the application of any exemption claimed; and the names and titles or positions of each person responsible for the denial* (Section 9(a) of FOIA);

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- 2) *Each notice of denial shall also inform such person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor (Section 9(a) of FOIA); and*
- 3) *When a request for records is denied on the grounds that the records are exempt under Section 7 or 7.5 of FOIA, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to the supporting legal authority. (Section 9(b) of FOIA)*
- c) A requester may treat the Agency's failure to respond to a request for records within 5 business days after receipt of the written request as a denial for purposes of the right to review by the Public Access Counselor.
- d) If the Agency has given written notice pursuant to Section 1127.401(d) of this Part, failure to respond to a written request within the time permitted for extension may be treated as a denial for purposes of the right to review by the Public Access Counselor.
- e) *Any person making a request for records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the Agency fails to act within the time periods provided in Section 1127.401 of this Part. (Section 9(c) of FOIA)*

Section 1127.405 Requests for Review of Denials – Public Access Counselor

- a) *A person whose request to inspect or copy a record is denied by the Agency may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial. (Section 9.5(a) of FOIA)*
- b) If the Agency asserts that the records are exempt under Section 1127.202(a)(4) or (a)(7) of this Part, it shall, within the time periods provided for responding to a request, provide written notice to the requester and the Public Access Counselor of its intent to deny the request in whole or in part. The notice shall include:
 - 1) *A copy of the request for access to records;*
 - 2) *The proposed response from the Agency; and*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- 3) *A detailed summary of the Agency's basis for asserting the exemption. (Section 9.5(b) of FOIA)*
- c) *Upon receipt of a notice of intent to deny from the Agency, the Public Access Counselor shall determine whether further inquiry is warranted. The Public Access Counselor shall process the notification of intent to deny as detailed in Section 9.5(b) of FOIA. Times for response or compliance by the Agency under Section 1127.401 of this Part shall be tolled until the Public Access Counselor concludes his or her inquiry. (Section 9.5(b) of FOIA)*
- d) *Within 7 working days after the Agency receives a request for review from the Public Access Counselor, the Agency shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor. (Section 9.5(c) of FOIA)*
- e) *Within 7 working days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the Agency may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. (Section 9.5(d) of FOIA)*
- f) *The requester may, but is not required to, respond in writing to the answer within 7 working days and shall provide a copy of the response to the Agency. (Section 9.5(d) of FOIA)*
- g) *In addition to the request for review, and the answer and response thereto, if any, a requester or the Agency may furnish affidavits or records concerning any matter germane to the review. (Section 9.5(e) of FOIA)*
- h) *A binding opinion from the Attorney General shall be binding upon both the requester and the Agency, subject to administrative review under Section 1127.407 of this Part. (Section 9.5(f) of FOIA)*
- i) *If the Attorney General decides to exercise his or her discretion to resolve a request for review by mediation or by a means other than issuance of a binding*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

opinion, the decision not to issue a binding opinion shall not be reviewable.
(Section 9.5(f) of FOIA)

- j) *Upon receipt of a binding opinion concluding that a violation of FOIA has occurred, the Agency shall either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under Section 1127.407 of this Part. If the opinion concludes that no violation of FOIA has occurred, the requester may initiate administrative review under Section 1127.407 of this Part.* (Section 9.5(f) of FOIA)
- k) *If the Agency discloses records in accordance with an opinion of the Attorney General, the Agency is immune from all liabilities by reason thereof and shall not be liable for penalties under FOIA.* (Section 9.5(f) of FOIA)
- l) *If the requester files suit under Section 1127.406 of this Part with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor, and the Public Access Counselor shall so notify the Agency.* (Section 9.5(g) of FOIA)
- m) *The Attorney General may also issue advisory opinions to the Agency regarding compliance with FOIA. A review may be initiated upon receipt of a written request from the Director of the Agency or the Agency's General Counsel, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the Agency in order to assist in the review. If the Agency relies in good faith on an advisory opinion of the Attorney General in responding to a request, the Agency is not liable for penalties under FOIA, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor.*
(Section 9.5(h) of FOIA)

Section 1127.406 Circuit Court Review

A requester also has the right to file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the requester resides, in accordance with the procedures set forth in Section 11 of FOIA.

Section 1127.407 Administrative Review

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law [735 ILCS 5/Art. III]. An action for administrative review of a binding opinion of the Attorney General shall be commenced in Cook County or Sangamon County. An advisory opinion issued to the Agency shall not be considered a final decision of the Attorney General for purposes of this Section. (Section 11.5 of FOIA)

SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

Section 1127.501 Inspection and Copying of Records

- a) The Agency may make available records for personal inspection at the Agency's headquarters office located at 535 West Jefferson Street, Springfield, or at another location agreed to by both the Agency and the requester. The Agency may provide records in duplicate forms, including, but not limited to, paper copies, data processing printouts, videotape, microfilm, audio tape, reel to reel microfilm, photographs, computer disks and diazo.
- b) *When a person requests a copy of a record maintained in an electronic format, the Agency shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the records in the specified electronic format, then the Agency shall furnish it in the format in which it is maintained by the Agency, or in paper format at the option of the requester. (Section 6(a) of FOIA)*
- c) A requester may inspect records at the Agency's headquarters or at another location agreed to by both the Agency and the requester by appointment only, scheduled subject to space availability. The Agency will schedule inspection appointments to take place during normal business hours, which are 8:30 a.m. to 5:00 p.m. Monday through Friday, exclusive of State holidays. If the requester must cancel the viewing appointment, the requester shall so inform the Agency as soon as possible before the appointment.
- d) In order to maintain routine Agency operations, the requester may be asked to leave the inspection area for a specified period of time.
- e) The requester will have access only to the designated inspection area.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- f) Requesters shall not be permitted to take briefcases, folders or similar materials into the room where the inspection takes place. An Agency employee may be present during the inspection.
- g) The requester shall segregate and identify the documents to be copied during the course of the inspection.

Section 1127.502 Fees for Records

- a) In accordance with Section 1127.503 of this Part, unless a fee is otherwise fixed by statute, the Agency will provide copies of records and certifications of records in accordance with the fee schedule set forth in Appendix A.
- b) *In calculating its actual cost for reproducing records or for the use of the equipment of the Agency to reproduce records, the Agency shall not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records. (Section 6(b) of FOIA)*
- c) In order to expedite the copying of records that the Agency cannot copy, due to the volume of the request or the operational needs of the Agency, in the timelines established in Section 1127.401 of this Part, the requester may provide, at the requester's expense, the copy machine, all necessary materials, and the labor to copy the public records at the Agency headquarters in Section 1127.501, or at another location agreed to by both the Agency and the requester.
- d) Copies of records will be provided to the requester only upon payment of any fees due. If payment is not received within 60 days after the Agency has notified the requester of the fees, the Agency shall consider the request withdrawn.
- e) *The Agency may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium, but the Agency may not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records. (Section 6(a) of FOIA) Payment must be by check or money order sent to the Agency, payable to "Treasurer, State of Illinois".*
- f) If a contractor is used to inspect or copy records, the following procedures shall apply:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- 1) The requester, rather than the Agency, must contract with the contractor;
- 2) The requester is responsible for all fees charged by the contractor;
- 3) The requester must notify the Agency of the contractor to be used prior to the scheduled on-site inspection or copying;
- 4) Only Agency personnel may provide records to the contractor;
- 5) The Agency must have verification that the requester has paid the Agency, if payment is due, for the copying of the records before providing the records to the contractor; and
- 6) The requester must provide to the Agency the contractor's written agreement to hold the records secure, to copy the records only for the purpose stated by the requester, and to return the records at a specified date and time.

Section 1127.503 Reduction and Waiver of Fees

- a) Fees may be reduced or waived by the Agency *if the requester states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest.* In making this determination, the Agency shall consider the following:
 - 1) Whether *the principal purpose of the request is to disseminate information regarding the health, safety, welfare or legal rights of the general public; and*
 - 2) Whether *the principal purpose of the request is personal or commercial benefit. For purposes of this subsection (a) of this Section, "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, welfare or legal rights of the general public. (Section 6(c) of FOIA)*
- b) The Agency may provide records without charge to federal, State, and municipal agencies, Constitutional officers and members of the General Assembly, and not-

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

for-profit organizations providing evidence of good standing with the Secretary of State's Office.

- c) *Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of public records when furnished in a paper format shall not be applicable to those records when furnished to a requester in an electronic format. (Section 6(a) of FOIA)*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

Section 1127.APPENDIX A Fee Schedule for Duplication of Records

TYPE OF DUPLICATION	FEE (PER COPY)
Paper copy from original, up to and including 50 copies of black and white, letter or legal sized copies	No charge
Paper copy from original, in excess of 50 copies of black and white, letter or legal sized copies	\$.15/page
Other Medium	Actual cost of the reproduction

NOTE: Expense for delivery other than by First Class U.S. Mail must be borne by the requestor.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Roadside Memorials
- 2) Code Citation: 92 Ill. Adm. Code 549
- 3) Section Number: 549.500 Adopted Action: Amend
- 4) Statutory Authority: Implementing, and authorized by Section 25 of, the Roadside Memorial Act [605 ILCS 125] and Sections 27.5 and 27.6 of the Clerk of Courts Act [705 ILCS 105/27.5 and 27.6] and Section 5-9-1.17 of the Unified Code of Corrections [730 ILCS 5/5-9-1.17]
- 5) Effective Date of Amendment: May 4, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's Division of Highways and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 5, 2010; 34 Ill. Reg. 2314
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? A non-substantive, grammatical change was made at First Notice.
- 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 the Amendment: This Part provides for the placement of roadside markers to commemorate the deaths of persons killed in crashes involving impaired drivers. The purpose of the program is to raise public awareness of impaired

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

driving by emphasizing the dangers while affording families an opportunity to remember the victims. The authorizing statute provides that the Department may place markers with the message, "Please don't Drink and Drive", along with a plaque bearing the name of the victim and the date of the crash, at the location of the crash or at an alternate location.

By this adopted rulemaking, the Department has amended Section 549.500 for consistency with Public Act 96-667 that provides that a person who is convicted or receives a disposition of court supervision for a violation of certain DUI provisions under the Illinois Vehicle Code shall, in addition to any other disposition, penalty, or fine imposed, pay a fee of \$50, which shall be deposited into the Roadside Memorial Fund. The Public Act also provides that, subject to appropriation, all money in the Roadside Memorial Fund shall be used by the Department to pay fees for DUI memorial markers under the Roadside Memorial Act and that money in the Roadside Memorial Fund shall not be used for any other purpose.

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

Mr. Aaron Weatherholt, Engineer of Operations
Illinois Department of Transportation
Division of Highways
2300 South Dirksen Parkway, Room 009
Springfield, Illinois 62764

217/782-2076

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYSPART 549
ROADSIDE MEMORIALS

Section

549.100	Introduction
549.200	Definitions
549.300	Criteria for DUI Memorial Markers and Commemorative Plaques
549.400	Design of DUI Memorial Markers and Commemorative Plaques
549.500	Application, Fees and Other Regulations
549.APPENDIX A	District Offices and Counties

AUTHORITY: Implementing, and authorized by Section 25 of, the Roadside Memorial Act [605 ILCS 125] and Sections 27.5 and 27.6 of the Clerk of Courts Act [705 ILCS 105/27.5 and 27.6] and Section 5-9-1.17 of the Unified Code of Corrections [730 ILCS 5/5-9-1.17].

SOURCE: Adopted at 32 Ill. Reg. 8047, effective May 8, 2008; amended at 33 Ill. Reg. 15885, effective October 30, 2009; amended at 34 Ill. Reg. 7330, effective May 4, 2010.

Section 549.500 Application, Fees and Other Regulations

- a) Application
 - 1) Application forms for the placement of DUI memorial markers and commemorative plaques will be available from the Department (see Section 549.Appendix A for a listing of District addresses and phone numbers). If a qualifying relative wishes to participate in the program, he/she must complete an application form for each victim he/she wishes to commemorate and submit it to the Department at the address shown in Section 549.Appendix A for the county in which the marker is desired.
 - 2) When the Department determines from the initial application that the criteria listed in this Part are met, the application will be approved and a copy returned to the qualifying relative, along with instructions concerning payment of the fee and other appropriate information.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

b) Fees

- 1) Except as provided in subsection (b)(4), a one-time fee sufficient to offset the cost of the program will be charged to the qualifying relative for each DUI memorial marker and commemorative plaque installed by the Department. The fees, as of January 1, 2008, will be \$150 for each DUI memorial marker and \$50 for each commemorative plaque. A commemorative plaque cannot be installed without a DUI memorial marker.
- 2) The Department will periodically adjust the fees to reflect the current cost of installing and maintaining the signing with adjustments subject to rulemaking.
- 3) Once the fee is paid for a DUI memorial marker or a commemorative plaque and the marker or plaque is installed, the Department will maintain the marker or plaque for the entire 2-year period provided in Section 549.500(c)(3) without any additional cost to the qualified relative. (See Section 20(f) of the Act.)
- 4) Subject to appropriation, the Department will use the money in the Roadside Memorial Fund, as prescribed in Sections 27.5 and 27.6 of the Clerk of Courts Act [705 ILCS 105/27.5 and 27.6], Section 5-9-1.17 of the Unified Code of Corrections [730 ILCS 5/5-9-1.17] and in Section 20(f) of the Roadside Memorial Act [605 ILCS 125/20(f)], to pay the fees. When the fees are paid from the fund, no fees will be charged to the qualifying relative.

c) Placing and Maintaining Memorial Markers and Commemorative Plaques

- 1) The DUI memorial markers and commemorative plaques shall only be placed by the Department.
- 2) A DUI memorial marker and commemorative plaque shall be maintained for at least 2 years from the date the last person was memorialized on the plaque. (See Section 20(c) of the Act.)
- 3) The Department has the right to install a marker at a location other than the location of the crash or to relocate a marker due to restricted room,

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

property owner complaints, interference with essential traffic control devices, safety concerns, or other restrictions. In such cases, the Department may select an alternate location. (See Section 20(d) of the Act.)

- 4) A DUI memorial marker and commemorative plaque may memorialize more than one victim who died as a result of the same crash. If one or more additional, unrelated DUI deaths subsequently occur in close proximity to an existing DUI memorial marker, the Department may use the same marker to memorialize the subsequent death or deaths by adding the names of the additional persons. (See Section 20(b) of the Act.)
- 5) *The Department shall secure the consent of any municipality before placing a DUI memorial marker within the corporate limits of the municipality.* (Section 20(e) of the Act.)

(Source: Amended at 34 Ill. Reg. 7330, effective May 4, 2010)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 4, 2010 through May 10, 2010 and have been scheduled for review by the Committee at its June 15, 2010 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
6/17/10	<u>Environmental Protection Agency</u> , Permit Fees for National Pollutant Discharge Elimination System Permits and Domestic Sewage Sludge Generator or Sludge User Permits (35 Ill. Adm. Code 325)	2/19/10 34 Ill. Reg. 2608	6/15/10
6/17/10	<u>Department of Employment Security</u> , Recovery of Benefits (56 Ill. Adm. Code 2835)	2/5/10 34 Ill. Reg. 1762	6/15/10
6/17/10	<u>Department of Employment Security</u> , Claimant's Reason for Separation From Work (56 Ill. Adm. Code 2840)	2/5/10 34 Ill. Reg. 1764	6/15/10
6/17/10	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	3/19/10 34 Ill. Reg. 3408	6/15/10
6/18/10	<u>Department of Public Health</u> , Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)	9/4/09 33 Ill. Reg. 12321	6/15/10
6/18/10	<u>Department of Public Health</u> , Children's Community-Based Health Care Center Program Code (77 Ill. Adm. Code 260)	1/15/10 34 Ill. Reg. 754	6/15/10
6/23/10	<u>State Universities Retirement System</u> ,	2/16/10	6/15/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

	Universities Retirement (80 Ill. Adm. Code 1600)	34 Ill. Reg. 2441	
6/23/10	<u>Office of the State Fire Marshal</u> , Certified Assessors for Fire Department Assessment Centers (41 Ill. Adm. Code 145)	3/5/10 34 Ill. Reg. 2877	6/15/10

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

LIST OF CONTRACTOR(S) PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to 820 ILCS 130/11a of the Prevailing Wage Act the Director of the Illinois Department of Labor gives notice that the following contractors and subcontractors have been found to have disregarded their obligations to employees under the Prevailing Wage Act on two (2) separate occasions and that they, or any firm, corporation, partnership or association in which such contractors or subcontractors have an interest, are prohibited from being awarded any contract or subcontract for a public works project:

Sunset Cartage
8 Prosper Court
Lake In The Hills, IL 60156
IDOL Case #2008-PW-DA08-0118
June 13, 2008 and continuing through June 12, 2010.

B & T Services of Monee, Inc.
4922 W. Margaret Street
Monee, IL 60449
IDOL Case No.(s) 2007-PW-AP06-0839 & 2006-PW-RW06-0939
"this debarment is effective until 4 years have elapsed from the date of publication of the list containing the name of the contractor"

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

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

PROCLAMATIONS

2010-158**Correctional Officers Week**

WHEREAS, every day, the men and women who work in our state and county correctional facilities face great risks and in many cases, put their safety on the line as they perform their duties; and

WHEREAS, correctional officers are skilled professionals who must act as counselors, communicators and experts at crisis intervention. In addition, they must maintain their professional demeanor while often facing hostile, aggressive and intimidating behavior from prison inmates; and

WHEREAS, these officers must possess the intuitive sense to resolve conflicts and save lives, while also possessing the physical ability to restrain persons representing a danger to themselves and others; and

WHEREAS, we could not operate Illinois' prisons, correctional camps, transitional houses and county facilities without the hard work and sacrifices made each day by our correctional officers and their families; and

WHEREAS, the State of Illinois is pleased to join with the International Association of Correctional Officers and the American Correctional Association in celebrating Correctional Officers Week and in recognizing correctional officers for playing an integral role in this state by working hard to ensure the safety of inmates and of citizens in our communities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2 – 8, 2010 as **CORRECTIONAL OFFICERS WEEK** in Illinois, and encourage all citizens to pay special tribute to these men and women who serve faithfully, often with little thanks or recognition in serving to protect others.

Issued by the Governor May 4, 2010

Filed with the Secretary of State May 4, 2010

2010-159**National Nursing Home Week**

WHEREAS, older adults and persons with disabilities in nursing homes have led exceptional and extraordinary lives which have helped enhance the quality of life in this great State; and

PROCLAMATIONS

WHEREAS, nursing homes in Illinois strive to provide quality health care and rehabilitation for our elderly citizens and persons with disabilities; and

WHEREAS, National Nursing Home Week spotlights nursing home residents and staff and encourages all to celebrate those who make a positive difference in residents' lives every day; and

WHEREAS, "Enriching Every Day" is this year's theme for National Nursing Home Week; and

WHEREAS, nursing homes throughout Illinois will be hosting activities with residents, families, staff, and visitors in observance of National Nursing Home Week beginning May 9, 2010:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 9 – 15, 2010 as NATIONAL NURSING HOME WEEK in Illinois, and encourage all citizens to recognize those individuals who have continually committed themselves to quality care and outstanding service in our state's nursing homes.

Issued by the Governor May 7, 2010
Filed with the Secretary of State May 10, 2010

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 34, Issue 21 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

89 - 302	.....	7001
89 - 50	.....	7010
89 - 553	.....	7017
89 - 557	.....	7024
89 - 567	.....	7029
77 - 300	.....	7035
77 - 330	.....	7071
77 - 340	.....	7097
77 - 350	.....	7115
77 - 390	.....	7149
11 - 204	.....	7181
86 - 100	.....	7189

ADOPTED RULES

68 - 1220	5/5/2010	7205
89 - 113	5/10/2010	7255
89 - 121	5/10/2010	7265
92 - 1458	5/6/2010	7283
2 - 1126	5/7/2010	7301
2 - 1127	5/7/2010	7303
92 - 549	5/4/2010	7330

**EXECUTIVE ORDERS AND
PROCLAMATIONS**

10 - 158	5/4/2010	7338
10 - 159	5/7/2010	7338

ORDER FORM

<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (2009 Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2003 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 2003 - 2006 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

--	--

Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$2.00 processing fee for credit card purchases.)
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 557-8919

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com