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ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

The Illinois Register is the official State document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register. The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings. The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

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
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31	July 19, 2010	July 30, 2010
32	July 26, 2010	August 6, 2010
33	August 2, 2010	August 13, 2010
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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

Editor's Note: The Regulatory Agenda submission period will end July.1, 2010. The Division will no longer accept Regulatory Agendas after that time. The filing period for January 2011 will start October 1, 2010 with the last day to file being January 3, 2011.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Animal Disease Laboratories Act
- 2) Code Citation: 8 Ill. Adm. Code 110
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
110.10	Amendment
110.20	Amendment
110.40	Amendment
110.50	Amendment
110.60	Amendment
110.70	Amendment
110.80	Amendment
110.90	Amendment
110.100	Amendment
110.110	Amendment
110.120	Amendment
110.130	Amendment
110.140	Repeal
- 4) Statutory Authority: Animal Disease Laboratories Act [510 ILCS 10]
- 5) A Complete Description of the Subjects and Issues Involved: The above amendments allow fees to be charged for testing required by Illinois law or other animal disease programs; defines tests that are inactive; updates laboratory contact information; establishes terms for payment of fees; amends fee structures; and amends list of tests available and fee amounts.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:
- Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield, IL 62794-9281
- 217/785-5713
217/785-4505 (fax)
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Animal owners, veterinarians who utilize the Department's laboratory services, and entities who utilize the Department's toxicology or meat chemistry services.
- 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 AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 110
ANIMAL DISEASE LABORATORIES ACT

Section

110.10	Definitions
110.20	Submitting Specimens
110.30	Payment For Laboratory Services
110.40	Tests Not Covered By Fee Schedule
110.50	Minimum Fees
110.60	Euthanasia Fees
110.70	Clinical Pathology Fees
110.80	Histopathology Fees
110.90	Microbiology Fees
110.100	Parasitology Fees
110.110	Toxicology Fees
110.120	Miscellaneous Fees
110.130	Meats Chemistry Fees
110.140	Liquor Control Commission Fees (Repealed)

AUTHORITY: Implementing and authorized by the Animal Disease Laboratories Act [510 ILCS 10].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. 17034, effective January 1, 1998; amended at 23 Ill. Reg. 386, effective January 1, 1999; amended at 23 Ill. Reg. 9754, effective August 9, 1999; amended at 24 Ill. Reg. 990, effective January 10, 2000; amended at 24 Ill. Reg. 16606,

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effective November 1, 2000; amended at 26 Ill. Reg. 105, effective January 1, 2002; amended at 28 Ill. Reg. 2104, effective February 1, 2004; amended at 30 Ill. Reg. 10080, effective May 22, 2006; amended at 34 Ill. Reg. _____, effective _____.

Section 110.10 Definitions

"Accession" is one animal or group of animals or samples from the same location, representative of a single disease or disease problem, and received at the laboratory on the same day.

"C" indicates the test is performed at the Animal Disease Laboratory – Centralia.

"G" indicates the test is performed at the Animal Disease Laboratory – Galesburg.

"I" indicates inactive test; call the laboratory prior to submission.

"Non-agricultural samples" include all samples of municipal and private water submitted for potability testing and/or chemical or bacteriological screening; all samples from members of the canine or feline species for any type of procedure or testing; all samples submitted for Meats chemistry analysis, other than those submitted by Illinois Department of Agriculture personnel; and all environmental samples (soil, water or vegetation) not involved with production of a cash or feed crop.

"S" indicates the test is performed at the State-Federal Serology Laboratory, Springfield.

"Specimen" is any animal or plant tissue or substance to which a test or procedure is applied.

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

Section 110.20 Submitting Specimens

Specimens shall be sent or delivered to the laboratory designated as performing the test. Addresses of the laboratories are as follows:

- a) Animal Disease Laboratory, 9732 Shattuc Road, Centralia, Illinois 62801-5837~~62801-9284~~.

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- b) Animal Disease Laboratory, 2100 South Lake Storey Road, P.O. Box 2100X, Galesburg, Illinois ~~61401~~61402-2100.
- c) State-Federal Serology Laboratory, P.O. Box 2819, State Fairgrounds, Springfield, Illinois 62794-9214.

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

Section 110.40 Tests Not Covered By Fee Schedule

~~a) No fee shall be charged for diagnostic tests required by Illinois law or programs herein listed (i.e., testing for bovine brucellosis, swine brucellosis, pullorum typhoid, equine infectious anemia, U.S. S. Enteritidis Flocks and pseudorabies). However, a charge shall be made for requested end titers on pseudorabies, unless the testing is approved for diagnostic purposes by the United States Department of Agriculture or by the Department. A fee as set forth in Section 110.90 shall be charged on screening samples at the dilution of 1:2 for pseudorabies. b) The Department shall approve testing for end titers on pseudorabies without charge when the herd is in a special state supervised testing program. c) See 8 Ill. Adm. Code 110.90 for information on specialty testing situations.~~

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

Section 110.50 Minimum Fees

- a) A ~~submission~~minimum fee of ~~\$2~~\$5 per accession shall be charged on all accessions ~~originating from Illinois animals. If such fees for the individual tests exceed the minimum fee, no minimum fee shall be charged.~~ Persons submitting specimens for which there are no charges for the laboratory procedure shall be exempt from the minimum fee.
- b) ~~The necropsy fee is \$45 per accession. A fee cap of \$150 will apply to diagnostic cases when multiple tests are required to complete a diagnosis. Toxicology tests and disposal of the carcasses will not be included in the cap and will be billed according to the fee schedule. The necropsy fee is \$65 per accession up to three animals for all species and cadavers submitted where more than one test is needed, with an additional \$25 for each additional animal. If multiple tissue specimens are submitted where more than one test is needed, the fee is \$50 per accession for up to three animals with an additional \$20 for each additional~~

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~~animal. The necropsy fee and multiple tissue specimens fee will include up to one test in pathology, bacteriology, virology, clinical pathology, parasitology and toxicology as indicated by the necropsy. These fees do not include electron microscopy examination, toxicologic screens, water and feed analysis, serology or herd surveys. In cases where only a necropsy is performed without any tests, the fee is \$40 for up to three animals.~~ Upon submission, all carcasses become the property of the State of Illinois, to be disposed of in any manner consistent with Illinois law. No portion thereof, except the ashes resulting from cremation of the carcass, will be returned to the previous owner.

c) Toxicologic tests ~~(other than a screen for metals and pesticides)~~ shall be performed only after consultation with, and ~~with~~ approval from, the person who requested the laboratory services at the fees set forth in this Part.

d) All fees, ~~including the minimum accession and necropsy fee,~~ shall be doubled on all out-of-state owners, unless a specific charge is noted or the sample is referred from another state diagnostic laboratory at which time only the in-state fee will be charged.

~~e) Serologic tests on paired, acute and convalescent specimens will be billed as one accession at the fee set forth in this Part, provided they are submitted at the same time and are identified as paired samples.~~

e)f) Accessions submitted as rush priority will be charged at least twice the normal rate. If the cost of complying with the rush exceeds twice the normal charges, additional charges will be applied to cover commodity costs. This charge will apply to the submissions of any individual requesting results faster than the normal laboratory turnaround, including, but not limited to, samples placed ahead of already pending samples, samples run outside of normal schedules, and testing requested on weekends, holidays or after normal laboratory working hours.

~~g) The fee for accessions up to three animals or multiple tissues from up to three animals for the following work-ups will be as indicated, with an additional \$25 for each additional animal.~~

~~1) Porcine Abortion Work-up..... \$80.00 C, G~~

~~2) Bovine Abortion Work-up..... 80.00 C, G~~

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3)	Respiratory or Enteric Diagnostic Work-up.....	80.00	€,	€
4)	Equine Abortion Work-up.....	80.00	€,	€
5)	Ovine Abortion Work-up.....	80.00	€,	€

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

Section 110.60 Euthanasia Fees

- a) Companion animals (pets, equids, camelids) and feral animals will not be accepted alive at any Department laboratory. These animals must be euthanized prior to submission. Livestock (cattle, swine, sheep, goats and poultry) can be accepted alive and will be euthanized following euthanasia guidelines published by the American Veterinary Medical Association.
- b) If chemical euthanasia is required, a minimum charge of \$10.00 will apply. Aggregate weights will apply when a submission includes multiple animals.
- c) The following fees apply to livestock accepted at a Department laboratory for euthanasia based on the total weight of the livestock:

Weight (in pounds)	With Sedation	Without Sedation
0-100	10.00	10.00
101-200	15.00 19.00	15.00
201-300	20.00 28.00	20.00
301-400	25.00 37.00	25.00
401-500	30.00 46.00	30.00
501-600	35.00 55.00	35.00
601-700	40.00 64.00	40.00
701-800	45.00 73.00	45.00
801-900	50.00 82.00	50.00
901-1000	91.00	55.00
Each additional Increment of 100	10.00 9.00	5.00

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

Section 110.70 Clinical Pathology Fees

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The following fees apply to those specimens submitted where a necropsy is not involved, with a minimum total fee of \$~~7.505.00~~:

a)	Hematology	
1)	Complete Blood Count (RBC, Hb, PCV, WBC,	13.00 €
2)	Erythrocyte	6.00 €
3)	Leukocyte	5.00 €
4)	Hemoglobin	6.00 €, G
1)5)	Hematocrit	6.00 C, G
6)	Differential	5.00 €
7)	Eosinophil Count – Total	5.00 €
8)	Fibrinogen (chemical or refractometric)	7.00 G
2)9)	Erythrocyte Parasites – Wright's Giemsa Stain	10.006.00 € , G
10)	Bone Marrow Examination and Collection	20.00 €
11)	Microscopic exam, microfilaria	15.00 €
12)	Activated Partial Thromboplastin Time (APTT)	5.00 €
13)	Prothrombin Time (PT)	5.00 €
b)	Urinalysis	
1)	Urinalysis Routine Chemistry and Microscopic	15.009.00 C, G

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	2)	Urine Na	3.00 €
	3)	Urine K	3.00 €
	4)	Urinalysis, dip-stick	6.00 €, G
c)		Enzymology	
	1)	Aspartate aminotransferase (AST, SGOT)	5.00 €
	2)	Alanine aminotransferase (ALT, SGPT)	5.00 €
	3)	Lactic dehydrogenase (LDH)	5.00 €
	4)	Alkaline Phosphatase (AlkPhos)	5.00 €
	5)	Lipase	6.00 €
	6)	Amylase	6.00 €
	7)	Sorbitol dehydrogenase	6.00 €
	8)	Arginase	6.00 €
	9)	Creatinine Kinase (CK)	5.00 €
	10)	Gamma-glutamyl transferase (GGT)	5.00 €
	11)	Lactic dehydrogenase (LDH)	5.00 €
	12)	NH ₄	5.00 €
	13)	Triglycerides	5.00 €
	14)	General Profile: ALB, ALKP, ALT, AMYL, <u>CA</u> ,	

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	GLU, PHOS, TBIL, TP, BUN.....	25.00	C
15)	Mini-General Profile: ALB, ALKP, ALT, GLU, TP, BUN.....	20.00	€
16)	Pre-Surgery: ALB, ALKP, ALT, CREAT, GLU, TBIL, TP, BUN.....	20.00	€
17)	Gastric/Intestinal: ALB, CREAT, NH₃, TP, BUN, K, NA, CL.....	20.00	€
18)	Cardiac: ALB, ALT, AST, CHOL, CK, CREAT, LDH, TP, BUN, NA, K, CL.....	20.00	€
19)	Endocrine: ALK, ALT, AMYL, CA, CHOL, GLU, LIP, PHAS, TRIG, BUN, NA, K, CL.....	25.00	€
20)	Hepatic: ALB, ALKP, ALT, GGT, NH₃, TBIL, TP	20.00	€
21)	Lipid: ALB, CHOL, GLU, TP, TRIG.....	15.00	€
22)	Pancreatic: ALKP, ALT, AMYL, CA, CHOL, LIPA, PHOS, TRIG, BUN.....	20.00	€
23)	Renal: ALB, CA, CREAT, PHOS, TP, BUN (NA,	20.00	€
d)	Chemistry		
1)	Bilirubin—Total and Direct.....	10.00	€
	Total Only.....	5.00	€
	Direct Only.....	5.00	€
1)2)	Electrolytes (CL, Ca, P, Mg, K and Na).....	15.00	C
3)	Calcium.....	5.00	€

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4)	Chloride.....	5.00 €	
5)	Cholesterol, Total.....	5.00 €	
6)	Creatinine.....	5.00 €	
7)	Glucose.....	5.00 €	
8)	Phosphorus.....	5.00 €	
9)	Lactic Acid.....	5.00 €	
10)	Potassium.....	5.00 €	
2)11)	Total Protein (chemical or refractometric)	7.50 5.00	C, G
12)	Albumin.....	5.00 €	
13)	Sodium.....	5.00 €	
14)	Blood Urea Nitrogen.....	5.00 €	
15)	Uric Acid.....	5.00 €	
16)	Zinc.....	5.00 €	
17)	Magnesium.....	5.00 €	
e)	Other Tests		
1)	Calculi Analysis, Qualitative	12.50 10.00	C
2)	Semen Examination.....	10.00 €	

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<u>2)3)</u>	Cytology (per site)	20.00 C, G
<u>3)</u>	<u>Cytology, multiple slides</u> Transudate/Exudate/fluid (cytology, cell count, TP)	30.00 <u>27.00</u> C G
<u>4)</u>	<u>Spinal Fluid (Cytology, SG, TP)</u>	10.00 €

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

Section 110.80 Histopathology Fees

a) The following are the fees for histopathology:

<u>a1)</u>	Biopsy (tissue) (1 IHC stain and/or special histochemical stain)	\$30.00 C, G
	Additional sites each	8.00 C, G
<u>b2)</u>	Necropsy Tissues (per block).....	8.00 C, G
<u>c3)</u>	Immunohistochemistry testing (per antigen)	15.00 <u>12.00</u> C, G
<u>d4)</u>	Special histochemical stains	10.00 <u>8.00</u> C, G

~~b) In the event some specialty testing situation is requested by the person requesting the laboratory services, other fixatives are available. Please consult the respective diagnostic laboratory for the specific fee.~~

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

Section 110.90 Microbiology Fees

The following are the fees for microbiology (per sample or pool unless otherwise specified):

a)	Bacteriology, Mycoplasma and Fungi	
1)	Aerobic or anaerobic culture without sensitivity testing	15.00 <u>12.00</u> C, G
2)	Antibiotic sensitivity (per isolate).	10.00 <u>8.00</u> C, G

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3)	Milk samples for mastitis evaluation per sample	4.00 C, G 3.00
	Wisconsin mastitis test	2.00 €
4)	Leptospirosis culture per specimen	20.00 G 12.00
5)	Fluorescent Antibody Test (FA).....	15.00 C, G 12.00
6)	Escherichia coli serotyping.....	3.00 €,
6)7)	Campylobacter (culture).....	15.00 C, G 10.00
7)8)	Salmonella (enrichment media, per site or pool).....	10.00 C, G 8.00
	Salmonella, poultry-house drag swabs	45.00 G
8)9)	Hemophilus (culture).....	8.00 C
9)10)	Bordetella culture	10.00 C, G 8.00
10)11)	Listeria (cold enrichment)	10.00 C, G 8.00
12)	Taylorella equigenitalis (CEM).....	12.00 €, G
11)13)	Brachyspira (Swine Dysentery).....	12.50 C, G 10.00
12)14)	Johne's (MAP) Bacillus	15.00 C, G 10.00
13)15)	Return culture for bacterin production per organism (plus shipping).....	4.00 C, G
14)16)	Mycology Testing Culture.....	10.00 C, G 8.00
15)17)	Microscopic examination (brightfield, darkfield, outside normal procedures)	6.00 C, G 3.00
	Microscopic examination, acid-fast-stained smears.....	7.00 C, G
16)18)	Mycoplasma Culture	12.00 C, G 10.00

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17)19)	Trichomonas transport media	<u>actual</u> <u>cost plus</u> <u>shipping</u> 4.00	C, G
18)20)	PCR testing	35.00 15.00	G
19)21)	Clostridium difficile difficite toxin ELISA (per sample or pool)	30.00 22.00	C, G
b) Food safety microbiology			
1)2)	AGID test, mammalian species ID	10.00	C
2)3)	Culture, antibiotic residue growth inhibition.....	12.00 5.00	C
3)4)	Culture, bacterial, aerobic, quantitative.....	12.50 10.00	C
4)5)	Culture, bacterial, aerobic, quantitative, E. coli	12.50 10.00	C
5)6)	Culture, bacterial, Escherichia coli O157 O157	12.50 10.00	C
6)7)	Enzyme-linked FA test, Escherichia coli <u>O157</u>	12.50 10.00	C
7)8)	Enzyme-linked FA test, Listeria.....	12.50 10.00	C
8)9)	Enzyme-linked FA test, Salmonella (HACCP).....	12.50 10.00	C
9)10)	Enzyme-linked FA test, staphylococcus enterotoxins	12.50 10.00	C
c) Water safety microbiology			
1)	Water Potability Test – Municipal – Total & Fecal coliform <u>(includes new construction)</u>	16.00 8.00	
2)	Water Potability Test – Private – Nitrate, coliform, Enterococcus, Fecal coliform.....	16.00 10.00	C

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3)	Water <u>Bacterial ID</u> Potability – Nitrate, coliform, Enterococcus, Fecal coliform and Bacti ID	20.00 C
	Culture, aerobic quantitative, MMO-MUG,	7.00
4)	Enterococcus	4.00 C
5)	Culture, aerobic, MMO-MUG, coliforms	4.00 C
6)	Culture, aerobic, MMO-MUG, E. coli	4.00 C
		7.00
5)7)	Culture, aerobic, quantitative, <u>Totaltotal</u> coliforms	4.00 C
6)8)	Standard Plate Count Culture, bacterial, aerobic, quantitative	10.00 4.00 C
		7.00
7)9)	Culture, bacterial, aerobic, quantitative, E. coli	4.00 C
		13.00
8)10)	Culture, bacterial, denitrifying bacteria, quantitative	5.00 C
9)11)	Culture, bacterial, iron-reducing bacteria, quantitative	13.00 5.00 C
		13.00
10)12)	Culture, bacterial, nitrifying bacteria, quantitative	5.00 C
11)13)	Culture, bacterial, sulfate-reducing bacteria, quantitative	13.00 5.00 C
14)	Culture, filter, pseudomonas	5.00 C
		7.00
12)15)	Culture, viable Helminth ova	5.00 C
		7.00
13)16)	Free chlorine <u>or total chlorine</u> , colorimetric	5.00 C
		6.00
14)17)	Microscopic exam	3.00 C
		7.00
15)18)	Nitrate, colorimetric	3.00 C
d)	Bacterial serology	
1)	Actinobacillus pleuropneumonia (APP, serotypes 1,3,5,7)	4.00 G

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		<u>.50</u>	
1)2)	Brucella abortus (BAPA, card, std plate plae)	N/C <u>C</u>	G, S
		<u>.50</u>	
2)3)	Brucella abortus (std tube)	N/C <u>C</u>	G
		<u>15.00</u>	
3)4)	Brucella canis card test	6.00 <u>C</u>	G
4)5)	Brucella abortus RAP	N/C	G
5)6)	Brucella abortus rivanol	N/C <u>C</u>	G
6)7)	Brucella abortus (BAPA, card, std plate: out-of-state)	1.00 <u>C</u>	G, S
7)8)	Brucella abortus (species other than bovine, porcine and canine)	1.00 <u>C</u>	G, S
8)9)	Leptospirosis (microtiter agglutination, 6 serotypes, per sample) <u>companion animals</u>	24.00 <u>12.00</u> <u>C</u>	
	<u>9) Leptospirosis (microtiter agglutination, 6 serotypes, per sample) livestock (ruminants, swine)</u>	<u>12.00</u> <u>C</u>	
		<u>4.00</u>	
10)	Mycoplasma hypopneumoniae	3.00	G
11)	Mycoplasma synoviae, M. gallisepticum, M. meleagridis (not done separately)	<u>2.00</u> N/C	G
		<u>1.00</u>	
12)	Salmonella typhumurium	N/C	G
		<u>1.00</u>	
13)	Salmonella pullorum	N/C	G
14)	Salmonella tissue juice ELISA	5.00	
e)	Virology		
		<u>20.00</u>	G
1)	Electron Microscopy – fecal	15.00	
		<u>1.00</u>	
2)	Pseudorabies Serology (AutoLex or ELISA)	N/C	C, G
	Pseudorabies Serology Out-of-State	3.00	C, G

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	Pseudorabies Serology end titer	3.00	C
	Pseudorabies Serology (request for screen at dilution of 1:2, SN).....	3.00	C, G
	Pseudorabies (Latex)	3.00	C, G
	Pseudorabies ELISA or AutoLex, Screen Out of State	1.50	C, G
	Pseudorabies Latex Agglutination Out of State	3.00	C, G
	Pseudorabies G1 ELISA Out of State	1.75	C, G
3)	Fluorescent Antibody Test.....	15.00 12.00	C, G
4)	Rabies	15.00 12.00	C, G
5)	<u>Disposal for rabies suspect carcass</u>	<u>.50 per pound</u>	C, G
6)5)	Virus Isolation (per virus)	25.00 15.00	C, G
7)6)	Unlisted Viral Serology (each disease) per sample	5.00 3.00	C, G
8)7)	Feline SNAP TripleLeukemia Virus (Heartworm, FeLV, FIV) and Feline Immuno-deficiency Virus (FIV)	25.00 15.00	C
9)8)	Feline Infectious Peritonitis (F.I.P. <u>cELISA</u>)	22.00 8.00	C
10)9)	Canine parvovirus <u>SNAP-(ELISA)</u> fecal.....	12.00 5.00	C
10)	Canine parvovirus	5.00	C
11)	Canine distemper on serum	5.00	C
12)	Rotavirus, ELISA (feces)	10.00	C
13)	Semen testing (export).....	10.00	C
14)	Swine enterovirus (8 serotypes)	12.00	C
15)	FeLV Feline Leukemia Virus only	10.00	C

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16)	Feline Immunodeficiency Virus (FIV)	10.00	€
17)	Encephalomyocarditis (per sample)	3.00	G
11)18)	PRRS (1:20, IFA)	4.00	C, G
		3.00	
	PRRS ELISA	6.00	C, G
		4.00	
	PRRS PCR/PRRS	35.00	G
		15.00	
	PRRS IFA US strain	8.00	G
		4.00	
	PRRS IFA, Lelystad	8.00	G
		4.00	
	Swine influenza virus ELISA (per serotype)	8.00	
12)19)	Bovine virus diarrhea (BVD P1), P1, immunohistochemistry (formalin fixed ear notches) (per block of 5)	3.50	C, G
		15.00	
	Bovine virus diarrhea (BVD PI) Antigen Capture ELISA (serum or fresh ear notches)	5.00	C
13)20)	TGE/PRCV Differential ELISA (per specimen)	6.00	C, G
		4.00	
21)	BVD P1 Serum Antigen Capture ELISA	5.00	€
		35.00	
14)22)	RT-PCR Testing	30.00	G
f)	Chlamydia Isolation in Cell Culture	15.00	€, G
f)g)	Miscellaneous serology		
1)	Toxoplasmosis	5.00	€
1)2)	EIA-AGID	15.00	C, S
		2.50	
	EIA-ELISA/CELISA	20.00	C, S
		10.00	
3)	Mare Immunological Pregnancy Test 35-60 days post- service	15.00	€

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4)	Aleutian Disease—Mink (immunoelectrophoresis).....	.20	S
2)5)	Bluetongue (AGID or ELISA).....	3.50	C
3)6)	Bovine leukemia virus (BLV-AGID).....	5.00	C
		3.50	
	Bovine leukemia virus (BLV-ELISA).....	5.00	C
4)7)	Vesicular stomatitis.....	5.00	C
		3.50	
8)	Complement Fixation Serology.....	3.50	C
	Note: The Complement Fixation Serology tests include testing for anaplasmosis, Johne's and chlamydia.		
5)9)	Johne's ELISA.....	5.00	C
		10.00	
6)	Johne's ELISA goats.....	6.00	C
7)10)	Ovine Progressive Pneumonia (OPP) AGIDCaprine	5.00	C; G
	Arthritis Encephalitis (CAE) and OPP.....	3.50	
8)	Caprine Arthritis Encephalitis (CAE AGID).....	5.00	C
	Caprine Arthritis Encephalitis (CAE ELISA).....	6.00	C
11)	Bovine leukemia virus ELISA.....	5.00	C
9)12)	Serology Spin Charge (per specimen).....	1.00	C, G
10)13)	Anaplasmosis ELISA.....	7.00	C
		10.00	
14)	Anaplasmosis CF.....	3.50	C
15)	West Nile IgM Capture.....	15.00	C
11)16)	Blastomycosis AGID.....	10.00	C
12)	Neospora ELISA.....	7.00	C
13)	IgG levels (Bovine, Equine, Camelids).....	12.00	C

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14) Enzootic Hemorrhagic Disease of deer (EHD AGID) 3.00 C

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

Section 110.100 Parasitology Fees

The following are the fees for parasitology:

a)	Morphologic examination – ecto and endoparasites.....	10.00	C, G
		<u>12.00</u>	
b)	Fecal Flotation <u>Baermann Digestion</u>	5.00	C, G
	Trichomonas foetus (Venereal trichomoniasis in cattle) per		
c)	sample	10.00	C, G
d)	Oocult Dirofilaria serology (ELISA)	8.00	C
e)	Tissue Digestion Procedure (trichina)	10	C
		<u>12.00</u>	
d) f)	Helminth ova in sludge	5.00	C
g)	Cryptosporidia ELISA (feces)	15.00	C
		<u>35.00</u>	
e) h)	Giardia/Cryptosporidia <u>ELISA</u> <u>FA</u> (feces)	<u>12.00</u>	G
f)	Fecal Occult Blood	5.00	C
g)	Canine Snap 4 (heartworm, Lyme, Ehrlichia, Anaplasma)	20.00	C

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

Section 110.110 Toxicology Fees

- a) A maximum charge of ~~\$150~~\$100 shall be assessed Illinois residents for cases involving domestic livestock. There is no maximum charge for out-of-state residents. This is without a diagnostic workup.
- b) Toxicology Work-up: This is with a diagnostic workup. Maximum ~~\$70~~\$50 per animal or ~~\$130~~\$100 per herd (Illinois animals). The number and choice of tests is at the discretion of the attending pathologist.
- c) Metals

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1)	Arsenic or Selenium, each	25.00	C
2)	Lead, Copper, Zinc, Thallium, Calcium, Sodium, Magnesium, Potassium, Iron, Chromium, Cobalt, Nickel, or Manganese <u>or Cadmium</u> , each	15.00 40.00	C
3)	Calcium, Sodium and Potassium <u>Cadmium,</u> Molybdenum and Mercury , each	18.50 12.00	C
d)	Insecticide Screens <u>Screen</u>		
1)	Organochlorines, organophosphates, <u>pyrethroids,</u> <u>carbamates</u> <u>Qualitative screen, each screen</u>	60.00	C
	<u>Quantitative individual analyte</u>	<u>35.00</u>	<u>C</u>
	<u>Quantitative individual analyte additional/analyte</u>	<u>20.00</u>	<u>C</u>
2)	Carbamates	50.00	C
2)3)	Individual insecticide		
	<u>Qualitative analysis</u>	<u>35.00</u>	
	<u>Quantitative additional</u>	<u>25.00</u>	<u>C</u>
3)4)	Ivermectin:		
	Blood	<u>50.00</u> <u>25.00</u>	C
	Tissue	<u>60.00</u> <u>50.00</u>	C
e)	Herbicides <u>Analysis for Animal Diagnostic cases only</u>		
1)	Phenoxy compounds screen (<u>Qualitative only</u>)	60.00	C
2)	Individual analysis of any herbicide from screen	25.00	C
2)3)	Herbicide screen (heterocyclic nitrogen derivatives, dintroanilines, urea, carbamate and anilide compounds)	60.00	C

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	<u>(Qualitative only)</u>		
	3)4) Imidazole compounds <u>(Qualitative only)</u>	60.00	C
	4)5) Individual <u>analysis of any herbicide qualitative</u> <u>compounds requiring derivitization</u>	35.00 30.00	C
	5) <u>Quantitation of any herbicide additional</u>	35.00	<u>C</u>
f)	Rodenticides		
	1) Anticoagulant screen <u>Qualitative</u>	60.00 50.00	C
	<u>Quantitation of identified analytes additional/analyte</u>	20.00	<u>C</u>
	2) <u>Individual anticoagulant</u> <u>Qualitative</u>	35.00	<u>C</u>
	<u>Quantitation additional</u>	40.00 35.00	<u>C</u>
	3)2) Zinc Phosphide, <u>qualitative</u>	20.00 35.00	C
	4)3) Strychnine and other alkaloids, <u>qualitative</u>	15.00	C
	4) <u>Individual anticoagulant</u>	25.00	<u>C</u>
g)	Mycotoxins		
	1) Screen (aflatoxins, T-2, DAS, Vomitoxin, Zearalenone) <u>Thin Layer chromatograph semi-quantitative</u>	60.00 35.00	C
	2) Milk or urine aflatoxin, <u>quantitation</u>	25.00	C
	3) <u>Oehratoxin</u>	30.00	<u>C</u>
	4) <u>Citrinin</u>	30.00	<u>C</u>
	3)5) Individual <u>analysis of any</u> mycotoxin <u>in Grain ELISA or</u> <u>VICAM, quantitative from screen</u>	30.00 25.00	C

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4)	<u>Individual mycotoxins in Processed Feeds or Forages, quantitative</u>	35.00	C
5)	<u>Individual mycotoxins in Tissue, quantitative</u>	40.00	C
6)	<u>Aflatoxin in Dog Food, quantitative</u>	40.00	C
6)	<u>Cyclopiazonic acid (CPA)</u>	30.00	E
7)	Blacklight for <i>Aspergillus flavus</i>	5.00	C
8)	<u>Endophyte testing</u>		
	<u>Staining</u>	12.50	E
	<u>Grow-out</u>	15.00	E
h) Miscellaneous Analysis			
1)	Feed <u>visual exam and/or</u> microscopy.....	15.00	C
2)	Nitrate:		
	Ground Materials.....	15.00	C
	<u>first specimen</u>	10.00	E
	Forages.....	15.00	
	<u>first specimen</u>	12.00	E
	In -Vitreous humor.....	12.00	C
		10.00	
3)	Cyanide.....	10.00	C
	<u>Cyanide (screen — picric acid)</u>	10.00	E
4)	Ammonia, <u>Carboxyhemoglobin, Methemoglobin, Sulfahemoglobin, Conway Diffusion (call laboratory before sending samples) (Urea Toxicosis)</u>	25.00	
		15.00	C
5)	<u>Carboxyhemoglobin, Methemoglobin, Sulfahemoglobin</u>		
	<u>first specimen</u>	15.00	E
	<u>each additional specimen</u>	5.00	E

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6)	Sulfate	5.00	€
5)7)	Creosote, Petroleum Products, <u>qualitative</u>	<u>60.00</u> <u>50.00</u>	C
6)8)	pH.....	3.00	C
9)	Urea	15.00	€
7)10)	Total chlorides, <u>soil feeds or water</u>	<u>10.00</u> <u>5.00</u>	C
8)11)	<u>Ionophores (monensin, lasalocid, etc.)</u> Monensin or other <u>ionophore (each)</u>	40.00	C
	<u>Qualitative screen</u>	<u>60.00</u>	
	<u>Individual ionophores qualitative</u>	<u>40.00</u>	
	<u>Quantitative additional</u>	<u>20.00</u>	
9)12)	Water tests <u>chlorine</u>	5.00	C
	<u>Alkalinity</u>	<u>7.50</u>	
	<u>Ammonia-Nitrogen</u>	<u>7.50</u>	
	<u>Free chlorine</u>	<u>7.50</u>	
	<u>Hardness</u>	<u>7.50</u>	
	<u>Hydrogen Sulfide</u>	<u>7.50</u>	
	<u>Nitrate-Nitrogen</u>	<u>7.50</u>	
	<u>pH</u>	<u>7.50</u>	
	<u>Phosphate</u>	<u>7.50</u>	
	<u>Specific gravity</u>	<u>7.50</u>	
	<u>Sulfate</u>	<u>7.50</u>	
	<u>Total chlorides</u>	<u>7.50</u>	
	<u>Total dissolved solids</u>	<u>7.50</u>	
	<u>Total suspended solids</u>	<u>7.50</u>	
13)	Water nitrate, nitrite (each)	5.00	€
14)	Water hydrogen sulfide	5.00	€
15)	Water hardness	5.00	€
16)	Pentachlorophenol (PCP or Penta)	40.00	€

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17)	Bone—Percent Ash, Ca, PO₄.....	25.00	€
18)	Ca, PO₄ (in feed).....	20.00	€
19)	Antibiotics in feed (each).....	15.00	€
20)	Feed Quality Analysis.....	38.50	€
10)21)	Protein and moisture analysis, <u>feeds</u>.....	10.00 7.50	C
11)	<u>Moisture analysis, feeds</u>.....	6.00	C
12)22)	Gas chromatographic/mass spectrophotometric analysis (each sample).....	50.00	C
	<u>Qualitative</u>.....	60.00	
	<u>Quantitation of detected analyte additional</u>.....	35.00	
13)23)	Cholinesterase:		
	Blood.....	15.00 10.00	C
	Brain.....	20.00 15.00	C
14)24)	Drug screen <u>oxicology lab</u>.....	40.00 30.00	C
15)25)	Sulfa residue (each sulfa drug).....	10.00 5.00	C
16)26)	Water quality screen (CH, OP, Carbamates, Herbicides, Lead) <u>animal diagnostic or fish death cases only</u>.....	150.00 100.00	C
27)	Total dissolved solids (Water).....	5.00	€
28)	Specific gravity (Water).....	5.00	€

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17) 29)	Polychlorinated biphenyls (PCB)	50.00	C
	<u>Qualitative only</u>	<u>60.00</u>	
	<u>Quantitative, additional</u>	<u>35.00</u>	
18) 30)	Ethylene glycol.....	20.00	C
	<u>Qualitative only</u>	<u>35.00</u>	
	<u>Quantitative, additional</u>	<u>30.00</u>	
31)	Fiber	5.00	C
19) 32)	Feed particle size	<u>15.00</u>	C
		5.00	
33)	Total suspended solids	5.00	C

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

Section 110.120 Miscellaneous Fees

a)	Return of shipping container	actual shipping cost	C, G, S
b)	Field trip by Department laboratory personnel to take specimens.....	150.00	C, G
c)	Cremation		
	up to 75 50 pounds.....	75.00 50.00 <u>C</u>	G
	76 54 pounds and above, each additional pound.....	1.00 <u>C</u>	G
d)	Handling fee for sending specimens to out-of-state laboratories		
	Non-refrigerated	actual shipping cost plus 2.50	C, G, S
	Refrigerated	actual shipping cost plus 2.50	C, G, S
	Dry ice	actual shipping cost plus 10.00	C, G, S

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e)	Disposal fee for animals that cannot be rendered Fee (when lab tests have not been conducted, a disposal fee will be charged in addition to any cremation costs)	0.300 15	
		per pound, minimum	
	<u>Horses – carcass disposal fee</u>	15.00 10.00	C, G
		actual cost	C, G
f)	Pullorum antigen per ml	2.00	S
g)	Fax results – EIA results only.....	5.00	S
	Each additional page.....	1.00	S
h)	Chronic wasting disease (CWD) killed by hunter in State	45.00	C, G
	CWD killed by hunter out of state.....	50.00	C, G
	CWD surveillance and not in a CWD surveillance program...	45.00	C, G
i)	Laboratory supplies or materials	actual cost	C, G, S
j)	Emergency fee (outside working hours).....	\$50.00	C, G, S
k)	<u>CWD sampling (out-of-state animals)</u>	<u>\$5.00</u>	<u>C, G</u>

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

Section 110.130 Meats Chemistry Fees

The Department shall not charge any State agency for any meats chemistry laboratory tests. The following are the fees for meats chemistry laboratory:

a)	Protein	\$10.00 8.00	C
b)	Moisture	6.00	C
c)	Salt	10.00 7.00	C
d)	Fat.....	10.00	C
e)	Nitrite (Semi-Quantitative)	9.00	C

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f) Nitrite (Qualitative).....	7.00 €
g) Nonfat Dry Milk.....	9.00 €
h) Cereal (Qualitative).....	7.00 €
i) Soy Flour (Semi-Quantitative).....	7.00 €
j) Sulfite (Qualitative).....	7.00 €
k) Ascorbate (Qualitative).....	7.00 €
l) Borate (Qualitative).....	7.00 €
m) Extraneous material.....	6.00 €
n) Nitrite cures/pickles.....	13.00 €
o) Cereal (Quantitative).....	9.00 €
e)p) Nitrite (Quantitative).....	15.00 € 13.00
q) Protein Fat Free (PFF).....	24.00 €
r) Benzoate (Quantitative).....	21.00 €
s) Species.....	36.00 €
t) Antibiotic residue.....	16.00 €

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

Section 110.140 Liquor Control Commission Fees (Repealed)

a) Visual adulteration.....	5.00 €
b) Visual adulteration and volume.....	10.00 €
e) Adulteration screen (proof, solids, total acids, organic color, color insects, volume).....	30.00 €
d) Adulteration screen and fusel oils.....	40.00 €

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Debt Management Service Act
- 2) Code Citation: 38 Ill. Adm. Code 140
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
140.10	Amendment
140.30	Repealed
140.40	Amendment
140.50	Amendment
140.80	Amendment
140.100	Amendment
140.120	Amendment
140.140	Amendment
140.150	New Section
- 4) Statutory Authority: Implementing and authorized by the Debt Management Service Act [205 ILCS 665]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being promulgated in conjunction with Public Act 96-1420, which was just signed into law. PA 96-1420 created the Debt Settlement Consumer Protection Act that prohibits any person from operating as a debt settlement provider or engaging in debt settlement service except as authorized by the Act and without first having obtained a license under the Act. It provides for a one time \$50 application fee and a fee of 15% of the savings achieved. It also creates a Debt Settlement Consumer Protection Fund as a special non-appropriated income-earning fund in the State treasury for the purpose of providing restitution to specified parties and provides that all moneys received by the Department of Financial and Professional Regulation under the Act, except moneys received for the Debt Settlement Consumer Protection Fund, shall be deposited in the Financial Institutions Fund.

PA 96-1420 also amended the Debt Management Services Act clarifying the distinction between "Debt Management Services" and "Debt Settlement Services". The rulemaking adds a Section outlining proper disposal of licensee's client's records that contain their personal information. This same Section is also being included in the newly promulgated rules for debt settlement companies. These amendments are being proposed for the purpose of protecting consumers when it comes to their personal information.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

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

217/785-0813
FAX: 217/558-4451

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Those individuals or entities providing debt management services may be affected.
- B) Reporting, bookkeeping, or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: The qualifications for licensure provided for in Section 5 of the Debt Management Services Act (225 ILCS 665/5).
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS

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

PART 140

DEBT MANAGEMENT SERVICE ACT

Section

140.10	Office Records
140.20	Bank Account
140.30	Dual Business (<u>Repealed</u>)
140.40	License
140.50	General Operations
140.60	Fees
140.70	Prohibited Activities
140.80	Advertising
140.90	Availability of Act and Rules and Regulations
140.100	Examination
140.110	Revocation – Suspension – Surrender of License
140.120	Hearing Procedures
140.130	Proof of Payment
140.140	Penalties
<u>140.150</u>	<u>Disposal of Records</u>

AUTHORITY: Implementing and authorized by the Debt Management Service Act [205 ILCS 665].

SOURCE: Filed February 14, 1972; old rules repealed, new rules adopted at 3 Ill. Reg. 27, p. 81, effective July 2, 1979; codified at 7 Ill. Reg. 13264; amended at 9 Ill. Reg. 1368, effective January 17, 1985; emergency amendment at 22 Ill. Reg. 1528, effective January 2, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 12550, effective July 6, 1998; amended at 26 Ill. Reg. 14243, effective October 1, 2002; amended at 34 Ill. Reg. _____, effective _____.

Section 140.10 Office Records

- a) Required Files
 - 1) Every licensee shall keep the following records or their equivalent in accord with generally accepted accounting principles as approved by the

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Department of Financial and Professional Regulation-Division of Financial Institutions (Division):

- A) Client File
 - B) Client Activity Record
 - C) Payment Detail Report
 - D) Index System
- 2) If a computerized system is in use, licensee shall maintain a permanent file of back-up computer media for the end of each month.
 - 3) All books and records shall be kept current and available for examination by the Division~~Department of Financial Institutions~~.
- b) Client File
The client file shall contain the following: the original contract, a listing of total debtor income, a list of creditors including the balance owed to each and monthly payments due and a copy of the agreed-upon debt management plan.
 - c) Client Activity Record
The Client Activity Record shall contain the original entry and be a permanent record, and shall show the debtor's account number, name, address, date of contract, total indebtedness, monthly receipts, any fees charged, amounts disbursed to creditors and the estimated term of the contract to satisfy the amount owed.
 - 1) If a contract is cancelled by a licensee or debtor and a fee is claimed but not paid, the debtor activity record shall show the reason for cancellation and the amount of any fee claimed to be owed.
 - 2) If legal action is taken to collect an unpaid fee, the client activity record shall include a copy of the judgment or action taken.
 - 3) A separate file of all litigation accounts shall be maintained in the office of the licensee.

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- d) **Payment Detail Report**
An individual Payment Detail Report shall be maintained for each debtor, including the account number, name and address, date of contract, total indebtedness, terms of payment and any fees charged. The report shall also show the monthly total of all receipts, disbursements, undisbursed or reserve funds and the distribution of any prorated fee.
- 1) A file shall be kept containing the paid or canceled Payment Detail Reports for a period of 5 years, showing the receipts and disbursement in full and the total amount of fees collected. In a non-computerized system, adding machine tapes verifying the receipts against all disbursements, including total fees, shall be attached to each client file.
 - 2) The entries on the Payment Detail Report shall correspond with the receipt of periodic statements given to the debtor and shall reflect the disbursement made to creditors showing the net and gross amount.
 - 3) In a non-computerized system, all entries shall be made in ink and no erasures whatsoever may be made on the report. In case of error, a line should be drawn in ink through the improper entry and the correct entry made on the following line. No entries shall be masked, covered or rendered illegible.
- e) **Index System**
An alphabetical index system shall be kept indicating name and address of clients, account number, date of contract and total indebtedness.

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

Section 140.30 Dual Business (Repealed)

~~No licensee shall transact any other business than that provided for by the Debt Management Service Act within the office, room or place of business occupied by the licensee, except as may be authorized in writing by the Director upon his finding that the character of such other business is such that the granting of such authority will not facilitate evasions of the Act or the Rules.~~

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

Section 140.40 License

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- a) For purposes of determining an applicant's qualifications for a license, the ~~Division~~~~Department~~ shall find an applicant financially responsible if it has a positive net worth. Net worth means total assets minus total liabilities.
- b) An applicant shall possess at least 6 months of relevant business experience.
- c) In order to determine the applicant's general fitness and character, the Director of the Division of Financial Institutions with the authority delegated by the Secretary (Director) may require applicants to submit at least 2 letters of recommendation from persons familiar with the applicant or the applicant's business.
- d) Any applicant applying for a license shall submit the required bond, the application for license and all required information at the time of application for a license.

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

Section 140.50 General Operations

- a) The licensee shall explain clearly and distinctly to each customer exactly the services to be rendered and the fees to be paid.
- b) If, after analyzing the debtor's total income and expenses, it is determined that a payment plan should be developed, the licensee shall create a Debt Management Plan (DMP) that is considered feasible and practical to allow a payment of funds by the debtor for distribution to debtor's creditors as may be mutually agreed upon.
 - 1) The licensee shall seek to obtain the consent of a majority of the creditors to accept the terms of the payment plan. Creditor acceptance may be determined by acceptance of a payment without written objection.
 - 2) The debtor has the right to cancel the Debt Management Plan at any time by notifying the licensee, in writing, of debtor's desire to discontinue.
 - 3) The cancellation will take effect on the first day of the month following receipt of the cancellation notice from the debtor.

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- c) When a contract is paid-in-full or satisfied, a statement shall be issued promptly to the debtor showing that the obligation has been satisfied. Licensee shall retain a copy of the contract marked "Paid" or "Satisfied" in the client file.
- 1) If the debtor terminates payment to the licensee for a period exceeding 30 days, the licensee shall not consider pro rata fees as having been earned beyond 30 days following the next monthly contract date.
 - 2) The licensee is prohibited from charging a penalty for cancellation by either the debtor or the licensee except as provided in Section 12 of the Act.
- d) Every contract between a licensee and debtor shall:
- 1) List every debt to be prorated, with the creditor's name, and disclose the total of all such debts;
 - 2) Disclose in precise terms the rate and amount of the licensee's charge;
 - 3) Disclose the approximate number and amount of installments required to pay the debts in full;
 - 4) Disclose the name and address of the licensee and of the debtor;
 - 5) Contain such other provisions or disclosures as the Director ~~of Department of Financial Institutions~~ shall determine is necessary for the protection of the debtor and the proper conduct of business by a licensee;
 - 6) Disclose the right of the debtor to cancel at any time;
 - 7) Inform the debtor of any relationship that exists between the licensee and any creditor.
- e) All contracts shall be originated at the office of the licensee or its agent.
- f) When adjustments are needed to change the indebtedness listed in the contract, the licensee may execute a new contract using the revised figures or use a rider form executed in accordance with instructions provided in the rider.

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- g) All legal documents and other forms that a debtor shall be required to sign shall be filed with the Director ~~of the Department of Financial Institutions~~ prior to use.
- h) A licensee shall deliver a copy of any contract, agreement, or Debt Management Plan between the licensee and the debtor to the debtor immediately after the debtor executes it, and the debtor's copy shall be executed by the licensee.
- i) A calendar month is the period from the given date in one month to the same numbered date in the following month and if there is no same numbered date in the following month, to the last date in the following month. Not more than one ~~(1)~~ month's service fee may be considered earned in any calendar month. A calendar month commences on the anniversary date of the contract.
- j) A licensee shall deliver a receipt to the debtor for each cash payment.
- k) The licensee shall make distribution to the debtor's creditors within 30 days after initial receipt of funds, and thereafter distributions shall be made to creditors within 30 days after receipt, less fees and costs, unless the reasonable payment of one or more of the debtor's obligations requires that such funds be held for a longer period to accumulate a certain sum, but in any case not to exceed an additional 30 days, or as authorized by the contract.
- l) At least once each 3 months, the licensee shall render an accounting to the debtors which shall itemize the total amount received from the debtor, the total amount paid to each creditor, the total amount which any creditor has agreed to accept as payment in full on any debt owed him by the debtor, the amount of charges deducted, and any amounts held in reserve. A licensee shall render such an accounting to a debtor within 5 days after receipt of a written demand.

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

Section 140.80 Advertising

- a) Advertising shall not be *false, misleading or deceptive* [205 ILCS 665/13]. No statement shall be permitted that states or implies that no financial problem is too great for the licensee to solve. No statement shall be permitted that states or implies that the licensee will use his own cash to pay the debtor's accounts. All advertisements shall contain the phrase, "we do not lend money".

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- b) Upon specific request by the ~~Division~~Department, licensees shall forward to the Director the complete text of all advertising copy.
- c) All advertising shall contain the true name and address of the licensee.

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

Section 140.100 Examination

- a) The Director may make an examination of the office and records of each licensee and shall charge \$400 for each examiner day or portion thereof.
- b) All communications shall be addressed to the Director, ~~Division~~Department of Financial Institutions, to any address designated by the Director. All fees shall be paid to the "Director of Financial Institutions".
- c) The ~~Division~~Department may conduct an examination for the purpose of verifying that the licensee has taken necessary actions to correct violations to the Act and/or related rules and shall charge the licensee \$550 for each examiner day or portion thereof, when the Director determines the verification examination must be performed on site at any facility of the licensee.

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

Section 140.120 Hearing Procedures

- a) Hearings
After receipt of a written request for a hearing, the Director shall send to the respondent requesting the hearing, by certified mail, at least 10 days prior to the date set for such hearing, a Notice of Hearing. The Notice shall include the date and the time and place of the hearing to review the propriety of any administrative actions made pursuant to the Act.
- b) The Director may designate, in writing, a Hearing Officer who shall have the minimum qualifications of being licensed to practice law in Illinois. A Hearing Officer may be disqualified based on bias or conflicts of interest. The Hearing Officer shall have the authority to:
 - 1) Examine or permit examination of any witness under oath;

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- 2) Determine the order of appearance of all parties;
 - 3) Receive all evidence and testimony and rule on its admissibility as well as require the production of any relevant document or witness;
 - 4) Rule on objections to evidence;
 - 5) Make a written report with recommendations to the Director ~~that~~ which shall include findings of fact and conclusions of law. Findings of fact shall be based exclusively on the evidence and on matters officially noticed; and
 - 6) Require any party or his attorney to provide proposed findings of fact or conclusions of law for consideration in his report.
- c) General Provisions
- 1) Delivery of notice shall be deemed complete when the Notice is deposited in the U.S. mail.
 - 2) Continuances
 - A) A continuance shall be granted for good cause by the Hearing Officer, which shall be:
 - i)A) In writing and signed by the respondent or his attorney and shall state the reasons for the request.
 - ii)B) Delivered to the Hearing Officer at least three days prior to the scheduled hearing.
 - B) For the purposes of this subsection (c)(2), good cause shall require the respondent to demonstrate real and compelling need for additional time. It shall include, but not be limited to, illness, service in the armed forces, etc.
 - 3) The respondent shall bear any and all costs of the hearing.

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- 4) A court reporter will be present and considered as part of the costs of the hearing.
- d) Conduct of Hearings
- 1) The Hearing Officer shall open the hearing by presenting for the record his letter of authorization from the Director.
 - 2) The rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall be followed. The Hearing Officer may admit evidence not admissible under such rules if ~~thesuch~~ evidence may be relevant to the case.
 - 3) The Hearing Officer may, on his ~~or her~~ own motion or the motion of one of the parties, take notice of matters of which the circuit courts of this State may take judicial notice. Notice may be taken of generally recognized technical or scientific facts within the ~~Division's~~~~Department's~~ specialized knowledge if parties are notified, before or during the hearing, and shall be afforded an opportunity to contest the material so noticed. The burden of opposing any material admitted upon notice shall be upon the party so opposing.
 - 4) Failure to attend the hearing shall result in the dismissal of the respondent's petition and an entry of a default against the respondent. Within 30 days from dismissal of the respondent's petition, the respondent may petition the Hearing Officer for reconsideration if the respondent can establish that his failure to attend was caused by events beyond his control and he exercised due diligence to attend or seek a continuance.
 - 5) The record of any hearing shall include:
 - A) All pleadings, and evidence received whether admitted or excluded;
 - B) A statement of all matters officially noticed;
 - C) All offers of proof, objections and rulings thereon;
 - D) All proposed findings and exceptions;

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- E) Any decision, opinion, or report by the Hearing Officer;
 - F) Any evidence excluded by the Hearing Officer, even though ~~thesuch~~ evidence is not used in the determination of the decision;
 - G) A proceeding transcript ~~thatwhich~~ shall be recorded by such means as to adequately ensure the preservation of the testimony.
- 6) Within 60 days after the hearing or the receipt of all necessary documents, the Hearing Officer shall report to the Director.
- 7) Within 30 days after receiving the report of the Hearing Officer, the Director shall issue his ~~or her~~ decision, which shall be served on the respondent by registered or certified mail, return receipt requested. Copies of the Hearing Officer's report to the Director are available upon written request.
- e) Petition to Reconsider
- 1) Within 30 days after receipt of the Director's decision, the respondent may petition the Director for reconsideration based upon a verified petition. An affidavit shall accompany the petition stating that the decision was against the preponderance of the evidence, was contrary to law, or was arbitrary or capricious, or is affected by newly discovered evidence not in existence at the time of the initial hearing or ~~thatwhich~~ could not have been discovered using due diligence at that time.
 - 2) The Director shall determine within 15 days whether to reconsider the case. If the Director determines, after reading the affidavit, that one or more of the findings listed in subsection (e)(1) exists, a hearing may be held and shall be limited to only those issues raised in the petition to reconsider. If reconsideration is denied, the Director's initial decision shall be the final administrative decision of the ~~Division~~Department.

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

Section 140.140 Penalties

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- a) The Director may penalize a licensee, or other person doing business without the required license, in an amount not exceeding \$10,000 per violation, when in the opinion of the Director:
- 1) the licensee, or other person, is violating or is about to violate any provision of the Act or any rule or condition imposed in writing by the ~~Division~~~~Department~~; or
 - 2) any fact or condition exists that, if it had existed at the time of the original application for the license, would have warranted the Director refusing to issue the license.
- b) The Director may penalize a licensee, or other person, prior to a hearing.
- c) The Director shall serve notice of this penalty, including a statement of the reasons for the penalty, either personally or by certified mail, return receipt requested. Service by mail shall be deemed completed if the notice is deposited in the U.S. mail.
- d) Within 10 days after service of the notice of penalty, the licensee or other person may request, in writing, a hearing.
- e) The hearing shall be conducted in accordance with the hearing procedures in Section 140.120 of this Part.

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

Section 140.150 Disposal of Records

- a) When disposing of records that contain personal information, including, but not limited to, social security numbers, driver's license numbers or non-driver identification card numbers, financial account numbers or codes, debit card numbers or codes, automated teller machine card numbers or codes, electronic serial numbers, or personal identification numbers, a debt settlement provider shall take all reasonable measures necessary to protect against unauthorized access to or use of the records.
- b) Licenses must implement policies and procedures to implement this Section and the measures that may be taken to comply with this Section include the following:

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- 1) implementing and monitoring compliance with policies and procedures that require the burning, pulverizing or shredding of paper documents containing personal information so that the personal information cannot practicably be read or reconstructed;
- 2) implementing and monitoring compliance with policies and procedures that require the destruction or erasure of electronic media and other nonpaper media containing personal information so that the personal information cannot practicably be read or reconstructed;
- 3) a licensee may enter into a written contract with a third party engaged in the business of record destruction to dispose of records containing personal information.

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

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- 1) Heading of the Part: Debt Settlement Consumer Protection Act
- 2) Code Citation: 38 Ill. Adm. Code 145
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
145.10	New Section
145.20	New Section
145.30	New Section
145.40	New Section
145.50	New Section
145.60	New Section
145.70	New Section
145.80	New Section
145.90	New Section
145.100	New Section
- 4) Statutory Authority: Implementing and authorized by the Debt Settlement Consumer Protection Act [225 ILCS 429/25] (PA 96-1420, effective August 3, 2010)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being promulgated in conjunction with Public Act 96-1420, which was just signed into law. PA 96-1420 created the Debt Settlement Consumer Protection Act that prohibits any person from operating as a debt settlement provider or engaging in debt settlement service except as authorized by the Act and without first having obtained a license under the Act. The Act provides for a one time \$50 application fee and a fee of 15% of the savings achieved. It also creates a Debt Settlement Consumer Protection Fund as a special non-appropriated income-earning fund in the State treasury for the purpose of providing restitution to specified parties and provides that all moneys received by the Department of Financial and Professional Regulation under the Act, except moneys received for the Debt Settlement Consumer Protection Fund, shall be deposited in the Financial Institutions Fund. The proposed rule establishes a new Part and Sections per the provisions of the new Act.

PA 96-1420 also amended the Debt Management Services Act clarifying the distinction between "Debt Management Services" and "Debt Settlement Services". The rulemaking adds a Section outlining proper disposal of licensee's client's records that contain their personal information. This same Section is also being included in the newly promulgated rules for debt management service companies. These rules are being proposed for the purpose of protecting consumers when it comes to their personal information.

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- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

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

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

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those individuals and/or entities seeking licensure to conduct business as a debt settlement service provider.
- B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: The qualifications for licensure provided for in Section 25 of the Debt Settlement Consumer Protection Act [225 ILCS 429/25].
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

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NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 145

DEBT SETTLEMENT CONSUMER PROTECTION ACT

Section

145.10	Office Records
145.20	Disposal of Records
145.30	Bank Account; If Applicable
145.40	Application for License
145.50	License
145.60	Examination Fee
145.70	Prohibited Activities
145.80	Revocation – Suspension – Surrender of License
145.90	Annual Report
145.100	Proof of Payment

AUTHORITY: Implementing and authorized by the Debt Settlement Consumer Protection Act [225 ILCS 429].

SOURCE: Adopted at 34 Ill. Reg. _____, effective _____.

Section 145.10 Office Records

- a) Required Files
 - 1) Every debt settlement provider shall keep the following records, if applicable, or their equivalent in accord with generally accepted accounting principles as approved by the Department of Financial and Professional Regulation-Division of Financial Institutions (Division):
 - A) Client File
 - B) Client Activity Record
 - C) Payment Detail Report
 - D) Index System

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- 2) If a computerized system is in use, debt settlement provider shall maintain a permanent file of back-up computer media for the end of each month.
 - 3) All books and records shall be kept current and available for examination by the Division.
- b) **Client File**
The client file shall contain the following: the original contract; a list of creditors, including the balance owed to each and any payments due; the total amount of any fees paid by the debtor; the amount held in trust (if applicable); any settlement offers made and received on each of the debtor's accounts; all evidence of any legally enforceable settlements with the debtor's creditors; a written analysis of the debtor's income and expenses to substantiate that the plan of payment is feasible and practical; and copies of all receipts issued for each payment made by the debtor.
- c) **Client Activity Record**
The Client Activity Record shall contain the original entry, be a permanent record, and show the debtor's account number, name, address, date of contract, total indebtedness, monthly receipts, any fees charged, amounts disbursed to creditors, if applicable, and the estimated term of the contract to satisfy the amount owed.
- 1) If a contract is cancelled by a debt settlement provider or debtor and a fee is claimed but not paid, the debtor activity record shall show the reason for cancellation and the amount of any fee claimed to be owed.
 - 2) If legal action is taken to collect an unpaid fee, the client activity record shall include a copy of the judgment or action taken.
 - 3) A separate file of all litigation accounts shall be maintained in the office of the debt settlement provider.
- d) **Payment Detail Report**
An individual Payment Detail Report shall be maintained for each debtor, corresponding to the monthly accounting provided to the debtor pursuant to Section 65(c) of the Debt Settlement Consumer Protection Act (Act).

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- 1) A file shall be kept containing the paid or canceled Payment Detail Reports for a period of 5 years, showing the receipts and disbursements, if applicable, in full and the total amount of fees collected. In a non-computerized system, adding machine tapes verifying the receipts against all disbursements, including total fees, shall be attached to each client file.
 - 2) The entries on the Payment Detail Report shall correspond with the monthly accounting given to the debtor and shall reflect the disbursements made to creditors showing the net and gross amount.
 - 3) In a non-computerized system, all entries shall be made in ink and no erasures whatsoever may be made on the report. In case of error, a line should be drawn in ink through the improper entry and the correct entry made on the following line. No entries shall be masked, covered or rendered illegible.
- e) **Index System**
An alphabetical index system shall be kept indicating name and address of clients, account number, date of contract and total indebtedness.

Section 145.20 Disposal of Records

- a) When disposing of records that contain personal information, including, but not limited to, social security numbers, driver's license numbers or non-driver identification card numbers, financial account numbers or codes, debit card numbers or codes, automated teller machine card numbers or codes, electronic serial numbers, or personal identification numbers, a debt settlement provider shall take all reasonable measures necessary to protect against unauthorized access to or use of the records.
- b) **Compliance Methods**
 - 1) Debt settlement providers must implement policies and procedures to implement this Section and the measures that may be taken to comply with this Section, include the following:
 - A) implementing and monitoring compliance with policies and procedures that require the burning, pulverizing or shredding of

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paper documents containing personal information so that the personal information cannot practicably be read or reconstructed;

- B) implementing and monitoring compliance with policies and procedures that require the destruction or erasure of electronic media and other nonpaper media containing personal information so that the personal information cannot practicably be read or reconstructed.
- 2) A debt settlement provider may enter into a written contract with a third party engaged in the business of record destruction to dispose of records containing personal information.

Section 145.30 Bank Account; If Applicable

- a) Trust account bank statements and cancelled checks shall be retained at the office of the debt settlement provider for a period of 3 years.
- b) Copies of the original trust account bank statement and canceled checks, in hard copy, microfilm or microfiche, or by other electronic means, shall be kept at the office of the debt settlement provider, at debt settlement provider's headquarters, or at an off-site storage facility for a period of 5 years.

Section 145.40 Application for License

At the time of making an application, applicant shall pay to the Secretary of the Department of Financial and Professional Regulation (Secretary) the non-refundable sum of \$350 as an application fee and the additional sum of \$1,000 as an annual license fee.

Section 145.50 License

- a) For purposes of determining an applicant's qualifications for a license as a debt settlement provider, the Division shall find an applicant financially responsible if it has a positive net worth. Net worth means total assets minus total liabilities.
- b) An applicant shall possess at least 6 months of relevant business experience.
- c) In order to determine the applicant's general fitness and character, the Director of the Division of Financial Institutions with the authority delegated by the Secretary

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(Director) may require applicants to submit at least 2 letters of recommendation from persons familiar with the applicant or the applicant's business.

- d) Any applicant applying as a debt settlement provider shall submit the required bond, the application for license and all required information at the time of application for a license.

Section 145.60 Examination Fee

- a) The Division shall charge \$400 for each examiner day or part thereof and actual travel costs for any examination of records conducted pursuant to the Act.
- b) The Division may conduct an examination for the purpose of verifying that the debt settlement provider has taken necessary actions to correct violations of the Act and/or this Part and shall charge the licensee \$550 for each examiner day or portion thereof, when the Secretary determines the verification examination must be performed on site at any facility of the debt settlement provider.

Section 145.70 Prohibited Activities

- a) A debt settlement provider shall not take:
 - 1) Any contract, promise to pay, or other instrument that has any blank spaces when signed by a debtor;
 - 2) Any negotiable instrument for the debt settlement provider's charges;
 - 3) Any note, wage assignment, real estate or chattel mortgage, or other security to secure the licensee's charges;
 - 4) Any confession of judgment or power of attorney to confess judgment against the debtor or to appear for the debtor in a judicial proceeding;
 - 5) Any real or personal property as security for payment of a fee;
 - 6) Concurrent with the signing of the contract or as part of the application for the contract, a release of any obligation to be performed on the part of the debt settlement provider.

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- b) A debt settlement provider shall not take an appointment as attorney in fact or power of attorney.
- c) A debt settlement provider shall not take any legal instrument from the debtor other than the service contract and authorized rider.
- d) A debt settlement provider shall not accept a fee from any person or other entity in exchange for referring potential customers.
- e) No fees shall be paid to an attorney, lending institution, or any other source for the referral of customers.
- f) A debt settlement provider shall not solicit or require a debtor to purchase, or agree to purchase, any policy of insurance.
- g) A debt settlement provider shall not lend money or extend credit or include in the contract any debts not established prior to the execution of the contract.
- h) No advance of the debt settlement provider's funds on the debtor's behalf shall be made by a debt settlement provider to any creditor or to the debtor.

Section 145.80 Revocation – Suspension – Surrender of License

- a) If it is determined that the Secretary had the authority to issue the suspension or revocation of a license pursuant to Section 50 of the Act, he or she may issue orders as may be reasonably necessary to correct, eliminate or remedy the situation.
- b) A debt settlement provider may surrender any license by delivering to the Secretary written notice that it surrenders the license, but the surrender shall not affect the debt settlement provider's civil or criminal liability for acts committed prior to the surrender, or affect the liability on its bond or bonds, or entitle the debt settlement provider to a return of any part of the annual license fee.

Section 145.90 Annual Report

- a) The Secretary shall publish the form of annual report on the Division's website that shall be filed by the debt settlement provider as provided in Section 33 of the Act.

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- b) The annual report shall be due to the Division on March 1 for the previous calendar year.

Section 145.100 Proof of Payment

Upon completion of the contract, the debt settlement provider shall mail a statement to the debtor stating that the account has been closed and listing the name and address of each creditor paid in full and names and addresses of any creditors remaining unpaid.

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- 1) Heading of the Part: Medical Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1285
- 3)

<u>Section Numbers:</u> 1285.80 1285.255	<u>Proposed Action:</u> Amendment Amendment
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- 4) Statutory Authority: Implementing the Medical Practice Act of 1987 [225 ILCS 60] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking first provides a more expansive background check for all endorsement applicants. The proposed amendment allows the Department to request a "CJIS Name Search Request" from the Illinois State Police in order to obtain criminal history information on each applicant. The proposed rulemaking also amends Section 1285.255 regarding Rehabilitation. The new language addresses the Department's increasing concern for physicians with violent or sexual criminal convictions. The proposed amendment sets forth a framework for permanent revocation of a physician's license if he or she is convicted of the identified violent crimes or registration under the Sex Offender Registration Act.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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

217/785-0813

FAX: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

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: Medical skills are required for licensure.

14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1285

MEDICAL PRACTICE ACT OF 1987

SUBPART A: MEDICAL LICENSING, RENEWAL
AND RESTORATION PROCEDURE

Section

1285.20	Six Year Post-Secondary Programs of Medical Education
1285.30	Programs of Chiropractic Education
1285.40	Approved Postgraduate Clinical Training Programs
1285.50	Application for Examination
1285.60	Examinations
1285.70	Application for a License on the Basis of Examination
1285.80	Licensure by Endorsement
1285.90	Temporary Licenses
1285.91	Visiting Resident Permits
1285.95	Professional Capacity Standards for Applicants Having Graduated More Than 2 Years Prior to Application
1285.100	Visiting Professor Permits
1285.101	Visiting Physician Permits
1285.105	Chiropractic Physician Preceptorship (Repealed)
1285.110	Continuing Medical Education (CME)
1285.120	Renewals
1285.130	Restoration and Inactive Status
1285.140	Granting Variances

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section

1285.200	Medical Disciplinary Board
1285.205	Complaint Committee
1285.210	The Medical Coordinator
1285.215	Complaint Handling Procedure
1285.220	Informal Conferences
1285.225	Consent Orders

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1285.230	Summary Suspension
1285.235	Mandatory Reporting of Impaired Physicians by Health Care Institutions
1285.240	Standards
1285.245	Advertising
1285.250	Monitoring of Probation and Other Discipline and Notification
1285.255	Rehabilitation
1285.260	Fines
1285.265	Subpoena Process of Medical and Hospital Records
1285.270	Inspection of Physical Premises
1285.275	Failing to Furnish Information

SUBPART C: GENERAL INFORMATION

Section

1285.305	Physician Profiles
1285.310	Public Access to Records and Meetings
1285.320	Response to Hospital Inquiries
1285.330	Rules of Evidence
1285.335	Physician Delegation of Authority
1285.336	Use of Lasers
1285.340	Anesthesia Services in an Office Setting

AUTHORITY: Implementing the Medical Practice Act of 1987 [225 ILCS 60] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days; emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16, 1989; amended at 13 Ill. Reg. 10925, effective June 21, 1989; emergency amendment at 15 Ill. Reg. 7785, effective April 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13365, effective September 3, 1991; amended at 15 Ill. Reg. 17724, effective November 26, 1991; amended at 17 Ill. Reg. 17191, effective September 27, 1993; expedited correction at 18 Ill. Reg. 312, effective September 27, 1993; amended at 20 Ill. Reg. 7888, effective May 30, 1996; amended at 22 Ill. Reg. 6985, effective April 6, 1998; amended at 22 Ill. Reg. 10580, effective June 1, 1998; amended at 24 Ill. Reg. 3620, effective February 15, 2000; amended at 24 Ill. Reg. 8348, effective June 5, 2000; amended at 26 Ill. Reg. 7243, effective April 26, 2002; amended at 28 Ill. Reg. 5857, effective March 29, 2004; amended at 29 Ill. Reg. 18823, effective November 4, 2005; amended at 31 Ill. Reg. 14069, effective September 24, 2007; amended at 33 Ill. Reg. 4971, effective March 19, 2009; amended at 34 Ill. Reg. _____, effective _____.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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SUBPART A: MEDICAL LICENSING, RENEWAL
AND RESTORATION PROCEDURE**Section 1285.80 Licensure by Endorsement**

- a) Each applicant currently licensed in another jurisdiction who applies to the Division for a license to practice medicine in all of its branches on the basis of endorsement must cause to be submitted to the Division:
 - 1) A signed application, on which all questions have been answered and all programs of medical education attended by the applicant have been identified, including dates of attendance;
 - 2) Proof that the applicant is of good moral character. Proof shall be an indication on the application that the applicant has not engaged in any conduct or activities that would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities that would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;
 - 3) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;
 - 4) An official transcript and diploma or official transcript and certification of graduation from the medical education program granting the degree that shall be evidence that the applicant has met the minimum medical education requirements of the Act;
 - 5) Certification on forms provided by the Division, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part and proof of current ECFMG certification as set forth in Section 1285.20(k) for those applicants who are applying under Section 11(A)(2)(a)(i) of the Act;

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- 6) An original, notarized English translation for any document submitted to the Division in a foreign language;
 - 7) Certification of postgraduate clinical training in the United States or Canada;
 - 8) Certification from the jurisdiction of original and current licensure stating:
 - A) The date of issuance of the license; and
 - B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;
 - 9) The fee required by Section 21 of the Act.
- b) If an applicant for licensure as a physician to practice medicine in all of its branches has a Profile from the Federation Credentials Verification Service of the Federation of State Medical Boards of the United States, Inc., the applicant will be required to submit the following:
- 1) A Profile that includes, but is not limited to, verification of medical education, ECFMG Certification (if applicable), clinical training and complete examination information. The information contained in the applicant's Profile shall be reviewed by the Division in order to determine if the applicant meets the requirements for licensure as set forth in the Act and this Part;
 - 2) A fully completed Illinois medical application, on forms provided by the Division, signed by the applicant, on which all questions have been answered;
 - 3) Proof that the applicant is of good moral character. Proof shall be an indication on the Illinois application that the applicant has not engaged in any conduct or activity that would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities that would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation for further investigation and

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action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;

- 4) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;
 - 5) Individuals applying under Section 11(A)(2)(a)(i) of the Act shall also submit certification, on forms provided by the Division, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part;
 - 6) A certification from the jurisdiction of original licensure and current licensure stating:
 - A) The date of issuance and status of the license; and
 - B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;
 - 7) Fees as required by Section 21 of the Act.
- c) In addition to submitting the application required in subsections (a) and (b), each applicant for licensure to practice medicine in all of its branches pursuant to the provisions of Section 19 of the Act upon the basis of having passed a National Board of Medical Examiners Examination prior to January 1, 1964, or having passed a National Board of Examiners for Osteopathic Physicians and Surgeons Examination before June 1, 1973, or having passed the Licentiate of the Medical Council of Canada (LMCC) before May 1, 1970, or having passed the Federation Licensing Examination (FLEX) prior to June 1, 1968, or a State Constructed Examination, shall, subject as hereinafter provided, pass an examination conducted by the Division or its designated testing service to test the clinical competence of the applicant (clinical test). The Division upon recommendation of the Medical Licensing Board has determined that the examination conducted under this Section shall be Component 2 of the FLEX prior to December 31, 1993, USMLE Step 3 after January 1, 1994 or the Special Purpose Examination (SPEX) or the Comprehensive Osteopathic Medical Special Purpose Examination for the United States of America (COMSPEX-USA) as determined by the Board.
- 1) To be successful in the Component 2 examination of the FLEX, USMLE

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Step 3, SPEX or COMSPEX-USA, applicants must receive a minimum score of 75 or the passing score set by the authorized testing entity. In the case of failure on 3 attempts of the Component 2 examination, USMLE Step 3, SPEX or COMSPEX-USA, or any combination thereof, the application for licensure on the basis of endorsement shall be denied. The individuals may thereafter submit an application for licensure on the basis of examination and, if qualified, take the entire examination referenced in Section 1285.60(a)(1), (2) and (3) of this Part in accordance with the manner described in that Section.

- 2) The Medical Licensing Board may, in its discretion and in individual cases where the applicable conditions of Section 19 of the Act have been satisfied, make a recommendation to the Director of the Division (Director) for the waiver of the clinical examination requirement herein provided with respect to any such applicant for a license to practice medicine in all of its branches after full consideration of the quality of his/her medical education and clinical training or practical experience, including, but not limited to, whether the applicant is Board Certified in a specialty, has achieved special honors or awards, has had articles published in recognized and reputable journals, has written or participated in the writing of textbooks in medicine and any other circumstance or attribute that the Medical Licensing Board accepts as evidence that the applicant has outstanding and proven ability in any branch of medicine.
- d) Each applicant currently licensed in another jurisdiction who applies to the Division for a license in Illinois as a chiropractic physician by endorsement must cause to be sent to the Division:
 - 1) A signed application on which all questions have been answered and all programs of chiropractic education attended by the applicant have been identified, including dates of attendance;
 - 2) An official transcript of the courses of instruction prerequisite to professional training in a college, university or other institution for those applying pursuant to Section 11(B)(2) of the Act;
 - 3) An official transcript and copy of diploma or official transcript and certification of graduation from the medical education program granting the degree; the transcript shall indicate that the applicant has met the

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minimum chiropractic education requirements of the Act;

- 4) Proof that the applicant is of good moral character and has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;
- 5) Successful completion of Part I, Part II and Part III of the examination administered by the National Board of Chiropractic Examiners.
 - A) The Medical Licensing Board may, in its discretion and in individual cases where the applicable conditions of Section 19 of the Act have not been satisfied, make a recommendation to the Director to require an applicant to successfully complete the Special Purposes Exam for Chiropractors (SPEC) or Part III of the examination administered by the National Board of Chiropractic Examiners;
 - B) The Medical Licensing Board may recommend a waiver of Part III of the examination or the SPEC requirement. In making the recommendation, the Licensing Board shall consider the quality of the chiropractic education and practical experience, including, but not limited to, whether he/she is Board Certified in a specialty, has achieved special honors or awards, has had articles published in recognized and reputable journals, has written or participated in the writing of textbooks in chiropractic and any other circumstance or attribute which the Medical Licensing Board accepts as evidence that the applicant has outstanding and proven ability in chiropractic;
- 6) Certification from the jurisdiction of original and current licensure stating:
 - A) The date of issuance of the license; and

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- B) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending;
- 7) The fee required by Section 21 of the Act.
- e) Pursuant to Section 9.7 of the Act, the Division shall check the criminal background of each endorsement applicant through the Federation of State Medical Boards or Chiropractic Information Network – Board Action Database (CIN-BAD). In addition, for each endorsement applicant, the Division shall request, via a CJIS Name Search Request from the Illinois State Police, any criminal history information available for the applicant. The Division may request and the applicant shall provide to the Division any and all personal identifiers required in order for the Illinois State Police to process the request. The Division may utilize the information received in any manner consistent with the provisions of the Illinois Medical Practice Act of 1987 or this Part.
- f) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or training is questioned by the Division or the Medical Licensing Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Licensing Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- g) Within 60 days after issuance of the license, the physician shall complete a physician profile in accordance with Section 1285.305.

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

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section 1285.255 Rehabilitation

- a) Upon written application to the Disciplinary Board for restoration of a license or certificate, or for any other relief, the Disciplinary Board shall consider, but is not

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limited to, the following in determining if the person is to be deemed sufficiently rehabilitated to warrant the public trust:

- 1) The seriousness of the offense that resulted in the disciplinary action being considered or being taken;
- 2) The length of time that elapsed since the disciplinary action was taken;
- 3) The profession, occupation and outside activities in which the applicant has been involved;
- 4) Any counseling, medical treatment, or other rehabilitative treatment received by the applicant;
- 5) Continuing medical education courses or other types of courses taken to correct the grounds for the disciplinary action being considered or having been taken;
- 6) The results of a clinical competency examination, designated by the Disciplinary Board, and paid for by the petitioner;
- 7) Written reports and oral testimony by peer review committees or other persons relating to the skill, knowledge, honesty, integrity and contriteness of the applicant;
- 8) Restitution to injured parties;
- 9) Future plans of the applicant;
- 10) Involvement of the applicant's family and friends in his or her rehabilitation process;
- 11) A written report of a physical or mental examination given by a physician selected by the Disciplinary Board and paid for by the person being examined;
- 12) Any other information evidencing rehabilitation that would bear upon the applicant's request for relief or restoration of a license;

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- 13) Whether the order imposing sanctions was appealed and, if so, whether a reviewing court granted a stay or delay of imposition of the sanction;
 - 14) The date and disposition of any other petition for restoration filed since the last sanction was imposed; and
 - 15) Whether there has been compliance with any probationary terms imposed.
- b) The findings of the Disciplinary Board relating to the person's rehabilitation or application for restoration of license or certificate or other relief shall be submitted in written form to the Division for action by the Director.
- c) Restrictions on Classification as Rehabilitated
- 1) Except as provided in subsection (d), a person convicted of any of the following shall be deemed unable to warrant the public trust and, therefore, shall never be deemed by the Disciplinary Board to be sufficiently rehabilitated:
 - A) against a patient:
 - i) a violent crime;
 - ii) a crime that requires sex offender registration under the Sex Offender Registration Act [730 ILCS 150];
 - B) against any natural person:
 - i) a violent crime resulting in a felony conviction;
 - ii) a felony that requires sex offender registration under the Sex Offender Registration Act.
 - 2) For the purposes of this subsection (c), "violent crime" means any crime in which force or threat of force was used against the victim.
- d) When the basis for suspension or revocation of a license was a criminal conviction and that conviction has been vacated, overturned, or reversed, the

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licensee may petition the Disciplinary Board to vacate the suspension or revocation.

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

DEPARTMENT OF LABOR

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- 1) Heading of the Part: Victims' Economic Security and Safety Act
- 2) Code Citation: 56 Ill. Adm. Code 280
- 3)

<u>Section Number:</u>	<u>Proposed Action</u>
280.110	Amended
- 4) Statutory Authority: Implementing the Victims' Economic Security and Safety Act of 2003 [820 ILCS 180]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking implements provisions of Public Act 96-635 that amended the Act to cover employers with 15 or more employees (rather than 50 or more employees). In addition, the rulemaking amends the definition of "certification" in order to make it consistent with the statutory language found in Section 20(c) of the Act.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Sara Scherer
Illinois Department of Labor
1 W. Old State Capitol Plaza, 3rd Floor
Springfield, Illinois 62701

DEPARTMENT OF LABOR

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217/558-1270
217/782-0596 (fax)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses in Illinois may be impacted by this rulemaking as it implements provisions set forth in Public Act 96-635 that amends the Victims' Economic Security and Safety Act to apply to employers with 15 or more employees. Prior to Public Act 96-635 the Act applied to employers with 50 or more employees.
 - 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 Amendment can be found on the next page.

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NOTICE OF PROPOSED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 280
VICTIMS' ECONOMIC SECURITY AND SAFETY ACT

SUBPART A: GENERAL PROVISIONS

Section	
280.100	Purpose and Scope
280.110	Definitions
280.120	Application
280.130	Independent Contractor Exemption
280.140	Records Retention and Release

SUBPART B: COMPLAINT

Section	
280.200	Persons Who May File a Complaint
280.210	Requirements for Filing a Complaint
280.220	Confidentiality
280.230	Incomplete Complaint
280.240	Amendment of Complaint

SUBPART C: PROCEDURE IMMEDIATELY AFTER COMPLAINT

Section	
280.300	Withdrawal, Settlement, Waiver and Consents
280.310	Presentation of Parties' Information
280.320	Duplicative Issues or Inconsistent Rulings (Repealed)

SUBPART D: ADMINISTRATIVE CASE REVIEW

Section	
280.400	Investigation
280.410	Decision by the Department
280.420	Enforcement Procedures

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SUBPART E: FORMAL ADMINISTRATIVE HEARING

Section
280.500 Procedures in Formal Administrative Hearing

AUTHORITY: Implementing the Victims' Economic Security and Safety Act of 2003 [820 ILCS 180].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 1017, effective December 29, 2003; adopted at 28 Ill. Reg. 7626, effective May 24, 2004; amended at 30 Ill. Reg. 6157, effective March 23, 2006; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 280.110 Definitions

"Act" means the Victims' Economic Security and Safety Act (VESSA) [820 ILCS 180].

"Certification", as used in Section 20(c) of the Act, means: *a sworn statement of the employee*; and Upon obtaining supporting documents from the following sources the employee shall provide ~~any of the following~~:

documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;

a police or court record; or

other corroborating evidence. (Section 20(c)(2) of the Act)

"Complaint" means an allegation of a violation of the Act filed with the Department.

"Complainant" means a person who files a complaint.

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"Department" means the Illinois Department of Labor or a duly authorized representative.

"Director" means the Director of Labor or a duly authorized representative.

"Employee" means any person suffered or permitted to work by an employer, including on a full-time or part-time basis or as a participant in a work assignment as a condition of receipt of federal or State income-based public assistance.

"Employer" means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons, or entity for whom ~~1550~~ or more employees are employed. Additionally, employer means the State of Illinois, any State officer, department, agency or commission, any unit of local government, and any school district.

"FMLA" means the federal Family and Medical Leave Act of 1993 (29 USC 2601 et seq.), or as hereafter amended.

"Public hearing" means a formal administrative hearing.

"Respondent" means an employer against whom a complaint is filed.

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

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- 1) Heading of the Part: Equal Pay in Employment
- 2) Code Citation: 56 Ill. Adm. Code 320
- 3)

<u>Section Numbers:</u>	<u>Proposed Action</u>
320.140	Amended
320.200	Amended
320.210	Amended
320.220	Amended
320.240	Amended
320.310	Amended
320.320	Amended
320.330	Amended
320.340	Amended
320.500	Amended
320.600	Amended
320.610	Amended
320.700	Amended
320.740	Amended
- 4) Statutory Authority: Implementing the Equal Pay Act of 2003 [820 ILCS 112]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking implements provisions of Public Act 96-467 that provide an increased time period in which complaints can be filed with the Department and an increased time period for which records must be maintained. In addition, the rulemaking streamlines the administrative process and adds confidentiality provisions for those individuals filing complaints.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objective: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Sara Scherer
Illinois Department of Labor
1 W. Old State Capitol Plaza, 3rd Floor
Springfield, Illinois 62701

217/558-1270
217/782-0596 (fax)
- 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: Public Act 96-467 extends the recordkeeping requirements for employers under the Act from 3 years to 5 years. Section 320.140 is being amended to address this increased recordkeeping requirement.
 - 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 can be found on the next page.

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 320
EQUAL PAY IN EMPLOYMENT

SUBPART A: GENERAL PROVISIONS

Section	
320.100	Purpose and Scope
320.110	Application of the Act
320.120	Definitions
320.130	Independent Contractor Exemption
320.140	Recordkeeping Requirements

SUBPART B: COMPLAINT

Section	
320.200	Persons Who May File a Complaint
320.210	Contents and Time Limit for Filing
320.220	Confidentiality
320.230	Incomplete Complaint
320.240	Amendment of Complaint
320.250	Withdrawal of Complaint

SUBPART C: PROCEDURE UPON COMPLAINT AND DECISION

Section	
320.300	Jurisdiction
320.310	Investigation
320.320	Fact-Finding Conference
320.330	Decision After Investigation
320.340	Enforcement Procedures

SUBPART D: SETTLEMENT

Section	
320.400	Settlement

DEPARTMENT OF LABOR

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SUBPART E: DISMISSAL, DEFAULT AND CLOSURE

Section	
320.500	Dismissal
320.510	Default
320.520	Closure

SUBPART F: INFORMAL INVESTIGATIVE HEARING

Section	
320.600	Request for Informal Investigative Hearing
320.610	Convening an Informal Investigative Hearing
320.620	Continuances
320.630	Application of the Rules of Evidence, Pleading and Procedure
320.640	Attorneys and Witnesses at an Informal Investigative Hearing
320.650	Contumacious Conduct
320.660	Telephone Hearings

SUBPART G: REQUEST FOR REVIEW

Section	
320.700	Filing with Chief Administrative Law Judge
320.710	Contents of Request for Review
320.720	Reply to Request for Review and Surreply
320.730	Extensions of Time
320.740	Additional Investigation and Decision Order

AUTHORITY: Implementing the Equal Pay Act of 2003 [820 ILCS 112].

SOURCE: Emergency rule adopted at 28 Ill. Reg. 363, effective January 1, 2004, for a maximum of 150 days; adopted at 28 Ill. Reg. 8009, effective May 26, 2004; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 320.140 Recordkeeping Requirements

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- a) An employer subject to any provision of the Act shall make and preserve records, including but not limited to: name, address, occupation and wages paid to each employee, payroll records and records of other forms of compensation, dates of hire, dates of promotion and dates of pay increases.
- b) In addition, the employer shall preserve any records made in the regular course of the business operation that relate to personnel records, employee qualifications for hire, promotion, transfer, discharge or other disciplinary action, wage rates, skills testing certifications, job evaluations, job descriptions, merit systems, seniority systems, written job offers, individual employment contracts, collective bargaining agreements, description of practices or other matters that describe or explain the basis for payment of any wage differential to employees of the opposite sex by the same employer and that may be pertinent to a determination whether the differential is based on a factor other than sex.
- c) The records required by subsections (a) and (b) shall be maintained for a period of not less than 5 years unless the records relate to an ongoing investigation or enforcement action under the Act, in which case the records must be maintained until their destruction is authorized by the Department or by court order.

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

SUBPART B: COMPLAINT

Section 320.200 Persons Who May File a Complaint

An employee or former employee may file a complaint alleging a violation of the Act by submitting a signed, completed complaint form. The Department may also initiate an investigation.~~claiming to be aggrieved under the Act may file a complaint, including the Department in cases initiated by the Department.~~

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

Section 320.210 Contents and Time Limit for Filing

- a) A complaint shall be in such detail as to substantially apprise the parties of the dates, place and facts with respect to the alleged violation of the Act. Each complaint shall contain the following information:

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- 1) the full name and address of the complainant;
 - 2) the full name and address of each respondent;
 - 3) a statement of the facts alleged to constitute a violation under the Act, including the dates and place of the alleged violation;
 - 4) a statement of each specific harm the complainant has suffered as a consequence of the alleged violation;
 - 5) complainant's signature, including date of signing; and
 - 6) a statement as to any other action, civil or criminal, instituted in any other forum, and as to any pending administrative proceeding based on the same violation as alleged in the complaint, together with a statement as to the status or disposition of the other action.
- b) All complaints and amendments shall be ~~filed~~~~delivered~~ by U.S. mail or personal delivery ~~with~~ the Department's Chicago office within ~~one year~~~~180 calendar days~~ from the date ~~the employee learned~~ of the ~~underpayment~~~~alleged violation of the Act~~. The complaint shall be deemed filed as of the date of the ~~postmark~~~~post-mark~~ or as it is date stamped as received by the Department.
- c) Any complaint that fails to meet all the requirements set forth in subsection (a) may be accepted if it otherwise contains the information determined to be necessary for a proper investigation and review of the alleged violation contained in the complaint.

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

Section 320.220 Confidentiality

While the case is pending at the administrative level, the identity of the complainant shall be kept confidential unless the complainant requests otherwise. This confidentiality provision does not apply in cases alleging retaliatory discharge or retaliatory discrimination under the Act. Where a complainant requests confidentiality, the Department will advise the complainant of the need to reveal the complainant's identity so that the Department can conduct its investigation. In such cases, the Department will allow the complainant an opportunity to withdraw the complaint

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~~pursuant to Section 320.250 before notification of the complainant's identity is given to the respondent.~~

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

Section 320.240 Amendment of Complaint

- a) A complaint may be amended to cure technical defects or to set forth additional facts or allegations related to the subject matter of the original complaint. ~~The~~ and ~~the~~ amendments, if timely filed pursuant to Section 320.210, shall relate back to the original filing date.
- b) A complaint may be amended to substitute or name additional respondents. The amendment ~~shall~~ will relate back to the original filing date, if timely filed pursuant to Section 320.210, and if at the time of the amendment a separate complaint could have been timely filed against the additional respondent or the additional respondent had timely notice of the original complaint and the fact that it might be involved in that complaint. Mere misnomer of a party may be cured at any time.
- c) If a party dies while the proceedings are pending, the complaint may be amended to substitute the legal representative, or any other person with a legally recognized interest in the decedent's estate, for the deceased.
- d) The Department shall provide notice of the substance of any amendment to a complaint to all parties.

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

SUBPART C: PROCEDURE UPON COMPLAINT AND DECISION

Section 320.310 Investigation

- a) After the Department determines jurisdiction, the Department shall conduct an investigation to ~~ascertain the facts relating to the violation alleged in the complaint and~~ determine whether reasonable cause exists to believe a violation under the Act has occurred. The investigation shall include a written notice to the respondent of the substance of the alleged violation and an opportunity to present any information the respondent wishes the Department to consider in reaching its determination. The investigation may be made by written or oral inquiry, field

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visit, conference or any method or combination of methods deemed suitable in the discretion of the Department. The Department will limit its investigation to reviewing up to 3 years prior to the date the complaint was filed, but in no case will review occur prior to the effective date of the Act, January 1, 2004.

- ~~b)~~ ~~The Department will notify the respondent of the existence of the complaint and forward a copy of the complaint to the respondent.~~
- ~~e)~~ ~~The respondent must remit a written response to the complaint within 30 calendar days after the date the Department forwarded the complaint. The response shall include relevant data regarding wages, hours and other conditions and practices of employment deemed necessary and appropriate to the Department's investigation.~~
- ~~d)~~ ~~Upon receipt of the respondent's response, the complainant is provided a copy of the response and shall submit a rebuttal. Failure of the complainant to submit a rebuttal to the Department within 30 calendar days after the date the Department forwarded the respondent's response will result in dismissal of the complaint pursuant to Section 320.500. At least 10 calendar days prior to convening a fact finding conference or an informal investigative hearing, the Department will provide to the respondent a copy of the complainant's rebuttal.~~
- b)e) If during the investigation a respondent refuses to cooperate, the Director may either make a finding of reasonable cause or issue subpoenas to compel the attendance of respondent witnesses or the production of documents.
- c)f) A complainant must promptly provide the Department with a notice of address or telephone change or any prolonged absence from the current address so that the complainant can be located. A complainant must cooperate with the Department, provide necessary information and be available for interviews, conferences and hearings upon reasonable notice or request by the Department. If a complainant cannot be located or does not respond to reasonable requests by the Department, the Department may dismiss the complaint pursuant to Section 320.500.
- d)g) The Department may in its discretion withhold any witness statement or identity of any witness as confidential upon the request of a party or the witness. Circumstances in which the Department may withhold a witness statement include, but are not limited to, when the safety or employment status of the witness is endangered or threatened.

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

Section 320.320 Fact-Finding Conference

- a) As part of its investigation, the Department may convene a fact-finding conference in person or by telephone for the purpose of obtaining evidence, identifying the issues in dispute, ascertaining the positions of the parties and exploring the possibility of settlement. The fact-finding conferences will be limited in scope to those issues the Department believes to be in question.
- b) Notice of the conference shall be given to all parties at least 10 calendar days prior to the conference and shall identify the individuals requested to attend on behalf of each party.
- c) A party may be accompanied at a fact-finding conference by the party's attorney and by a translator if necessary.
- d) A Department investigator shall conduct the conference and control the proceedings. No tape recordings, stenographic report or other verbatim record of the conference shall be made. If any person fails to cooperate at the conference and becomes so disruptive or abusive that a full and fair conference cannot be conducted, the Department investigator shall exclude the person from the conference.
- e) A party who appears at the conference exclusively through an attorney or other representative unfamiliar with the events at issue shall be deemed to have failed to attend, unless, with respect to a respondent, it establishes that it does not employ or control any person with knowledge of the events at issue.
- f) If a respondent or complainant refuses to attend a fact-finding conference, the Department shall make a determination based upon the evidence provided to the Department.

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

Section 320.330 Decision After Investigation

- a) At the conclusion of an investigation, the Department must make one of the following findings:

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- 1) Reasonable cause found. If the Department determines that there is reasonable cause to believe that a violation of the Act has occurred, it may:
 - A) Seek a voluntary settlement agreement signed by the respondent that eliminates the unlawful practice and provides appropriate relief to the complainant; or
 - B) Recommend the commencement of a civil action.
 - 2) No reasonable cause found. If the Department determines that there is no reasonable cause to believe that a violation of the Act has occurred, the complaint will be dismissed pursuant to Section 320.500.
- b) Whenever a decision is made under this Section, a written notice must be provided to the parties stating the Department's findings and any applicable civil penalty assessments pursuant to Section 30(c) of the Act and advise the parties of the right to request review pursuant to Section 320.600.~~action taken, findings of fact and the conclusions of law supporting the action and the right to request review under Subparts F and G of this Part.~~ The notice must also advise the ~~parties~~complainant of the right to bring a civil action as provided for in Section 30 of the Act.

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

Section 320.340 Enforcement Procedures

- a) The payment of back wages and other relief found due pursuant to Section 30 ~~of~~after the Act will be evidence of compliance with the provisions of the Act. Payment shall be supervised, when possible, by the Director.
- b) The Director may require proof that the employees or former employees received all the back wages and other relief due pursuant to Section 30 of the Act and the Director may require the respondent to send certified checks, cashier's checks or money orders, made payable to the individual employees or the Department of Labor, to the Department for disbursement.

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- c) If the respondent does not comply within 15 calendar days after the Director's ~~demand order~~, the Director may bring a civil action against the respondent as provided for in Section 30 of the Act. Failure to timely comply may also subject the respondent to further penalties as provided for in Section 35(a) of the Act.

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

SUBPART E: DISMISSAL, DEFAULT AND CLOSURE

Section 320.500 Dismissal

- a) The Department shall serve upon the parties a written notice of dismissal of all or ~~part~~ of a complaint. The dismissal notice shall state the grounds for dismissal and advise the parties of the right to seek review by filing a written request within 15 calendar days after the date of the dismissal notice pursuant to Section 320.600, and that the complainant may obtain review by filing a request for review under Subparts F and G of this Part within 15 calendar days after the dismissal notice. The dismissal notice shall also advise the parties the complainant of the right to bring a private action within 53 years from the date ~~the employee learned~~ of the underpayment.
- b) The dismissal may be based on, but not limited to, lack of reasonable cause that a violation under the Act occurred, lack of jurisdiction or complainant's failure to proceed pursuant to Section 320.310 ~~(c)(f)~~. The notice of dismissal shall specify the manner in which the complainant has failed to proceed.

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

SUBPART F: INFORMAL INVESTIGATIVE HEARING

Section 320.600 Request for Informal Investigative Hearing

Any ~~party who contests a decision issued pursuant to Section 320.330~~ complainant or respondent contesting the results of the Department's investigation may file a written request for an informal investigative hearing within 15 calendar days after the Department's written notice of decision. The request shall be marked "Request for Informal Investigative Hearing" on both the letter and the envelope and shall be delivered by U.S. mail or personal delivery to the Department's Chicago office. The request must set forth reasons why the party believes the Department's findings are incorrect as a matter of law or fact or any newly discovered evidence the party could

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not have discovered during the course of the investigation. Late submissions need not be considered by the Department.

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

Section 320.610 Convening an Informal Investigative Hearing

- a) The Department shall make an initial determination with respect to the legal and factual merits of a "Request for Informal Investigative Hearing". If the request presents a reasonable issue of law or fact, the Department may schedule an informal hearing before an Administrative Law Judge for purposes of obtaining evidence specific to the issue raised in the request and for which the hearing was granted. At this hearing, all parties shall be afforded the opportunity to address the specific issue raised in the Request for Informal Investigative Hearing, including the Department's investigator who shall be afforded the opportunity to present the Department's investigative findings, and identifying the issue in dispute.
- b) A written notice of an informal investigative hearing shall be sent, not less than 10 calendar days prior to the date of the hearing, to the complainant and respondent, and may also be sent to those employees, former employees or witnesses covered by the investigation at issue. Each notice shall identify the individual requested to attend and records or documents the party must produce at the hearing.
- c) If a request for an informal investigative hearing is denied, the Department will notify the party who filed the request of the Department's determination in writing.

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

SUBPART G: REQUEST FOR REVIEW

Section 320.700 Filing with Chief Administrative Law Judge

- a) A ~~party~~complainant may request review by the Chief Administrative Law Judge of a decision by the Department, including a decision made after an informal investigative hearing, to dismiss one or more allegations of a complaint for:

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- 1) Lack of substantial evidence;
 - 2) Lack of jurisdiction;
 - 3) No reasonable cause found;
 - 4) Failure of complainant to proceed; or
 - 5) Failure of complainant to accept a settlement offer.
- b) A respondent may request review by the Chief Administrative Law Judge of a decision by the Department, including a decision made after an informal investigative hearing, to issue a notice of default or a notice of reasonable cause found.
- c) A request for review must be delivered by U.S. mail or personal delivery to the Chief Administrative Law Judge at the Department's Chicago office within 15 calendar days after the decision.
- d) Neither the parties nor the Department may communicate directly or indirectly with the Chief Administrative Law Judge except in writing with copies to all parties and the Department.

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

Section 320.740 Additional Investigation and Decision Order

At the conclusion of the request for review process, the Chief Administrative Law Judge must make one of the following findings:

- a) Additional investigation. If the Chief Administrative Law Judge determines that additional investigation is needed, all parties will be notified of the decision. All parties will be informed of the results of the additional investigation and provided copies of any documents submitted in response to the decision for additional investigation. All parties will be given 14 calendar days to file a supplemental request for review, reply and surreply to address the results of the additional investigation.

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- b) ~~Decision~~Order. If, after review of the ~~Administrative Law Judge's~~Department's decision to dismiss a complaint, issue a notice of default, or issue a reasonable cause finding, the Chief Administrative Law Judge determines that the ~~Administrative Law Judge's~~Department's decision should be sustained, ~~a~~ decision~~an order~~ shall be entered stating the findings and reasons for the determination. Otherwise, the Chief Administrative Law Judge shall determine whether~~order that~~ the dismissal, default or reasonable cause finding should be vacated. The Chief Administrative Law Judge will either return the complaint to the Department for additional investigation or issue~~order~~ a reasonable cause finding or ~~a~~order of dismissal ~~be entered~~. The Chief Administrative Law Judge shall serve the decision~~order~~ upon all parties to the complaint.

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

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- 1) Heading of the Part: Birth Center Demonstration Program Code
- 2) Code Citation: 77 Ill. Adm. Code 265
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
265.1000	New
265.1050	New
265.1100	New
265.1150	New
265.1200	New
265.1250	New
265.1300	New
265.1400	New
265.1450	New
265.1500	New
265.1550	New
265.1600	New
265.1650	New
265.1700	New
265.1750	New
265.1800	New
265.1850	New
265.1900	New
265.1950	New
265.2000	New
265.2050	New
265.2100	New
265.2150	New
265.2200	New
265.2250	New
265.2300	New
265.2350	New
265.2400	New
265.2450	New
265.2500	New
265.2550	New
265.2600	New
265.2650	New
265.2700	New

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265.2750	New
265.2800	New
265.2850	New
265.2900	New
265.2950	New
265.3000	New

- 4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Public Act 95-455 that amended the Alternative Health Care Delivery Act to create a demonstration program for freestanding birth centers.

The Birth Center Demonstration Program Code establishes general provisions, licensing procedures, building requirements, enforcement provisions, and operational and clinical standards for the provision and coordination of treatment and services in birth centers.

Subpart A outlines the program elements of birth centers; the requirements for licensure and the procedure for applying for an initial license; inspections and enforcement procedures; admission protocols, patient rights; the administration and personnel requirements of birth centers, including continuing education, licensed and certified employees, and background check requirements; medical care, including birth procedures, infant care, and discharge policies; infection control and disposal of medical waste; quality improvement; food service; and all facets of patient care.

Subpart B establishes the minimum construction standards for birth centers, including the submission and approval of construction plans, general construction requirements; nursing unit requirements, plumbing, HVAC, electrical systems, and security.

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: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 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: birth centers
- B) Reporting, bookkeeping or other procedures required for compliance: record keeping
- C) Types of professional skills necessary for compliance: physician, nursing
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2009

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

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NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 265

BIRTH CENTER DEMONSTRATION PROGRAM CODE

SUBPART A: GENERAL REQUIREMENTS

Section

265.1000	Scope and Purpose
265.1050	Definitions
265.1100	Incorporated and Referenced Materials
265.1150	Demonstration Program Elements
265.1200	Information Available for Public Inspection
265.1250	General Requirements for Licensure
265.1300	Application for Initial License
265.1400	Inspections and Investigations
265.1450	Notice of Violation and Plan of Correction
265.1500	Adverse Licensure Action and Administrative Hearings
265.1550	Admission Protocols for Acceptance for Birth Center Clients
265.1600	Governing Body
265.1650	Length of Stay
265.1700	Client Rights
265.1750	Personnel
265.1800	Clinical Services
265.1850	Labor and Birth Procedures
265.1900	Newborn Infant Care
265.1950	Discharge Policies and Procedures
265.2000	Infection Control
265.2050	Disposal of Medical Waste
265.2100	Emergency Services
265.2150	Laboratory and Pharmacy Services
265.2200	Clinical Records
265.2250	Transfer Agreement
265.2300	Equipment
265.2350	Environmental Management
265.2400	Food Services
265.2450	Quality Assurance and Improvement

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265.2500 Reports

SUBPART B: CONSTRUCTION STANDARDS

265.2550 Applicability of This Subpart
265.2600 Submission of Plans for New Construction, Alterations or Additions to Birth Centers
265.2650 Preparation of Drawings and Specifications – Submission Requirements
265.2700 General Construction Requirements
265.2750 Birth Unit Requirements
265.2800 Plumbing
265.2850 Heating, Ventilating and Air-Conditioning Systems (HVAC)
265.2900 Electrical Systems
265.2950 Emergency Electric Service
265.3000 Security Systems

AUTHORITY: Alternative Health Care Delivery Act [210 ILCS 3].

SOURCE: Adopted at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL REQUIREMENTS

Section 265.1000 Scope and Purpose

- a) The purpose of this Part is to implement the Birth Center Demonstration Program under the Alternative Health Care Delivery Act, which allows up to 10 birth centers to be licensed by the Illinois Department of Public Health as birth center alternative health care delivery models.
- b) This Part establishes general provisions, licensing procedures, building requirements, enforcement provisions, and operational and clinical standards for the provision and coordination of treatment and services in birth centers.

Section 265.1050 Definitions

Act – the Alternative Health Care Delivery Act.

Administrator – the person who is directly responsible for the operation and administration of the birth center, irrespective of the person's assigned title.

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Applicant – any person, acting individually or with any other person, who proposes to build, own, establish or operate a birth center.

Adequate – enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the clients of a facility under the particular set of circumstances in existence at the time of review.

Advanced practice nurse or APN – a person who has met the qualifications for a certified nurse midwife (CNM); certified nurse practitioner (CNP); certified registered nurse anesthetist (CRNA); or clinical nurse specialist (CNS) and has been licensed by the Department of Financial and Professional Regulation. (Section 50-10 of the Nurse Practice Act)

Antepartum – the period of time before labor or childbirth.

Birth assistant – a person *licensed or certified in Illinois in a health-related field and under the supervision of the physician or certified nurse midwife in attendance, who has specialized training in labor and delivery techniques and care of newborns, and receives planned and ongoing training as needed to perform assigned duties effectively.* (Section 35(6) of the Act)

Birth attendant – *an obstetrician, family practitioner/physician, or certified nurse midwife who attends each woman in labor from the time of admission and throughout the immediate postpartum period.* (Section 35(6) of the Act)

Birth center or center – an alternative health care delivery model that is *exclusively dedicated to serving the childbirth-related needs of women and their newborns and has no more than 10 beds. A birth center is a designated site that is away from the mother's usual place of residence in which births are planned to occur following a normal, uncomplicated, and low-risk pregnancy. A birth center is not a hospital, part of a hospital, or a freestanding facility that is physically distinct from a hospital but is operated under a license issued to a hospital under the Hospital Licensing Act.* (Section 35(6) of the Act)

Birth room – a room specifically designed and equipped for a single occupancy client to give birth under the care of professionals in that health care specialty.

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Birth unit – a number of birth rooms grouped or clustered around a central area/station that maintains direct supervision (electronic supervision is not permitted) of the birth rooms.

Certified nurse midwife or CNM – a registered nurse who meets the requirements for licensure as an advanced practice nurse under the category of certified nurse midwife under Section 15 of the Nurse Practice Act.

Charitable care – the intentioned provision of free or discounted birth center services to persons who cannot afford to pay for the services.

Client – a woman who gives birth at a center and the infant or infants of that birth.

Community education services – information and education provided to the pregnant woman and her family, during both early and late pregnancy, that promote healthy outcomes for the woman and her infant.

Demonstration Program or Program – a program to license and study alternative health care models authorized under the Act. (Section 10 of the Act)

Department – the Illinois Department of Public Health. (Section 10 of the Act)

Federally qualified health center – a community health center funded under Section 330 of the federal Public Health Service Act (42 USC 254b).

Governing body – a board of trustees, governing board, board of directors or other body or individual responsible for governing a birth center.

Health related field – either a registered nurse or licensed practical nurse.

Hospital – any institution, place, building or agency licensed pursuant to the Hospital Licensing Act. (Section 3 of the Hospital Licensing Act)

Immediate postpartum period – a minimum of two hours following the delivery of the placenta and until the client is clinically stable.

Inspection – any survey, evaluation, or investigation of the birth center's compliance with the Act and this Part by the Department or designee.

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Intrapartum – the time from the onset of true labor until the delivery of the infant and placenta.

Licensee – the person or entity licensed to operate the birth center.

Low-risk pregnancy – a pregnancy that, based on history, application of risk criteria, and adequate prenatal care, is broadly predicted to have a normal, uncomplicated outcome.

Medical director – a physician, licensed to practice medicine in all of its branches, who is certified or eligible for certification by the American College of Obstetricians and Gynecologists, who provides guidance, leadership, oversight and quality assurance to the birth center.

Newborn infant or newborn – an infant who is less than 72 hours old.

Nurse – a registered nurse or licensed practical nurse as defined in the Nurse Practice Act.

Operator – the person responsible for the control, maintenance and governance of the birth center, its personnel and physical plant.

Owner – the individual, partnership, corporation, or other person who owns the birth center.

Perinatal center – a referral facility designated under the Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640) and intended to care for the high risk patient before, during, or after labor and delivery and characterized by sophistication and availability of personnel, equipment, laboratory, transportation techniques, consultation and other support services.

Person – any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity.

Physician – any person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987.

Prenatal care – medical care for a pregnant woman and her fetus throughout her pregnancy.

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Program narrative – a description of the center's proposed operation, which clarifies or explains choices related to such items as space, equipment, finishes or other specifications in the architectural plans. The program narrative shall include, but is not limited to, the:

- number of beds;
- medical needs of proposed clients;
- proposed food service operation;
- proposed laundry operation; and
- interrelation of the functions of the birth center.

Quality assurance – an ongoing, objective and systematic process of monitoring, evaluating and improving the quality, appropriateness and effectiveness of care.

Quality improvement or performance improvement – an organized, structured process that selectively identifies projects to achieve improvement in products or services.

Registered nurse – a person who is licensed as a registered professional nurse under the Nurse Practice Act.

Risk assessment – a process by which historical, physical, and laboratory data are applied for the prediction of pregnancy outcome.

Sanitize – to destroy microorganisms by cleaning or disinfecting.

Sterilization – the use of a physical or chemical procedure to destroy all microbial life, including bacterial endospores.

Substantial compliance or substantially comply – meeting requirements, except for variance from the strict and literal performance that results in unimportant omissions or defects, given the particular circumstances involved.

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Supervision – authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his/her sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity.

Support person – an individual who provides emotional support and help with relaxation techniques and comfort measures.

Survey – a detailed, complete inspection of the birth center.

Universal/standard precautions – as defined by the Centers for Disease Control and Prevention (CDC), recommendations designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B virus (HBV) and other blood borne pathogens when providing health care.

Vaginal delivery – spontaneous labor and delivery.

Section 265.1100 Incorporated and Referenced Materials

- a) The following private and professional association standards are incorporated in this Part:
 - 1) AIA Guidelines for Design and Construction of Health Care Facilities, 2006, which may be obtained from the American Institute of Architects (AIA) Academy of Architecture for Health, Facilities Guidelines Institute, 1919 McKinney Ave., Dallas, Texas 75201.
 - 2) The standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (2005), 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) 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 02269:
 - A) No. 99 (1999): Standard for Healthcare Facilities

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- B) No. 101 (2000): Life Safety Code
 - C) NFPA 30 (1996): Flammable and Combustible Liquids Code
 - D) NFPA 70 (1999): National Electric Code
 - E) NFPA 110 (1999): Standard for Emergency and Standby Power System
- 4) International Building Code (2003), which may be obtained from the International Code Council, 4051 Flossmoor Road, Country Club Hills, Illinois 60477-5795.
 - 5) The American Academy of Pediatrics and the American College of Obstetricians and Gynecologists, Guidelines for Perinatal Care, sixth edition (2007), which may be obtained from the American Academy of Pediatrics, 141 Northwest Point Boulevard, P.O. Box 927, Elk Grove Village, Illinois 60009-0927.
 - 6) The American Association of Birth Centers, Standards for Birth Centers (2001), which may be obtained from the American Association of Birth Centers, 3123 Gottschall Road, Perkiomenville, Pennsylvania 18074
- b) The following federal guidelines are incorporated in this Part:
 - 1) Center for Infectious Diseases, Centers for Disease Control and Prevention, United States Public Health Service, Department of Health and Human Services. The guidelines may be obtained from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.
 - A) Guideline for Hand Hygiene in Health-Care Settings (October 2002)
 - B) Guidelines for Infection Control in Health Care Personnel (1998)
 - c) All incorporations by reference of federal guidelines and regulations and the standards of nationally recognized organizations refer to the regulations,

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guidelines, and standards on the date specified and do not include any later amendments or editions.

- d) The following federal laws are referenced in this Part:
- 1) Title XVIII and Title XIX of the Social Security Act (42 USC 301 et seq., 1395 et seq., and 1396 et seq.)
 - 2) Clinical Laboratory Improvement Amendments (42 USC 1861 and 1902)
 - 3) Public Health Service Act (42 USC 254b)
- e) The following State laws and administrative rules are referenced in this Part:
- 1) State of Illinois laws:
 - A) Nurse Practice Act [225 ILCS 65]
 - B) Medical Practice Act of 1987 [225 ILCS 60]
 - C) Hospital Licensing Act [210 ILCS 85]
 - D) Illinois Health Facilities Planning Act [20 ILCS 3960]
 - E) Pharmacy Practice Act [225 ILCS 85]
 - F) Illinois Administrative Procedure Act [5 ILCS 100]
 - G) Health Care Worker Background Check Act [225 ILCS 46]
 - H) Alternative Health Care Delivery Act [210 ILCS 3]
 - I) Ambulatory Surgical Treatment Center Act [210 ILCS 5]
 - J) Vital Records Act [410 ILCS 535]
 - K) Infant Eye Disease Act [410 ILCS 215]
 - L) Illinois Insurance Code [215 ILCS 5]

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- 2) State of Illinois rules:
- A) Control of Communicable Diseases Code, Illinois Department of Public Health (77 Ill. Adm. Code 690)
 - B) Control of Tuberculosis Code, Illinois Department of Public Health (77 Ill. Adm. Code 696)
 - C) Rules of Practice and Procedure in Administrative Hearings, Illinois Department of Public Health (77 Ill. Adm. Code 100)
 - D) Illinois Plumbing Code, Illinois Department of Public Health (77 Ill. Adm. Code 890)
 - E) Illinois Accessibility Code, Illinois Capital Development Board (71 Ill. Adm. Code 400)
 - F) Food Service Sanitation Code, Illinois Department of Public Health (77 Ill. Adm. Code 750)
 - G) Health Care Worker Background Check Code, Illinois Department of Public Health (77 Ill. Adm. Code 955)
 - H) Regionalized Perinatal Health Care Code, Illinois Department of Public Health (77 Ill. Adm. Code 640)
 - I) Illinois Vital Records Code, Illinois Department of Public Health (77 Ill. Adm. Code 500)
 - J) Perinatal HIV Prevention Code, Illinois Department of Public Health (77 Ill. Adm. Code 699)
 - K) Nonhazardous Special Waste Handling and the Uniform Program, Illinois Pollution Control Board (35 Ill. Adm. Code 809)

Section 265.1150 Demonstration Program Elements

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- a) *A birth center shall be exclusively dedicated to serving the childbirth-related needs of women and their newborns and shall have no more than 10 beds. (Section 35 of the Act)*
- b) A birth center shall be licensed pursuant to this Part to be considered a participant in the Program.
- c) Applications for participation in the Program shall be considered only when a vacancy exists in one of the allocated Program slots for the relevant geographic area, as set forth in Section 30(a-25) of the Act.
- d) *The Department shall deposit all application fees, renewal fees and fines collected under the Act and this Part into the Regulatory Evaluation and Basic Enforcement Fund in the State Treasury. (Section 25(d) of the Act)*
- e) Birth centers shall, within 30 days after licensure, seek certification under Titles XVIII and XIX of the Federal Social Security Act. (Section 30(d) of the Act)
- f) Birth centers shall provide charitable care consistent with that provided by comparable health care providers in the geographic area. (Section 30(d) of the Act)
- g) *A licensed birth center that continues to be in substantial compliance after the conclusion of the demonstration program shall be eligible for annual license renewals unless and until a different licensure program for that type of health care model is established by legislation. (Section 30(c) of the Act)*
- h) No place or person shall hold itself out to the public as a "birth center" unless it is licensed as a birth center under the Act and this Part.

Section 265.1200 Information Available for Public Inspection

- a) A birth center shall post the following information in plain view of the public:
 - 1) Its current license or a photocopy of the current license;
 - 2) A description of the birth center complaint procedures;

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- 3) The name, address and telephone number of a person authorized by the Department to receive complaints;
 - 4) Client rights; and
 - 5) Emergency exit routes.
- b) A birth center shall make the following information or documents available upon request for public inspection:
- 1) A copy of any order pertaining to the birth center issued by the Department or a court during the past five years;
 - 2) A complete copy of every inspection report that the birth center received from the Department during the past five years. This information shall not disclose the name of any health care professionals, employees, or clients at the center;
 - 3) A description of the services provided by the birth center and the rates charged for those services;
 - 4) A copy of the statement of ownership required by Section 35(6) of the Act; and
 - 5) A complete copy of the report of the Department's most recent inspection of the birth center. This information shall not disclose the name of any health care professionals, employees, or clients at the center.

Section 265.1250 General Requirements for Licensure

- a) Birth centers shall obtain a permit from the Illinois Health Facilities and Services Review Board and shall obtain a license from the Illinois Department of Public Health. No person may engage in the business of providing birth center services, or represent to the public that the person is a provider of such services for pay or other consideration, without a license.
- b) *A birth center shall be exclusively dedicated to serving the childbirth-related needs of women and their newborns and shall have no more than 10 beds.*
(Section 35(6) of the Act)

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- c) *A birth center is a designated site that is away from the mother's usual place of residence and in which births are planned to occur following a normal, uncomplicated, and low-risk pregnancy. (Section 35(6) of the Act)*
- d) *A birth center shall offer prenatal care and community education services and shall coordinate these services with other health care services available in the community. (Section 35(6) of the Act)*
- e) *A birth center license shall be required if the birth center is operated as:*
 - 1) *A part of the operation of a federally qualified health center as designated by the United States Department of Health and Human Services; or*
 - 2) *A facility other than one described in Section 35(6)(A)(1) or (A)(2) of the Act or subsection (e)(1) of this Section whose costs are reimbursable under Title XIX of the federal Social Security Act. (Section 35(6)(B)(2) of the Act)*
- f) *Each birth center must become accredited by either the Commission for the Accreditation of Freestanding Birth Centers or the Joint Commission on Accreditation of Health Care Organizations within two years after becoming licensed. (Section 35(6) of the Act)*
- g) *A birth center shall be certified to participate in the Medicare and Medicaid Programs under Titles 18 and 19, respectively, of the federal Social Security Act if allowable. (Section 35(6) of the Act)*
- h) *A birth center shall be located within a ground travel time distance from the general acute care hospital with which the birth center maintains a contractual relationship, including a transfer agreement that allows for an emergency caesarian delivery to be started within 30 minutes after the decision a caesarian delivery is necessary. (Section 35(6) of the Act)*
- i) No person or place shall represent itself as a "birth center" or use the term "birth center" in its title, advertising, publications or other form of communication unless licensed as a birth center in accordance with this Part.
- j) Each license shall specify the licensed bed capacity of the birth center.

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- k) Procedures performed at birth centers shall be limited to those normally accomplished in uncomplicated childbirth, including simple episiotomies and repairs of lacerations. Performance of surgical procedures, such as tubal ligation or termination of pregnancy, requires licensure as an Ambulatory Surgical Treatment Center under the Ambulatory Surgical Treatment Center Act.
- l) Proposed changes in birth center licensed bed capacity shall be submitted in writing to the Department and shall be subject to the approval of the Department based upon need and compliance with Subpart B of this Part.
- m) *A birth center may not discriminate against any client requiring treatment because of the source of payment for services, including Medicare and Medicaid recipients.* (Section 35(6) of the Act)
- n) *The medical director or his or her physician designee shall be available on the premises or within a close proximity.* Close proximity means being able to be physically present in the facility within 30 minutes after being called. (Section 35(6) of the Act)
- o) The birth center license shall be prominently displayed in the area accessible to the public.

Section 265.1300 Application for Initial License

- a) An application for a license to establish or operate a birth center shall be made in writing on forms provided by the Department.
- b) A change of ownership will require a new application.
- c) The application shall include proof of a Certificate of Need to establish and operate a Birth Center Model issued by the Health Facilities and Services Review Board under the Illinois Health Facilities Planning Act.
- d) Application forms and other required information shall be submitted and approved pursuant to Subpart B of this Part, prior to surveys of the physical plant or review of building plans and specifications.

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- e) Each application shall be accompanied by a non-refundable license application fee of \$1,500.
- f) The application shall contain, at a minimum, the following information:
 - 1) The name, address and telephone number of the applicant, if the applicant is an individual; in the case of a firm, partnership, or association, of every member thereof; in the case of a corporation, the name, address and phone number thereof and of its officers and its registered agent; and in the case of a unit of local government, the name, address and telephone number of its chief executive officer.
 - 2) The name of the person or persons who will manage or operate the birth center.
 - 3) The location of the birth center, including the name, address, and number of beds, not to exceed 10.
 - 4) Information regarding any conviction of the applicant; or, if the applicant is a firm, partnership or association, of any of its members; or, if the applicant is a corporation, of any of its officers or directors; or of the person designated to manage or operate the birth center, of a felony, or of two or more misdemeanors involving moral turpitude in the last five years.
 - 5) The name, address, telephone number, experience, credentials and any professional licensure or certification of the following persons:
 - A) Administrator;
 - B) Medical director; and
 - C) Director of Nursing and Midwifery Services.
 - 6) A list of the medical staff, including name and license number.
 - 7) A list of the number and type of proposed staff.
 - 8) A detailed description of the services to be provided by the birth center, including the admission criteria (see Section 265.1550).

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- 9) Schematic architectural plans.
 - 10) A copy of the contract between the birth center and hospital, including a transfer agreement pursuant to Section 265.1250(h).
 - 11) The letter of agreement with a Perinatal Center for referral of high risk infants based upon the Regionalized Perinatal Health Care Code.
 - 12) A written narrative on the prenatal care and community education services offered by the birth center, and how these services are being coordinated with other health services in the community.
- g) Each application shall contain documentation that *the services of a medical director physician, licensed to practice medicine in all its branches, who is certified or eligible for certification by the American College of Obstetricians and Gynecologists or the American Board of Osteopathic Obstetricians and Gynecologists or has hospital obstetrical privileges are available to be provided in the birth center.* (Section 35(6) of the Act)
- h) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.
- i) If the birth center is found to be in substantial compliance with the Act and this Part, the Department shall issue a license *for a period of one year.* (Section 30 of the Act)
- 1) The license shall not be transferable; it is issued to the licensee and for the specific location and number of beds identified in the license.
 - 2) The license shall become automatically void and shall be returned to the Department if the birth center's license is revoked, nonrenewed or relinquished, denied, forfeited, or suspended.
- j) An application for an annual license renewal shall be filed with the Department 90 to 120 days prior to the expiration of the license, on forms provided by the Department.

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- 1) The renewal application shall comply with the requirements of subsections (a), (b), (c), (d), (e) and (f) of this Section; and
 - 2) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey, dependent upon workload priorities, time from last survey, and other factors such as complaints or reports. The Department will renew the license in accordance with subsection (i) of this Section.
- k) *The Department may issue a provisional license to any birth center model that does not substantially comply with the provisions of the Act and this Part:*
- 1) A provisional license will be issued only *if the Department finds that:*
 - A) *The birth center has undertaken changes and corrections which upon completion will render the birth center in substantial compliance with the Act and this Part;*
 - B) *The health and safety of the clients of the birth center will be protected during the period for which the provisional license is issued (Section 30(c) of the Act); and*
 - C) *The health and safety of the employees of the birth center will be protected during the period for which the provisional license is issued.*
 - 2) *The Department shall advise the applicant or licensee of the conditions under which the provisional license is issued, including:*
 - A) *The manner in which the birth center fails to comply with the provisions of the Act and this Part;*
 - B) *The changes and corrections that shall be completed;*
 - C) *The time within which the changes and corrections necessary for the birth center to substantially comply with the Act and this Part shall be completed (Section 30(c) of the Act); and*

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- D) The interim actions that are necessary to protect the health and safety of the clients.

Section 265.1400 Inspections and Investigations

- a) *The Department shall perform licensure inspections of birth centers, as deemed necessary, to ensure compliance with the Act and this Part. (Section 25(c) of the Act)*
- b) Birth centers shall be subject to and shall be deemed to have given consent to all inspections by properly identified personnel of the Department, or by other such properly identified persons as the Department might designate. In addition, representatives of the Department shall have access to and may reproduce or photocopy any books, records, and other documents maintained by the birth center or the licensee to the extent necessary to carry out the Act and this Part.
- c) *The Department may investigate an applicant or licensee on its own motion or based upon complaints received by mail, electronic means, telephone, or in person. (Section 50 of the Act)*
- 1) Complaints in regard to birth centers licensed under the Act and this Part may be submitted either in writing, by telephone or by other electronic means to the Department's Central Complaint Registry.
 - 2) The Department will conduct an investigation of all complaints received. An appropriate investigation may include, but is not limited to, record reviews and/or telephone interview, on-site surveys or a combination of methods.
- d) *The Department shall investigate an applicant or licensee whenever it receives a verified complaint in writing of any person setting forth facts which if proven would constitute grounds for the denial of an application for a license, refusal to renew a license, suspension of a license or revocation of a license. (Section 50 of the Act)*

Section 265.1450 Notice of Violation and Plan of Correction

- a) Upon determination that the licensee or applicant is in violation of the Act or this Part, the Department shall issue a written Notice of Violation and request a plan

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of correction. The notice shall specify the violations and shall instruct the licensee or applicant to submit a plan of correction to the Department within 10 days after receipt of the Notice.

- b) Within the 10-day period, a licensee or applicant may request additional time for submission of the plan of correction. The Department may extend the period for submission of the plan of correction for an additional 30 days if the Department finds that corrective action by the birth center to abate or eliminate the violations will require substantial capital improvement. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the clients of the birth center in determining whether to grant a requested extension.
- c) Each plan of correction shall be based on the birth center's assessment of the conditions or occurrences that are the basis of the violations and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences. The birth center shall maintain documentation of such assessment and evaluation. Each acceptable plan of correction shall include:
 - 1) The procedure for implementing the plan of correction for each deficiency cited, typed in the right-hand column of the original Statement of Deficiencies;
 - 2) The title of the individual responsible for implementing and monitoring the plan of correction;
 - 3) Documentation that the facility has incorporated systemic improvement efforts into its quality assessment and performance improvement program in order to prevent the recurrence of the deficient practice;
 - 4) Supporting documentation of correction;
 - 5) Procedures for monitoring and tracking to ensure that the plan of correction is effective;
 - 6) A completion date for correction of each deficiency cited, along with interim dates for any phases or intermediate steps; and

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- 7) Date and signature of the authorized representative, on the bottom of page one of the original Statement of Deficiencies and Plan of Correction.
- d) Submission of a plan of correction shall not be considered an admission by the birth center that the violation has occurred.
- e) The applicant or licensee may submit additional information in response to the Notice of Violation that it believes will clarify the condition or alleged violation. The Department will consider the information in reviewing the applicant's or licensee's response and the plan of correction.
- f) The Department will review each plan of correction to ensure that it provides for the abatement, elimination, or correction of the violation. The Department will reject a submitted plan only if it finds any of the following deficiencies:
 - 1) The plan does not address the conditions or occurrences that are the basis of the violation and does not evaluate the practices, policies, and procedures that have caused or contributed to the conditions or occurrences.
 - 2) The plan does not indicate the specific actions that the birth center will be taking to abate, eliminate, or correct the violation.
 - 3) The plan does not provide for measures that will abate, eliminate, or correct the violation.
 - 4) The plan does not provide steps that will avoid future occurrence of the same and similar violations.
 - 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the clients, and the extent and complexity of the corrective action.
- g) The Department will notify the licensee or applicant if the plan of correction is rejected, including specific reasons for the rejection of the plan. The birth center shall submit a modified plan that addresses the requirements of subsection (c) of this Section within five days after receipt of the notice of rejection.

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- h) If a licensee or applicant fails to submit a modified plan of correction as required in subsection (g), or if the modified plan is not acceptable to the Department, the Department will specify and impose a plan of correction.
- i) The Department will verify the completion of the corrective action required by the plan of correction within the specified time period during subsequent investigations, surveys, and evaluations of the birth center.

Section 265.1500 Adverse Licensure Action and Administrative Hearings

- a) *Before denying a license application, refusing to renew a license, suspending a license, revoking a license, or assessing an administrative fine, the Department shall notify the applicant or the licensee in writing. The notice shall specify the charges or reasons for the Department's contemplated action, and shall provide the applicant or licensee an opportunity to file a request for a hearing within 10 days after receiving the notice. (Section 50 of the Act)*
 - 1) *A failure to request a hearing within 10 days shall constitute a waiver of the applicant's or licensee's right to a hearing. (Section 50 of the Act)*
 - 2) *The hearing shall be conducted by the Director or an individual designated in writing by the Director as an Administrative Law Judge, and shall be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings and Section 55 of the Act. (Section 55 of the Act)*
- b) *A license may be denied, suspended, or revoked, and the renewal of a license may be denied, or an administrative fine may be assessed for any of the following reasons:*
 - 1) *Violation of any provision of the Act or this Part.*
 - 2) *Conviction of the owner or operator of the birth center of a felony or of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility. The record of conviction or a certified copy of it shall be conclusive evidence of conviction.*

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- 3) *An encumbrance on a health care license issued in Illinois or any other state to the owner or operator of the birth center.*
- 4) *Revocation of any facility license issued by the Department during the previous five years or surrender or expiration of the license during the pendency of action by the Department to revoke or suspend the license during the previous five years, if:*
 - A) *the prior license was issued to the individual applicant or a controlling owner or controlling combination of owners of the applicant; or*
 - B) *any affiliate of the individual applicant or controlling owner of the applicant or affiliate of the applicant was a controlling owner of the prior license. (Section 45 of the Act)*
- c) An action to assess an administrative fine may be initiated in conjunction with or in lieu of other adverse licensure action.
- d) The amount of an administrative fine shall be determined based on consideration of the following:
 - 1) The nature and severity of the violation;
 - 2) The birth center's diligence in correcting the violation;
 - 3) Whether the birth center had previously been cited for a similar violation;
 - 4) The number of violations;
 - 5) The duration of an uncorrected violation; and
 - 6) The impact or potential impact of the violation on client health and safety.
- e) The administrative fine shall be calculated in relation to the number of days the violation existed, or continues to exist if it has not been corrected. The total amount of the fine assessed shall fall within the following parameters:

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- 1) For a violation that occurred as a single event or incident – between \$100 and \$5,000 per violation.
- 2) For a violation that was continued or is continuing beyond a single event or incident – between \$100 and \$500 per day per violation.

Section 265.1550 Admission Protocols for Acceptance for Birth Center Clients

- a) An admission protocol specifying the criteria for admitting a client to the birth center shall be included in the application as provided in Section 265.1300.
- b) Only clients *whose births are planned to occur following a normal, uncomplicated, and low-risk pregnancy* shall be allowed to receive services at the birth center. *The medical director and the Director of Nursing and Midwifery Services shall jointly develop and approve policies defining the criteria to determine which pregnancies are accepted as normal, uncomplicated and low-risk, and the anesthesia services and other services available at the birth center.* (Section 35(6) of the Act)
- c) *No general anesthesia, which includes spinal/epidural, or regional, may be administered at the birth center.* (Section 35(6) of the Act)
- d) Any pregnant walk-in clients not previously approved for admission shall be immediately transferred to a hospital.
- e) *An obstetrician, family practitioner/physician, or certified nurse midwife shall attend each woman in labor from the time of admission through birth and throughout the immediate postpartum period.* (Section 35(6) of the Act)
- f) Criteria for acceptance for admission shall be in writing.
- g) No induction of labor is allowed either to start or enhance labor.
- h) The birth center shall have a contractual relationship/transfer agreement with a hospital capable of performing obstetric deliveries.
- i) The birth center shall have *a letter of agreement with a hospital designated under the Perinatal System.* (Section 35(6) of the Act)

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- j) The birth center's governing body shall approve the acceptance for admission protocol and any subsequent revisions.
- k) Each birth center shall establish written policies and procedures stating the medical and social risk factors that exclude women from the low-risk intrapartum group.
- l) Each birth center shall establish a written risk assessment that shall be completed for each client and included in the client's clinical record. The assessment shall include a detailed medical history, a physical examination, family circumstances and other social and psychological factors.
- m) Women who fail to register for acceptance with the birth center before 32 weeks gestation and who have not received prenatal care shall be excluded from admission unless a written, signed exception is made by the medical director on an individual basis.
- n) Criteria for antepartum acceptance and transfer to a hospital, and intrapartum and postpartum transfer to a hospital, and the certified nurse midwife-physician collaborative agreement shall be described in the birth center's established written protocols in accordance with the American Association of Birth Centers, Standards for Birth Centers.
- o) A physician or a certified nurse midwife shall determine the general health and complete a risk assessment of the client, using, as a baseline, the following criteria. These criteria shall be applied to all clients prior to acceptance for birth center services and throughout the pregnancy for continuation of services. The medical director and Director of Nursing and Midwifery Services shall make the final determination of each client's risk.
 - 1) Body mass index of less than 18 or greater than 40 (client will not be accepted).
 - 2) Medical problems, including, but not limited to:
 - A) Heart disease, pulmonary embolus, or chronic hypertension not controlled by medication;

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- B) Congenital heart defects assessed as pathological by a cardiologist, placing mother and/or fetus at risk;
- C) Severe renal disease;
- D) Current drug or alcohol addiction;
- E) Diabetes mellitus or gestational diabetes not controlled by diet;
- F) Thyroid disease that is not maintained in a euthyroid state;
- G) Bleeding disorder or hemolytic disease;
- H) Adrenal disease;
- I) Systemic collagen, connective tissue and autoimmune diseases (e.g., systemic lupus erythematosus, anti-phospholipid syndrome, progressive system sclerosis, and periarteritis nodosa);
- J) Acute or chronic liver disease;
- K) Neurological disorder or seizure disorder requiring use of anticonvulsant drugs;
- L) HIV positive or confirmed active genital herpes at term;
- M) Subarachnoid haemorrhage, aneurysm;
- N) Hernia of the nucleus pulposus;
- O) Lung function disorder/COPD;
- P) Asthma;
- Q) Tuberculosis, active; or
- R) Inflammatory bowel disease, including ulcerative colitis and Crohn's disease.

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- 3) Previous history of obstetrical complications, including, but not limited to:
 - A) Previous gynecologic uterine wall surgery where uterine cavity was entered;
 - B) Two previous caesarean sections;
 - C) Previous caesarean section with documented conditions: vertical scar, placenta anterior and low lying;
 - D) Cervical insufficiency (and/or Shirodkar-procedure);
 - E) Placental abruption;
 - F) Postpartum haemorrhage as a result of cervical tear;
 - G) Postpartum haemorrhage, other causes;
 - H) Manual removal of a placenta.

- 4) Risk factors in prenatal course of current pregnancy, including, but not limited to:
 - A) Anemia (less than 9 gm hemoglobin concentration and not responding to therapy);
 - B) Complete placenta previa in third trimester;
 - C) Nonvertex presentation in labor;
 - D) Pre-eclampsia;
 - E) Known multiple gestation;
 - F) Hypertension – resting blood pressure 140/90 or an increase of 30 systolic or 15 diastolic over the client's baseline pressure;
 - G) Premature labor at less than 37 weeks; the client may return to the birth center if undelivered at 37 weeks;

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- H) Premature rupture of membrane at less than 37 weeks;
 - I) Prolonged rupture of membranes requiring Pitocin induction/augmentation:
 - J) Prolonged pregnancy (at 42 completed weeks or more);
 - K) Significant isoimmunization against Rh or other antigen that may affect the fetus with rising titres;
 - L) Pyelonephritis;
 - M) Toxoplasmosis;
 - N) Rubella;
 - O) Cytomegalovirus;
 - P) Parvovirus infection;
 - Q) Tuberculosis, active;
 - R) Syphilis;
 - S) Ectopic pregnancy;
 - T) Deep venous thrombosis;
 - U) Placental abruption; or
 - V) Dead fetus.
- p) The acceptance and admission policies of the birth center shall not discriminate against clients based on disability, race, religion, source of payment, sexual preference/orientation or any other basis recognized by applicable State and federal laws.
- q) Before acceptance and admission to services, a client shall be informed of:

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- 1) The qualifications of the birth center clinical staff;
 - 2) The risks related to out-of-hospital childbirth;
 - 3) The benefits of out-of-hospital childbirth; and
 - 4) The possibility of referral or transfer if complications arise during pregnancy or labor, with additional costs for services rendered.
- r) The birth center shall obtain the client's written consent for birth center services, and a copy of the signed consent shall be included in the client's individual clinical record.
- s) The number of women in active labor who have been admitted to the birth center at any given point in time shall be no greater than the number of birth rooms in the birth center.

Section 265.1600 Governing Body

- a) Each birth center shall have an organized governing body that is responsible for:
- 1) The management and control of the birth center;
 - 2) The assurance of quality care and services;
 - 3) Compliance with all federal, State and local laws; and
 - 4) Protection of personal and property rights of clients, newborn infants and support persons.
- b) The governing body shall be responsible for providing a sufficient number of appropriately qualified personnel, physical resources and equipment, supplies and services for safe, effective and efficient delivery of care services for normal, uncomplicated and low risk pregnancies as defined in this Part.
- c) The governing body shall appoint an administrator who has the authority and responsibility for the operation and administration of the birth center at all times.

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Qualifications, authority, responsibilities and duties of the administrator shall be defined in a written statement adopted by the governing body.

- d) The governing body shall appoint *a medical director physician who is licensed to practice medicine in all its branches, who is certified or eligible for certification by the American College of Obstetricians and Gynecologists or the American Board of Osteopathic Obstetricians and Gynecologists or has hospital obstetrical privileges.* (Section 35(6) of the Act)
- e) The governing body shall appoint a Director of Nursing and Midwifery Services.
- f) The governing body shall adopt effective policies and bylaws governing operation of the birth center. The policies and bylaws shall be in writing, dated and available for public review. These shall include, but not be limited to:
 - 1) Obstetric, pediatric, and midwifery services available on a 24-hour basis, seven days a week, which shall include obstetric and pediatric consultative services, transportation in case of emergency, admission and discharge policies and provision for referral to outside resources; and
 - 2) Written birth center policies developed by the medical director and Director of Nursing and Midwifery Services and readily available to all staff. All staff members shall be oriented to existing policies and procedures and shall be promptly notified of changes in policies or procedures.
- g) The governing body shall annually review, revise and approve client rights policies and procedures (see Section 265.1700).

Section 265.1650 Length of Stay

The maximum length of stay in a birth center shall be consistent with existing state laws (Illinois Insurance Code Section 356s) allowing a 48-hour stay or appropriate post-delivery care, if the client is discharged earlier than 48 hours. (Section 35(6) of the Act)

Section 265.1700 Client Rights

- a) A client shall not be deprived of any rights, benefits, or privileges guaranteed by law based solely on the client's status as a client of the birth center.

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- b) Every client shall be permitted to refuse medical treatment and to know the consequences of such action.
- c) The medical director and Director of Nursing and Midwifery Services shall develop written policies and procedures to assure the individual mother the right to dignity, privacy, and safety, which shall include, but not be limited to, the requirements in subsection (d). The governing body shall review, revise, and approve the policies annually. The birth center shall follow the policies and procedures.
- d) It is the right of every mother, and/or support person, to expect and receive:
 - 1) Good quality care and high professional standards that are continually maintained and reviewed.
 - 2) Answers to questions regarding services and treatment, and the names and functions of the staff person providing services.
 - 3) Confidentiality of client records. Information from or copies of records may be released only to authorized individuals, and the birth center shall ensure that unauthorized individuals cannot gain access to or alter client records. The birth center shall release original medical records only in accordance with federal or State laws, court orders, or subpoenas.
 - 4) Unimpeded, private, and uncensored communication by mail and telephone. The birth center shall ensure that correspondence is promptly received and mailed, and that telephones are reasonably accessible.
 - 5) Respectful and dignified treatment at all times.
 - 6) Information regarding cost and counseling on the availability of known financial resources to the service being rendered.
 - 7) Disclosure and discussion of the nature, purposes, expected effects, and results of the medical treatment under consideration, prior to signing an informed consent.

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- 8) *Availability of an obstetrician, family practitioner/physician or certified nurse midwife on a 24-hour per day, 7 day per week basis from the time of admission through birth and throughout the immediate postpartum period. Additionally, a second staff person shall also be present at each birth who is licensed or certified in Illinois in a health-related field and under the supervision of the physician or certified nurse midwife in attendance, has specialized training in labor and delivery techniques and care of newborns, and receives planned and ongoing training as needed to perform assigned duties effectively. (Section 35(6) of the Act)*
- 9) A copy of the birth center's rules that apply to conduct as a mother, spouse, support person, and other family member or visitor.
- 10) A written copy of the rights guaranteed by this Section and by the birth center.
- 11) Treatment without discrimination based upon race, color, religion, sexual preference, national origin, or source of payment.
- 12) The right to expect emergency procedures to be implemented without unnecessary delay.

Section 265.1750 Personnel

- a) *Medical Director. The services of a medical director physician, licensed to practice medicine in all its branches, who is certified or eligible for certification by the American College of Obstetricians and Gynecologists or the American Board of Osteopathic Obstetricians and Gynecologists or has hospital obstetrical privileges are required in birth centers. (Section 35(6) of the Act)*
 - 1) The medical director shall be appointed by and responsible to the governing body with full obstetrical privileges in a licensed hospital near the birth center. The medical director may also be designated as the individual responsible for the administrative operation of the birth center. The medical director shall be responsible for:
 - A) Advising and consulting with the staff of the birth center on all matters related to medical management of pregnancy; birth;

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postpartum, newborn and gynecologic health care; and infection control;

- B) Establishing a Written Collaborative Agreement for midwifery care management as required by Section 65-35 of the Nurse Practice Act;
 - C) Coordinating all professional medical consultants to the birth center (e.g., consulting obstetrical physicians, pediatricians, family physicians); and
 - D) Such other functions as may be deemed appropriate.
- 2) In addition, the medical director shall be responsible for determining whether a mother and/or fetus found to have clinically significant risk factors (see Section 265.1550) should be admitted to the birth center, or whether the birth center should continue to provide care to the mother and/or newborn during the puerperium period.
- 3) The medical director or a physician designee shall be available when not on the premises.
- b) Administrator. The administrator is an individual designated by the governing body to be responsible for the administrative operation of the birth center. One person may function in more than one capacity, provided that the person meets all of the minimum qualifications and is capable of performing all of the prescribed duties.
- 1) The duties of the administrator include, but are not limited to:
 - A) Administratively supervising the provision of services at the birth center;
 - B) Organizing and directing the birth center's ongoing functions;
 - C) Employing qualified staff;
 - D) Ensuring education and evaluations of staff; and

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- E) Supervising non-professional staff.
- 2) The administrator shall implement a budgeting and accounting system, which shall include an auditing system for monitoring State or federal funds. The administrator shall ensure that all billings or insurance claims (e.g., Medicaid) submitted are accurate.
 - 3) The administrator shall ensure that issues and complaints relating to the conduct or actions of licensed health care professionals are addressed and, if warranted, referred and reported to the appropriate licensing board, and that such review and action taken are documented.
 - 4) The administrator shall administratively conduct or supervise the resolution of complaints received from clients concerning the delivery of their care or services at the birth center.
- c) Director of Nursing and Midwifery Services
- 1) *If a birth center employs certified nurse midwives, a certified nurse midwife shall be the Director of Nursing and Midwifery Services who is responsible for the development of policies and procedures for services as provided by this Part. (Section 35(6) of the Act)*
 - 2) The nursing or midwifery services shall be under the direction of a registered nurse or a certified nurse midwife who has qualifications in nursing administration and/or nursing management and who has the ability to organize, coordinate, and evaluate the service.
 - 3) The Director of Nursing and Midwifery Services shall hold a degree in nursing and have documented experience and relevant continuing education.
 - 4) The Director of Nursing and Midwifery Services shall be accountable to the governing body for developing and implementing policies and procedures of the birth center and for the nursing/midwifery practice.
 - 5) The Director of Nursing and Midwifery Services shall have authority over the selection, promotion and retention of nursing/midwifery personnel based on established job descriptions.

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- 6) A registered nurse or certified nurse midwife qualified by training shall be designated and authorized to act in the absence of the Director of Nursing and Midwifery Services on a 24-hour basis.
- d) Birth Attendants and Birth Assistants
- 1) A birth attendant is *an obstetrician, family practitioner/physician, or certified nurse midwife* who attends a woman in labor from the time of admission through birth and throughout the immediate postpartum period, in accordance with Section 265.1850. (Section 35(6) of the Act)
 - 2) A birth assistant shall be *licensed or certified in Illinois in a health-related field and under the supervision of the physician or certified nurse midwife in attendance, have specialized training in labor and delivery techniques and care of newborns, and receive planned and ongoing training as needed to perform assigned duties effectively.* (Section 35(6) of the Act)
The birth assistant acts as the second staff person who is required by Section 35(6) of the Act to be present at each birth.
- e) Professional and support staff (nurses, clerical, housekeeping, food service, maintenance, etc.) shall be on duty and on call to meet the demands for services provided to assure client safety and satisfaction.
- f) At each birth there shall be two staff currently certified in:
- 1) Adult CPR equivalent to American Heart Associate Class C life support; and
 - 2) Neonatal CPR equivalent to American Academy of Pediatrics/American Heart Association requirements.
- g) Each birth center shall establish an employee health program that includes, at a minimum, the following:
- 1) An assessment of the employee's health and immunization status at the time of employment;
 - 2) Policies regarding required immunizations;

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- 3) Policies and procedures for the periodic health assessment of all personnel. These policies shall specify the content of the health assessment and the interval between assessments and shall comply with the Control of Tuberculosis Code;
 - 4) All birth center employees who are exposed to blood shall have full immunization against hepatitis B or documented refusal; and
 - 5) Annual training on infection control for birth center personnel. The training shall follow the standards set forth in the Guidelines for Infection Control in Health Care Personnel; and
 - 6) Procedures related to identifying potential dangers to the health and safety of personnel providing services in the birth center and procedures for protecting agency personnel from identified dangers.
- h) Each birth center shall develop a system for training and continued education for all personnel according to their assigned duties and for evaluation of skills consistent with the individual's scope of practice.
 - i) Prior to employing any individual in a position that requires a State license, the birth center shall contact the Illinois Department of Financial and Professional Regulation to verify that the individual's license is active and in good standing. A copy of the verification shall be placed in the individual's personnel file.
 - j) A birth center shall comply with the Health Care Worker Background Check Act and the Health Care Worker Background Check Code.
 - k) The birth center shall check the status of all applicants with the Health Care Worker Registry prior to hiring.

Section 265.1800 Clinical Services

- a) Clients shall meet all the requirements of Section 265.1550 before being admitted and receiving services at the birth center.

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- b) Each birth center shall assure that each woman and her family registering for admission for care at the birth center shall be given an orientation to the birth center, which includes, but is not limited to:
- 1) The philosophy and goals of the birth center;
 - 2) Services directly available at the birth center;
 - 3) Services provided through consultation and referrals;
 - 4) Policies and procedures;
 - 5) The requirement for signed consent for care and services, attesting to full awareness of care and services to be provided;
 - 6) The involvement of the mother (and support person whenever possible) in the development and assessment of a protocol of care in accordance with this Section;
 - 7) Charges for required care and potential additional charges; and
 - 8) The risk assessment process and risk factors that might preclude admission for care at the birth center.
- c) Each birth center shall provide a childbirth education program or shall arrange with another health care provider to make a program available to the center's clients.
- 1) The program shall consist of a course of instruction to expectant mothers and support persons pertaining to prenatal care and its outcome; care of the newborn; and an understanding of labor and delivery, self-care, and preparation for participation in the childbirth process.
 - 2) The education program shall be coordinated with other health care services available in the community.
 - 3) The birth center shall require all women who have not previously attended a childbirth education program to attend such a program, preferably with a support person.

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- 4) Childbirth education can be provided at any location in the community. The location should meet the needs of the participant by encouraging and supporting attendance.
- d) The birth center shall ensure that mothers have adequate prenatal care in accordance with the birth center's written policies and procedures and acceptable standards of practice. The policies shall require the following:
- 1) Every mother shall be involved in the development and assessment of a protocol of care.
 - 2) Every mother shall be evaluated within four weeks after the initial request for admission for care in order to establish a database of risk assessment, identify problems and needs, and develop a protocol of care, which shall include:
 - A) Data from history and physical examination, including documented HIV status;
 - B) Laboratory findings;
 - C) Social, nutritional and health assessments; and
 - D) Frequency of prenatal visits.
 - 3) Every mother accepted for care at the birth center shall be evaluated on a regular basis for the presence of any risk factor listed in Section 265.1550. If a mother develops problems or conditions considered to be high risk, the Director of Nursing and Midwifery Services and the medical director shall review the case to determine whether the birth center can continue to provide care to the mother. Findings shall be entered in the clinical record and signed by the medical director.
- e) Any risk factor pertaining to labor, delivery or postpartum periods as outlined in Section 265.1550 shall be cause to discontinue care of the mother and/or newborn at the birth center.

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- 1) If a clinical complication occurs in the course of labor or delivery or postpartum, the obstetrician, family physician or certified nurse midwife shall have the mother and/or newborn transferred promptly to a licensed hospital obstetrical service and shall notify the medical director.
 - 2) Records necessary to explain the situation fully shall accompany a mother and/or newborn upon transfer to the hospital.
- f) *The maximum length of stay in a birth center shall be consistent with existing State laws allowing a 48-hour stay or appropriate post-delivery care, if the mother and infant are discharged earlier than 48 hours.* (Section 35(6) of the Act) If a mother or newborn is not in satisfactory condition for discharge within 48 hours following birth, the mother and/or newborn shall be transferred to a hospital that has obstetrical and nursery services.
- g) The written policies and procedures established by the medical director and Director of Nursing and Midwifery Services for a follow-up program of care and postpartum evaluation after discharge from the birth center shall include, but not be limited to, the following:
- 1) The birth center's medical director, obstetrician, family physician, or certified nurse midwife shall be accessible by telephone, 24 hours per day, to assist mothers in case of need during the postpartum period.
 - 2) The birth center's postpartum program shall include the assessment of mother and infant, including physician examination, laboratory screening tests at appropriate times, and maternal postpartum status; and instructions in child care, including immunization, referral to sources of pediatric care, provisions for family planning services, and assessment of mother-child relationship, including breastfeeding.
- h) *No general, which includes spinal/epidural, or regional anesthesia may be administered at the birth center.* (Section 35(6) of the Act) Local anesthesia for episiotomies and/or repair of lacerations may be administered in accordance with written policies and procedures established by the medical director.
- i) No surgical procedures shall be performed except episiotomy, repair of episiotomy or laceration, or circumcision.

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Section 265.1850 Labor and Birth Procedures

- a) *An obstetrician, family practitioner/physician or certified nurse midwife (birth attendant) shall attend each woman in labor from the time of admission through birth and throughout the immediate postpartum period. Attendance may be delegated only to another physician or certified nurse midwife. (Section 35(6) of the Act)*
- b) *Additionally, a second staff person (birth assistant) shall also be present at each birth who is licensed or certified in Illinois in a health-related field and under the supervision of the physician or certified nurse midwife in attendance, has specialized training in labor and delivery techniques and care of newborns, and receives planned and ongoing training as needed to perform assigned duties effectively. (Section 35(6) of the Act)*
- c) The birth attendant shall be trained in the common duties associated with birth and postpartum, and use of emergency policies, procedures and equipment.
- d) During the labor process, the birth attendant shall perform the following minimum duties:
 - 1) Monitor the fetal heartbeat;
 - 2) Monitor the mother's blood pressure, pulse and temperature;
 - 3) Perform adult and infant cardiopulmonary resuscitation, if needed;
 - 4) Monitor the infant's heartbeat, respiratory rate and body temperature; and
 - 5) Assess the client's fundus and blood loss.
- e) Interventions shall be limited to those required to accomplish a vaginal delivery.

Section 265.1900 Newborn Infant Care

- a) Each birth center shall adopt, implement and enforce written policies and procedures for the care of the infant. The medical director and Director of Nursing and Midwifery Services shall review and revise the policies as necessary to reflect current practices. The policies shall comply with the Guidelines for

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Perinatal Care, published by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists, and include, at a minimum:

- 1) Resuscitation of the newborn;
 - 2) Within two hours after delivery, ophthalmic ointment, or drops containing tetracycline or erythromycin, instilled into the eyes of the newborn infant as a preventive against ophthalmia neonatorum in accordance with the Infant Eye Disease Act;
 - 3) A single parenteral dose of vitamin K-1, water soluble 0.5 mgm, given to the infant soon after birth as a prophylaxis against hemorrhagic disorder in the first days of life;
 - 4) Documentation of a physical examination of the newborn performed before discharge;
 - 5) Referral for any abnormalities or problems;
 - 6) The collection of blood for newborn screening;
 - 7) Procedures for the detection of Rh and ABO isoimmunization;
 - 8) HIV testing pursuant to the Perinatal HIV Prevention Code; and
 - 9) Preparation and submission of birth certificates.
- b) Identification of Newborns
- 1) While the newborn is still in the birth room, the nurse or certified nurse midwife in the birth room shall prepare identical identification bands for both the mother and the newborn. Wrist bands alone may be used; however, it is recommended that both wrist and ankle bands be used on the newborn. The birth center shall not use footprinting and fingerprinting alone as methods of client identification. The bands shall indicate the mother's admission number, the newborn's gender, the date and time of birth, and any other information required by birth center policy. Birth room personnel shall review the bands prior to securing them on the

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mother and the newborn to ensure that the information on the bands is identical. The nurse or certified nurse midwife in the birth room shall securely fasten the bands on the newborn and the mother without delay as soon as he/she has verified the information on the identification bands. The birth records and identification bands shall be checked again before the newborn leaves the birth room.

- 2) If the condition of the newborn does not allow the placement of identification bands, the identification bands shall accompany the newborn and shall be attached as soon as possible.
 - 3) When the newborn is taken to the mother, the nurse or other birth center staff shall examine the mother's and the neonate's identification bands to verify the gender of the neonate and to verify that the information on the bands is identical.
 - 4) The umbilical cord shall be identified according to birth center policy (e.g., by the use of a different number of clamps) so that umbilical cord blood specimens are correctly labeled. All umbilical cord blood samples shall be labeled correctly with an indication that these are a sample of the newborn's umbilical cord blood and not the blood of the mother.
 - 5) The birth center shall develop a newborn infant security system. This system shall include instructions to the mother regarding safety precautions designed to avoid abduction of her newborn infant. Electronic sensor devices may be included as well.
- c) Discharge of newborn infants shall be in accordance with the birth center policies (see Section 265.1950).
 - d) The birth center shall communicate with the pediatric care provider and shall transfer birth and newborn records to the pediatric care provider.
 - e) In breastfeeding and in the storage and handling of infant formula, the birth center shall comply with the provisions of the Guidelines for Perinatal Care.

Section 265.1950 Discharge Policies and Procedures

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- a) *The maximum length of stay in a birth center shall be consistent with existing State laws (see 215 ILCS 5/356s) allowing a 48-hour stay or appropriate post-delivery care, if the mother and infant are discharged earlier than 48 hours. (Section 35(6) of the Act)*
- b) The birth center shall develop a discharge plan of care for all mothers and infants.
- c) The discharge plan shall be based on the assessment of the mother's and infant's needs by the various disciplines responsible for their care.
- d) The mother and infant shall be discharged from the birth center when both are clinically stable and have met the discharge criteria/policy established by the birth center.
- e) The mother and infant shall not be discharged prior to four hours after the time of birth.
- f) The birth center shall provide the mother with written discharge instructions. The discharge instructions shall include written guidelines detailing how the mother may obtain emergency assistance for herself and her infant.
- g) The birth center shall develop, implement and enforce written policies to provide follow-up postnatal and postpartum care to the infant and the mother, either directly or by referral. Follow-up care may be provided in the birth center, at the mother's residence, by telephone, or by a combination of these methods.

Section 265.2000 Infection Control

- a) Each birth center shall provide a sanitary environment to avoid sources and transmission of infections and communicable diseases. The birth center shall have an active program for the prevention, control and investigation of infectious and communicable diseases that includes, but is not limited to:
 - 1) Hand-washing techniques for adequate protection of the mother and newborn infant from infection and other contamination;
 - 2) Contagious disease control measures for birth center personnel, carrier or suspected carrier, spouse or support persons;

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- 3) Sterilization methods and procedures; and
 - 4) Infection control measures, including birth room cleaning policies and birth room waste disposal policies and procedures.
- b) The birth center shall implement universal/standard precautions, including:
- 1) Ensuring that all staff comply with universal/standard precautions;
 - 2) Establishing procedures for monitoring compliance with universal/standard precautions; and
 - 3) Requiring birth center employees to complete educational course work or training in infection control and barrier precautions, including basic concepts of disease transmission, scientifically accepted principles and practices for infection control, and engineering and work practice controls.
- c) A person or persons shall be designated as infection control officer or officers to develop and implement policies governing control of infections and communicable disease. Policies and procedures shall be developed to address the following:
- 1) Medical, nursing and non-professional staff behaviors to prevent and control the transmission of infections or communicable diseases;
 - 2) Measures to handle infectious cases that develop in the birth center;
 - 3) Reporting and care of cases of communicable diseases in accordance with the Control of Communicable Diseases Code; and
 - 4) A systematic plan of checking and recording cases of infection, known or suspected, that develop in the birth center.
- d) The birth center shall maintain a sanitary environment with all equipment in good working order. Written procedures shall include:
- 1) Garbage, refuse and medical waste removal in such a manner that will not permit the transmission of a contagious disease, create a nuisance or fire hazard or provide a breeding place for vermin or rodents;

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- 2) Insect and rodent control;
 - 3) Maintenance of water, heat, ventilation and air conditioning, and electrical service;
 - 4) The use, cleaning, sterilization, and care of equipment and supplies; and
 - 5) Housekeeping and cleaning measures and schedule.
- e) Laundry shall be processed in accordance with Section 265.2350(i).
- f) The birth center shall comply with the CDC Guideline for Hand Hygiene in Health-Care Settings and the CDC Guidelines for Infection Control in Health Care Personnel.

Section 265.2050 Disposal of Medical Waste

- a) All pathological and bacteriological waste, including blood, body fluids, placentas, sharps and biological indicators, shall be disposed of by a waste hauler with a permit from the Illinois Environmental Protection Agency under rules of the Pollution Control Board (35 Ill. Adm. Code 809).
- b) These materials shall be sealed, transported, and stored in biohazard containers. These containers shall be marked "Biohazard", bear the universal biohazard symbol, and be orange, orange and black, or red. The containers shall be rigid and puncture resistant, such as a secondary metal or plastic can with a lid that can be opened by a step-on pedal. These containers shall be lined with one or two high-density polyethylene or polypropylene plastic bags with a total thickness of at least 2.5 mil or equivalent material.
- c) Containers that are marked "Biohazard" shall be sealed before being removed from the birth center.

Section 265.2100 Emergency Services

- a) The birth center shall have a written agreement with an emergency medical transport provider/EMS ambulance provider for emergency transportation of the mother and/or newborn infant to a hospital.

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- b) The birth center shall provide emergency equipment and emergency medications as follows:
 - 1) Oxygen;
 - 2) Airway and manual infant breathing bags;
 - 3) Suction equipment;
 - 4) A neutral thermal environment for resuscitation; and
 - 5) Other medications and equipment as approved by the medical director.

Section 265.2150 Laboratory and Pharmacy Services

- a) Each birth center shall meet the following requirements:
 - 1) Possess a valid Clinical Laboratory Improvement Amendments (CLIA) certificate for those tests performed by the birth center; and
 - 2) Have a written agreement with a laboratory that possesses a valid CLIA certificate to perform any required laboratory procedures that are not performed in the birth center.
- b) Pharmacy services shall be provided directly by the birth center or by an off-site pharmacy licensed pursuant to the Pharmacy Practice Act.
- c) Pharmacy services provided directly by the birth center shall be under the direction of a registered pharmacist.
- d) All drugs and medicines shall be stored and dispensed in accordance with applicable State and federal laws.

Section 265.2200 Clinical Records

- a) Each birth center shall adopt, implement, enforce and maintain a clinical record system to assure that the care and services provided to each client are completely

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and accurately documented and systematically organized to facilitate the compilation and retrieval of information.

- b) Each birth center shall maintain accurate and complete clinical records for each client, and all entries in the clinical record shall be made at the time when care, treatment, medications, consultations or other medical services are given. The record shall include, but not be limited to, the following:
- 1) Client-identifying information;
 - 2) Name of the client's birth attendants, and the name of all other birth assistants;
 - 3) Initial risk assessment in accordance with Section 265.1550;
 - 4) A disclosure statement and informed consent that is signed by the client that explains the benefits, limitations, and risks of the services available at the center, and that describes the collaborative arrangements that the center has with physicians and with referral hospitals;
 - 5) Record of antepartum (prenatal) care;
 - 6) History and physical examination of the client;
 - 7) Laboratory tests, procedures and results;
 - 8) Written progress notes, signed and dated by the person rendering the service on the day service is rendered, and incorporated into the client record on a timely basis;
 - 9) Medication list and medication administration record, if applicable;
 - 10) Intrapartum care;
 - 11) Newborn assessment and care, including:
 - A) Apgar scores;
 - B) Maternal-newborn interaction;

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- C) Prophylactic procedures;
 - D) Accommodation to extra-uterine life;
 - E) Blood glucose when clinically indicated;
- 12) Postpartum care;
 - 13) Allergies and medication reactions;
 - 14) Documentation of consultation;
 - 15) Refusal of the client to comply with advice or treatment;
 - 16) Discharge summary, to include mother and infant;
 - 17) Discharge plan and instructions to the client;
 - 18) Authentication of entries by the physician or physicians, birth attendants and birth assistants who treated or cared for the client and newborn;
 - 19) A copy of the transfer form if the client or newborn was transferred to a hospital; and
 - 20) Documentation that a birth certificate was filed or, if applicable, a death certificate was filed.
- c) The birth center shall maintain all original medical records for a period of at least seven years. The birth center shall not destroy client records that relate to any matter that is involved in litigation if the birth center knows that the litigation has not been finally resolved.
 - d) Records shall be stored in a manner that will assure safety from water, fire or other sources of damage and will safeguard the records from unauthorized access.
 - e) The birth center shall develop a policy for maintenance and confidentiality of all original records or copies of those records, in accordance with State and federal laws.

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- f) If a birth center closes, inactive records shall be preserved to ensure compliance with this Section. The birth center shall send the Department written notification of the reason for closure, the location of the client records, and the name and address of the client record custodian. If a birth center closes with an active client roster, a copy of the active client record shall be transferred with the client to the receiving birth center or other health care facility to assure continuity of care and services to the client.

Section 265.2250 Transfer Agreement

A birth center shall be located within a ground travel time distance from the general acute care hospital with which the birth center maintains a contractual relationship, including a transfer agreement that allows for an emergency caesarian delivery to be started within 30 minutes after the decision a caesarian delivery is necessary. (Section 35(6) of the Act)

Section 265.2300 Equipment

The birth center shall have sufficient client care equipment and space to assure the safe, effective and timely provision of the available services to clients, which include, but are not limited to, the following:

- a) A heat source for infant examination or resuscitation;
- b) Transfer incubator or isolette;
- c) Blood pressure equipment;
- d) Thermometers;
- e) Fetoscope/doptone;
- f) Intravenous equipment;
- g) Sterilizer;
- h) Resuscitation equipment;
- i) Oxygen equipment for maternal and neonate uses;

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- j) Instruments for delivery, episiotomy and repair; and
- k) Other supplies and equipment specified by the medical director and Director of Nursing and Midwifery Services.

Section 265.2350 Environmental Management

- a) The birth center shall maintain at least one birth room that provides the equipment, staff, supplies and capability for emergency procedures, pursuant to Section 265.2100, required for the physical and emotional care of a maternal client, her support person and the newborn during labor, birth and the recovery period.
- b) The birth center shall be designed to provide for the following:
 - 1) Birth rooms shall be located to provide unimpeded, rapid access to an exit of the building that will accommodate emergency transportation vehicles;
 - 2) The birth center shall be located on the same level as ambulance delivery and pickup;
 - 2) Fixed and portable work surface areas shall be maintained for use in the birth room;
 - 3) A separate space for a clean area and a contaminated area shall be provided. Sanitary waste containers, soiled linen containers, storage cabinets, and sterilizing equipment shall be available;
 - 4) Space shall be provided for prenatal and postpartum examinations, which will include privacy for the client, hand-washing facilities and the appropriate equipment for staff;
 - 5) Space shall be provided for medical record storage; and
 - 6) Client interview, instruction and waiting rooms shall be provided.
- c) Toilet and Bathing Facilities

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- 1) A toilet and lavatory shall be maintained in or adjacent to the birth room.
 - 2) Hand-washing facilities shall be in or immediately adjacent to the birth room entry door.
 - 3) A bathtub or shower shall be available for client use and may include a large tub used for hydrotherapy for labor.
 - 4) All floor surfaces, wall surfaces, water closets, lavatories, tubs, and showers shall be kept clean, and all appurtenances of the structures shall be of sound construction, properly maintained, in good repair and free from safety hazards.
- d) The birth center shall provide facilities for secure storage of personal belongings and valuables of clients.
 - e) Visual privacy shall be provided for each maternal client and her support person.
 - f) Hallways and doors providing access and entry into the birth center and birth room shall be able to accommodate maneuvering of ambulance stretchers and wheelchairs.
 - g) All areas of the facility shall be well lighted and shall have light fixtures capable of providing at least 20 foot candles of illumination at 30 inches from the floor to permit observation, cleaning and maintenance. Light fixtures shall be maintained and kept clean.
 - h) Heating and cooling systems shall be provided to maintain a minimum temperature of 68 degrees Fahrenheit and a maximum temperature of 78 degrees Fahrenheit.
 - i) Laundry
 - 1) Clean clothing, bed linens, and towels shall be available to the clients. Where laundry facilities are provided, space shall be provided and areas shall be designated for separating clean and soiled clothing, linen and towels.

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- 2) Laundry rooms (if provided) shall be well lighted and properly ventilated. Clothes dryers shall be vented to the exterior. Carts used for transporting dirty clothes, linen and towels shall not be used for transporting clean articles.
- 3) If laundry facilities are not provided, soiled laundry items shall be cleaned per contractual agreement with a commercial laundry.
- j) Beds and bedding shall be kept in repair, and shall be cleaned and sanitized whenever soiled. Mattresses and pillows shall have cleanable covers, which shall be cleaned and sanitized between use by different clients. Clean sheets shall be used for each client. Blankets shall be washed or dry cleaned whenever soiled. Sheets, blankets and clean clothing shall be stored in a clean, dry place between laundering and use.
- k) The grounds and building shall be maintained in a safe and sanitary condition.
- l) The birth center shall be kept free of all insects and rodents. All outside openings shall be effectively sealed or screened to prevent entry of insects or rodents.
- m) Poisonous or toxic compounds shall be labeled, locked and stored apart from food and other areas where storage would constitute a hazard to the clients.
- n) Drinking water shall be available to all clients.
- o) Hot and cold running water under pressure and at a safe temperature, not to exceed 110 degrees Fahrenheit to prevent scalding, shall be provided to all restrooms, lavatories and bathing areas.
- p) Refuse, biohazards, infectious waste and garbage shall be collected, transported, sorted, and disposed of by methods that will minimize nuisances or hazards in compliance with federal, State and local laws.

Section 265.2400 Food Services

- a) Each birth center shall have the capacity to provide mothers and families with appropriate nourishment and light snacks. The minimum equipment shall include a refrigerator (capable of maintaining a temperature of 45 degrees Fahrenheit or lower), microwave, sink, cupboard and counter space or equivalent.

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- b) If food service is provided by the birth center or by contract with a food service provider, the following requirements shall be met:
 - 1) Food services shall comply with the Food Service Sanitation Code and any applicable local requirements.
 - 2) Meals shall be nutritionally balanced. The birth center shall work with clients to accommodate clients' preferences.
 - 3) Menus shall be planned and made available in advance of being served.
 - 4) A sufficient number of personnel shall be on duty to meet the dietary needs of the clients.
- c) Therapeutic or modified diets shall be followed as ordered by the physician.

Section 265.2450 Quality Assurance and Improvement

- a) The birth center shall adopt, implement and enforce a written quality assurance and improvement program that includes all health and safety aspects of client care for both mother and infant.
- b) The ongoing monitoring and evaluation of the quality and accessibility of care and services provided by the birth center or under contract shall include, but not be limited to:
 - 1) Admission of clients appropriate to the capabilities of the center;
 - 2) Client satisfaction;
 - 3) Cost for delivery of services;
 - 4) Review of the clinical records;
 - 5) Incidences of morbidity and mortality of mother and infant;
 - 6) Postpartum infections;

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- 7) All cases transferred to a hospital for delivery, care of infant, or postpartum care of mother;
- 8) Incidents, problems and potential problems identified by staff of the center, including infection control;
- 9) Any issues of unprofessional conduct by any member of the center's staff (including contractual staff);
- 10) The integrity of surgical instruments, medical equipment and client supplies;
- 11) Client referrals and consultations;
- 12) Appropriateness of medications prescribed, dispensed or administered in the birth center;
- 13) Problems with compliance with any federal or State laws;
- 14) At least an annual review of protocols, policies and procedures relating to maternal and newborn care;
- 15) Appropriateness of the risk criteria for determining eligibility for admission to and continuation in the birth center program of care;
- 16) Appropriateness of diagnostic and screening procedures;
- 17) Quarterly meetings of clinical practitioners to review the management of care of individual clients and to make recommendations for improving the plan of care;
- 18) Regular review and evaluation of all problems or complications of pregnancy, labor and postpartum and the appropriateness of the clinical judgment of the clinical practitioner in obtaining consultation and attending to the problem;
- 19) Evaluation of staff on ability to manage emergency situations by unannounced periodic drills for fire, maternal/newborn emergencies, power failure, etc.

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- c) The birth center shall identify and address quality assurance issues and implement corrective action plans as necessary. The outcome of any corrective action plans shall be documented. The outcome of the remedial action shall be documented.
- d) The quality improvement program for maintaining a safe environment shall include, but not be limited to:
 - 1) Routine testing of the efficiency and effectiveness of all equipment (e.g., sphygmomanometer, doptones, sterilizers, resuscitation equipment, transport equipment, oxygen equipment, communication equipment, heat source for newborn, smoke alarms, and fire extinguishers);
 - 2) Routine review of housekeeping procedures and infection control;
 - 3) Evaluation of maintenance policies and procedures for heat, ventilation, emergency lighting, waste disposal, water supply and laundry and kitchen equipment.
- e) The quality improvement program shall monitor and promote quality of care to clients and the community through an effective system for collection and analysis of data, which includes, but is not limited to:
 - 1) Use of the following services:
 - A) Orientation sessions;
 - B) Childbirth-related educational programs;
 - C) Time in birth center before birth;
 - D) Time in birth center after birth;
 - E) Follow-up office and/or home visits postpartum (mother);
 - F) Follow-up office and/or home visits for newborn.
 - 2) Outcomes of care provided:

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- A) Spontaneous abortions;
- B) Neonatal morbidity;
- C) Maternal morbidity;
- D) Women registered for admission for care;
- E) Antepartum transfers;
- F) Women admitted to birth center for intrapartum care;
- G) Intrapartum transfers;
- H) Number of births in the birth center;
- I) Percentage of breastfeeding mothers;
- J) Births occurring en route to the birth center;
- K) Postpartum transfers;
- L) Newborns transferred;
- M) Type of delivery; normal spontaneous vaginal delivery or other;
- N) Episiotomies;
- O) Fourth degree lacerations;
- P) Infants with birth weight less than 2500 grams or greater than 4500 grams;
- Q) Apgar scores 6 and below at five minutes;
- R) Neonatal mortality; and
- S) Maternal mortality.

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- 3) Reasons for transfer:
 - A) Antepartum;
 - B) Intrapartum;
 - C) Postpartum; and
 - D) Newborn.

Section 265.2500 Reports

- a) Each birth center shall submit reports pursuant to Section 35(6) of the Act and any other reports containing pertinent data required by the Department to effectively evaluate the program.
- b) The birth center shall comply with the requirements of the Control of Communicable Diseases Code for reporting communicable diseases.
- c) The following incidents shall be reported to the Department in writing, by mail or fax, within five calendar days after the occurrence, to the Division of Health Care Facilities and Programs, 525 West Jefferson St., Springfield, Illinois 62761, or fax 217-782-0382.
 - 1) A death of a mother, infant, or fetus during the course of labor occurring in the birth center; and
 - 2) A death of a mother or infant within 24 hours after discharge from the center or transfer to a hospital.
- d) The birth center shall comply with the laws of the State, the Vital Records Act, and the Vital Records Code in preparing and filing birth, stillbirth, and death certificates.
- e) The birth center shall notify the Department of any incident that had a significant effect on the health, safety or welfare of a client or clients.
- f) Incidents or accidents that affect the health, safety or welfare of a group of clients or all clients in the birth center and that require a response by the fire department,

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police department or local emergency services agency shall be reported to the Department. These include, but are not limited to, fire, power outage, loss of water supply or building damage resulting from severe weather.

- g) Notification shall be made by a phone call to the Division of Health Care Facilities and Programs within 24 hours after each reportable incident or accident. If the facility is unable to contact the Division of Health Care Facilities and Programs, notification shall be made by a phone call to the Department's toll-free complaint registry number. The birth center shall send a narrative summary of each accident or incident occurrence that has a significant effect on the health, safety or welfare of a resident or group of clients or all clients to the Department within seven days after the occurrence.
- h) A descriptive summary of each reportable incident or accident shall be recorded in the progress notes or nurse's notes for each client affected.
- i) The facility shall maintain a file of all written reports of reportable incidents or accidents affecting clients. A facility is not required to report an incident or accident that causes no harm to a client.

SUBPART B: CONSTRUCTION STANDARDS

Section 265.2550 Applicability of This Subpart

The standards in this Subpart shall apply to all birth centers and major alterations and additions to birth centers. (Major alterations are those that are not defined as minor alterations in Section 250.2600(b).)

Section 265.2600 Submission of Plans for New Construction, Alterations or Additions to Birth Centers

- a) New Construction, Addition, or Major Alteration to Existing Construction
 - 1) Design Drawing
When construction is contemplated, design development drawings and outline specifications shall be submitted to the Department for review. Approval of design development drawings and specifications shall be obtained from the Department prior to starting final working drawings and

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specifications. The Department will provide comments or approval within 30 days after receipt.

- 2) Final Drawings
 - A) The final working drawings and specifications shall be submitted to the Department for review and approval prior to the beginning of construction. Alternative methods of design development and construction may be acceptable, subject to the approval of the Department. Department approval is null and void if construction contracts are not executed and construction is not started within one year after the plan approval date. The Department will provide approval or comments within 60 days after the day on which the submission is deemed complete.
 - B) The Department shall be notified, in writing, of the award of construction contracts.
 - 3) Any contract modifications that affect or change the function, design, fire/life safety, or purpose of a birth center shall be submitted to the Department for approval prior to authorizing the modifications. The Department will provide comments or approval within 30 days after receipt.
 - 4) The Department shall be notified when construction has been completed and before any area is occupied.
 - 5) The birth center shall maintain as-built drawings on site.
- b) Minor Alterations and Remodeling. Minor alterations or remodeling changes that do not affect the structural integrity of the building, that do not change functional operation, that do not affect fire/life safety, and that do not add beds more than the number for which the center is licensed need not be submitted for approval.
- c) Codes and Standards
- 1) Construction shall be in accordance with the requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", Chapter 20, New Ambulatory Health Care Occupancies, and Subpart B of this Part.

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- 2) Nothing stated in this Part shall relieve the birth center from compliance with building codes, ordinances, and regulations that are enforced by city, county jurisdictions or other authorities having jurisdiction.
- 3) The recommendations of the International Building Code shall apply insofar as such recommendations are not in conflict with the standards set forth in this Part or with the National Fire Protection Association (NFPA) Standard No.101, Life Safety Code. The International Building Code is intended as a model code for municipalities with no building code of their own. In any case, the most stringent rule would be applicable.
- 4) The codes and standards referenced in this Part can be ordered from the various agencies at the addresses listed in Section 265.1100 and are effective on the dates cited in that Section.

Section 265.2650 Preparation of Drawings and Specifications – Submission Requirements

Drawings and specifications shall be executed by or be under the immediate supervision of an architect licensed in the State of Illinois. Structural drawings and specifications for these systems may be executed by or be under the immediate supervision of a Structural Engineer licensed in the State of Illinois. Mechanical and electrical drawings and specifications for these systems may be executed by or be under the immediate supervision of a Professional Engineer licensed in the State of Illinois. Drawings and specifications shall be submitted for review and approval to determine compliance with Subpart B by the Department. The drawings and specifications shall be adequate to convey a clear understanding of the facility and mechanical life safety systems serving the facility.

Section 265.2700 General Construction Requirements

- a) Program Narrative
The program narrative shall describe the various components planned for the birth center and how they will interface with each other.
 - 1) Size and Layout
Birth center departments' sizes and clear floor areas depend on program requirements and organization of services within the birth center. As required by community needs, combination or sharing of some functions shall be permitted, provided the layout does not compromise safety

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standards and medical nursing practices and receives approval from the Department.

- 2) **Transfer and Service Agreements**
Transfer and service agreements with secondary or tertiary care hospitals with full maternity services shall be in place prior to initiating the planning and construction of these facilities. These agreements shall be submitted to the Department for approval at the time of project submission.
- 3) **Birth Center Proximity to Secondary or Tertiary Care Hospitals**
A birth center shall be located within a ground travel time distance from the secondary or tertiary hospitals with which the birth center maintains a contractual relationship, including a transfer agreement that allows for an emergency caesarian delivery to be started within 30 minutes after the decision that a caesarian delivery is necessary.

b) **Site**

The facility shall be sited to avoid placement in a flood plain, seismic fault line, or other natural impediment to maintaining a stable operational environment.

- 1) **Transfer Support Features**
 - A) Part of the facility's transfer agreements with secondary and tertiary care hospitals with maternity services providers shall include ambulance services to ensure the timely transfer of clients presenting to the birth center and requiring surgical intervention.
 - B) Ambulance ports shall be located close to the emergency entrance and the designated client rooms holding clients requiring transfer to a secondary or tertiary care facility with maternity services.
 - C) Where appropriate, features such as garages, approaches, lighting, and fencing to meet State, federal and/or local regulations that govern the placement, safety features, and elements required to accommodate ambulance service shall be provided.
- 2) **Accessibility to Public Transportation**
The birth center shall be sited to provide easy and convenient access to public transportation, if locally available.

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- 3) Parking
 - A) Each new birth center, major addition, or major change in function shall be provided with parking spaces to satisfy the needs of the client population, personnel, and public.
 - B) Additional parking may be required to accommodate other services.
 - C) The birth center shall provide accommodation for loading and off-loading clients from vehicles in an area sheltered from the weather.

Section 265.2750 Birth Unit Requirements

- a) Size

A minimum of one centrally located nurse station shall be provided for the birth unit. The number of birth rooms shall be provided as determined by the program narrative, but shall not exceed 10 beds.
- b) Client Rooms
 - 1) Antepartum testing rooms for prospective mothers presenting with false or suspected false labor and requiring monitoring shall be provided based on the program narrative and located as close to the nurse station as possible.
 - A) Antepartum testing rooms shall be a single client room and shall have a minimum area of 120 square feet (11.15 square meters).
 - B) Each antepartum testing room shall be equipped with a hand-washing station.
 - 2) Birth rooms. Delivery procedures in accordance with birth concepts not requiring surgical incisions may be performed in the birth rooms. The maximum number of beds per room is one, exclusive of bassinet. Rooming-in care of newborn infants is permissible under this Part.
 - A) Location

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The birth rooms shall be clustered in groups, shall be located out of the path of unrelated traffic, and shall be under direct supervision of the nurse station. The birth room will serve as labor, delivery and recovery room. The birth rooms should also be located in an area adjacent to the respite nursery (if provided).

- B) **Space Requirements**
Birth rooms shall be adequate and appropriate to provide for equipment, staff, supplies and emergency procedures required for the physical and emotional care of a maternal client, her support person and the newborn during labor, birth and the recovery period.
- C) **Windows**
Birth rooms shall have an outside window. The window is not required to be operable.
- D) **Hand-washing Sinks**
Each birth room shall be equipped with a hand-washing sink with hands-free operation acceptable for scrubbing. Hand-washing sinks shall be large enough and with an integral drain board and deep sink for infant bathing when not in use for hand washing.
- E) **Bathrooms**
 - 1) Each bathroom shall have direct access or be adjacent to a toilet room containing a toilet and lavatory.
 - 2) A bathtub or shower shall be available for client use and may include a large tub used for hydrotherapy for labor.
- F) **Floor, Wall, and Ceiling Finishes**
All finishes shall be kept clean and shall be of the type that is appropriate for the cleaning methods and solutions required to maintain a clean and safe environment.
- G) **Lighting**
Lighting shall be provided to accommodate the needs of the client and delivery team, during labor, during a delivery, and postpartum,

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and to permit the examination and treatment of the infant in the infant resuscitation area.

- 3) Respite Nurseries (if provided)
 - A) A respite nursery may be provided to allow for the rest of the mother when requested. The nursery shall be located and accessible from the nurse station and shall meet the criteria established for newborn nurseries contained in Section 2.1.3.6.6 of the AIA Guidelines for Design and Construction of Health Care Facilities.
 - B) For the purpose of this Section, birth rooms are equivalent to labor, delivery and recovery rooms or labor, delivery, recovery and postpartum rooms.
- 4) Family Overnight Stay Rooms (if provided)

Family overnight stay rooms shall be placed in an area outside of the birth unit and shall be clustered around a common living/dining/nourishment preparation room.

 - A) Each family overnight stay room shall have an outside window.
 - B) A toilet room shall be provided for the exclusive use of the overnight stay room and shall be equipped with a water closet, hand-washing station, and shower.
 - C) A storage room for clean linens and supplies within the overnight stay room's cluster shall be provided.
 - D) A storage room for holding soiled supplies shall be provided.
 - E) A janitor closet with slop sink and storage for cleaning supplies and cart shall be provided.
- c) Support Areas – General

The size and location of each support area shall depend on the numbers and types of modalities served. The following support areas shall be readily available in

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each birth center when required by the program narrative. Identifiable spaces are required for each of the indicated functions.

- d) Support Areas for Birth Rooms
 - 1) Nurse Station
 - A) Location. This area shall be located to control access to the birth rooms and shall serve as a security checkpoint for visitors and vendors entering the birth unit. The area shall have direct visual access to the entrance to the birth unit, the antepartum testing rooms, and the nursery (if provided).
 - B) Nurse Station Requirements. Nurse stations:
 - i) Shall have space for counters and storage;
 - ii) Shall have convenient access to the hand-washing station; and
 - iii) May be combined with or include centers for reception and communications.
 - 2) Documentation Area
Charting facilities shall have a linear surface space to ensure that staff and physicians can chart and have simultaneous access to information and communication systems.
 - 3) Hand-washing Stations
 - A) Hand-washing stations shall be conveniently accessible to the nurse station, medication station, and nourishment area.
 - B) One hand-washing station shall be permitted to serve several areas.
 - 4) Medication Station
Appropriate provisions shall be made for the distribution of medications.
 - 5) Nourishment Area

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- A) A nourishment area shall have a sink, work counter, refrigerator, microwave, storage cabinets, and equipment for hot and cold nourishment. This area shall include space for trays and dishes used for nonscheduled meal service.
 - B) Hand-washing stations shall be in or immediately accessible to the nourishment area.
- 6) Ice Machines
Each nurse station shall have equipment to provide ice for treatments and nourishment.
- A) Ice-making equipment may be in the clean workroom or the nourishment room.
 - B) Ice intended for human consumption shall be provided in the nourishment station and shall be served from self-dispensing ice makers.
- 7) Clean Workroom or Clean Supply Room
Such rooms shall be separate from and have no direct connection with soiled workrooms or soiled holding rooms. If the clean workroom is used for preparing client care items, it shall contain a work counter, a hand-washing station, and storage facilities for clean and sterile supplies.
- 8) Soiled Workroom or Soiled Holding Room
Such rooms shall be separate from and have no direct connection with clean work rooms or clean supply rooms and shall contain the following:
- A) A clinical sink (or equivalent flushing rim fixture) and a hand-washing sink. Both fixtures shall have a hot and cold mixing faucet; and
 - B) A work counter and space for separate covered containers for soiled linen and a variety of waste types.
- 9) Housekeeping Rooms

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A housekeeping room shall be provided at the ratio of one housekeeping closet per 10 birth rooms. The room shall:

- A) Contain a service sink or floor receptor;
 - B) Have space for storage of supplies, housekeeping equipment, and housekeeping carts; and
 - C) Be well ventilated and have negative air pressure relationship to adjacent areas.
- e) Support Areas for Staff
- 1) Staff Toilet Rooms
Toilet rooms for the exclusive use of staff shall be conveniently located in the birth unit.
 - 2) Staff Storage Locations
Securable lockers, closets, and cabinet compartments for the personal articles of staff shall be located in or near the nurse station.
- f) Support Areas for Clients
- 1) Client and Family Research Library and Consultation Room (if provided)
 - A) This room shall be located in the general public access areas, but shall be capable of providing access to the client areas.
 - B) The room shall be equipped with tables, computer terminal and access ports, and library stacks for family and client research, and study carrels. Spaces for group seating for family and staff consultation shall also be provided. This room may be equipped with a private consultation room for client and family privacy.
 - 2) Training/Conference Room (if provided)
 - A) This room is to be used for meetings, conferences, and Lamaze training classes.

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- B) The room shall be equipped with storage closets for chairs, tables, mats, exercise equipment and supplies as required by the program narrative.

- g) **Linen Services**
Each birth center shall provide for storing and processing of clean and soiled linen for appropriate client care. Processing may be done within the center, in a separate building on or off site, or in a commercial or shared laundry.

- h) **Waste Management**
 - 1) Space and facilities shall be provided for the sanitary storage and collection of waste.
 - 2) Waste disposal shall be separated from the clean supplies and receiving.

- i) **Engineering Services and Maintenance**
Sufficient space shall be included in all mechanical and electrical equipment rooms for proper maintenance of equipment. Provisions shall also be made for removal and replacement of equipment. The following shall be provided:
 - 1) **Equipment Locations**
Rooms shall be provided for boilers, mechanical, and electrical equipment.
 - 2) **Outdoor Equipment and Supply Storage (if necessary)**
 - A) **Supply Storage**
Storage for solvents and flammable liquids shall comply with NFPA 30.
 - B) **Outdoor Equipment Storage (if required)**
Yard equipment and supply storage areas shall be provided. These shall be located so that equipment may be moved directly to the exterior without interference with other work.

- j) **Administrative and Public Areas**
An entrance at grade level, sheltered from inclement weather, and accessible to handicapped persons (in accordance with the Illinois Accessibility Code) shall be

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provided. The birth center shall be located at the same level as the entrance at grade level.

- k) Construction Standards
 - 1) Building Codes. Administrative and public areas in this Section shall be permitted to comply with the business occupancy provisions of the Life Safety Code (NFPA 101) if they are separated from the client care portion of the birth center by a one-hour fire rated barrier.
 - 2) Medical Gas. All medical and/or compressed gases shall be stored in accordance with NFPA 99.

Section 265.2800 Plumbing

All plumbing systems shall be designed and installed in accordance with the Illinois Plumbing Code.

Section 265.2850 Heating, Ventilating and Air-Conditioning Systems (HVAC)

- a) General
 - 1) Mechanical System Design
 - A) Efficiency. The mechanical system shall be designed for overall efficiency and appropriate life-cycle cost.
 - i) Recognized engineering procedures shall be followed for the most economical and effective results.
 - ii) Client care or safety shall not be sacrificed for conservation.
 - iii) Insofar as practical, the birth center shall include provisions for recovery of waste cooling and heating energy (ventilation, exhaust, water and steam discharge, cooling towers, incinerators, etc.).

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- iv) Use of recognized energy-saving mechanisms such as variable-air-volume (VAV) systems, and use of natural ventilation shall be considered, site and climatic conditions permitting.
 - v) Birth center design considerations shall include site, building mass, orientation, configuration, fenestration, and other features relative to passive and active energy systems.
- B) Air-handling Systems
- i) These shall be designed with an economizer cycle, where appropriate to use outside air. (Use of mechanically circulated outside air does not reduce the need for filtration.)
 - ii) VAV Systems. The energy-saving potential of variable-air-volume systems is recognized, and the standards in this Section are intended to maximize appropriate use of those systems. Any system used for occupied areas shall include provisions to avoid air stagnation in interior spaces where thermostat demands are met by temperatures of surrounding areas.
 - iii) Noncentral air-handling systems (i.e., individual room units used for heating and cooling purposes, such as fan-coil units, heat pump units, etc.). These units may be used as recirculating units only. All outdoor air requirements shall be met by a separate central air-handling system with proper filtration, as noted in Table 2.1-3 of the AIA Guidelines.
- C) System Valves. Supply and return mains and risers for cooling, heating, and steam systems shall be equipped with valves to isolate the various sections of each system. Each piece of equipment shall have valves at the supply and return ends.
- D) Renovation. If system modifications affect greater than 10 percent of the system capacity, designers shall use pre-renovation water/air

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flow rate measurements to verify that sufficient capacity is available and that renovations have not adversely affected flow rates in non-renovated areas.

- 2) Ventilation and Space Conditioning Requirements. All rooms and areas used for client care shall have provisions for ventilation.
 - A) Ventilation Rates. The ventilation systems shall be designed and balanced, as a minimum, according to the requirements shown in Table 2.1-2 and the applicable notes of the AIA Guidelines. The ventilation rates shown in Table 2.1-2 do not preclude the use of higher, more appropriate rates.
 - B) Air Change Rates. Air supply and exhaust in rooms for which no minimum total air change rate is noted may vary down to zero in response to room load. For rooms listed in Table 2.1-2 of the AIA Guidelines, where VAV systems are used, minimum total air change shall be within limits noted.
 - C) Temperature and Humidity. Space temperature and relative humidity shall be as indicated in Table 2.1-2 of the AIA Guidelines.
 - D) Air Movement Direction. To maintain asepsis control, airflow supply and exhaust shall generally be controlled to ensure movement of air from "clean" to "less clean" areas, especially in critical areas.
 - E) Mechanical Ventilation. Although natural ventilation for nonsensitive areas and client rooms (via operable windows) shall be permitted, mechanical ventilation shall be considered for all rooms and areas in the birth center.
- 3) Testing and Documentation
 - A) Upon completion of the equipment installation contract, the owner shall be furnished with a complete set of manufacturers' operating, maintenance, and preventive maintenance instructions, parts lists, and complete procurement information, including equipment

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numbers and descriptions. Required information shall include energy ratings as needed for future conservation calculations. This information shall be kept by and at the birth center at all times.

- B) Operating staff persons shall also be provided with written instructions for proper operation of systems and equipment.
- b) Requirements for Specific Locations
- 1) Birth Rooms
 - A) Air Supply
 - i) Air supply for birth rooms shall be from non-aspirating ceiling diffusers with a face velocity in the range of 25 to 35 fpm (0.13 to 0.18 m/s), located at the ceiling above the center of the work area. Return air shall be near the floor level, at a minimum. Return air shall be permitted high on the walls, in addition to the low returns.
 - ii) Each birth room shall have at least two return-air inlets located as far from each other as practical.
 - iii) Turbulence and other factors of air movement shall be considered to minimize the fall of particulates onto sterile surfaces.
 - B) Temperature. Temperature shall be individually controlled for each birth room.
 - C) Ventilation Rates
 - i) Birth room ventilation systems shall operate at all times, except during maintenance and conditions requiring shutdown by the building's fire alarm system.
 - ii) During unoccupied hours, birth room air change rates may be reduced, provided that the positive room pressure is

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maintained as required in Table 2.1-2 of the AIA Guidelines.

- 2) Fuel-fired Equipment Rooms. Rooms with fuel-fired equipment shall be provided with sufficient outdoor air to maintain equipment combustion rates and to limit workstation temperatures.
 - 3) Clean workrooms or clean holding rooms and soiled workrooms or soiled holding rooms shall comply with ventilation requirements per Table 2.1-2 of the AIA Guidelines.
- c) Thermal Insulation and Acoustical Provisions. See Section 1.6-2.2.1 of the AIA Guidelines.
- d) HVAC Air Distribution
- 1) Return Air Systems. For client care areas, return air shall be by means of ducted systems.
 - 2) HVAC Ductwork. See Section 1.6-2.2.2.1 of the AIA Guidelines.
Exception: The use of lined ductwork is not permitted to serve any client area in the birth center.
 - 3) Exhaust Systems – General
 - A) To enhance the efficiency of recovery devices required for energy conservation, combined exhaust systems shall be permitted.
 - B) Local exhaust systems shall be used whenever possible in place of dilution ventilation to reduce exposure to hazardous gases, vapors, fumes, or mists.
 - C) Fans serving exhaust systems shall be located at the discharge end and shall be readily serviceable.
 - 4) Air Outlets and Inlets
 - A) Fresh Air Intakes

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- i) Fresh air intakes shall be located at least 25 feet (7.62 meters) from exhaust outlets of ventilating systems, combustion vents (including those serving rooftop air handling equipment), medical-surgical vacuum systems, plumbing vents, or areas that may collect vehicular exhaust or other noxious fumes. (Prevailing winds and/or proximity to other structures may require greater clearances.)
 - ii) Plumbing vents that terminate at a level above the top of the air intake may be located as close as 10 feet (3.05 meters).
 - iii) The bottom of outdoor air intakes serving central systems shall be as high as practical, but at least 6 feet (1.83 meters) above ground level, or, if installed above the roof, 3 feet (91.44 centimeters) above roof level.
- B) Relief Air. Relief air is exempt from the 25-foot (7.62-meter) separation requirement. Relief air is defined as air that otherwise could be returned (recirculated) to an air handling unit from the occupied space, but is being discharged to the outdoors to maintain building pressure, such as during outside air economizer operation.
- C) Gravity Exhaust. Where conditions permit, gravity exhaust shall be permitted for nonclient areas such as boiler rooms, central storage, etc.
- D) Construction Requirements. The bottoms of air distribution devices (supply/return/exhaust) shall be at least 3 inches (7.62 centimeters) above the floor.
- e) HVAC Filters
- 1) Filter Efficiencies
 - A) All central ventilation or air conditioning systems shall be equipped with filters with efficiencies equal to, or greater than, those specified in Table 2.1-3 of the AIA Guidelines.

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- B) Noncentral air-handling systems shall be equipped with permanent (cleanable) or replaceable filters with a minimum efficiency of Minimum Efficiency Reporting Value (MERV) 3.
 - C) Filter efficiencies, tested in accordance with ASHRAE 52.2 (ASHRAE Handbook of Fundamentals), shall be average.
- 2) Filter Bed Location. Where two filter beds are required, filter bed no. 1 shall be located upstream of the air conditioning equipment and filter bed no. 2 shall be downstream of any fan or blowers.
 - 3) Filter Frames. Filter frames shall be durable and proportioned to provide an airtight fit with the enclosing ductwork. All joints between filter segments and enclosing ductwork shall have gaskets or seals to provide a positive seal against air leakage.
 - 4) Filter Housing Blank-off Panels. Filter housing blank-off panels shall be permanently attached to the frame and constructed of rigid materials, and shall have sealing surfaces equal to or greater than the filter media installed in the filter frame.
 - 5) Filter Manometers. A manometer shall be installed across each filter bed having a required efficiency of 75 percent or more, including hoods requiring HEPA filters. Provisions shall be made to allow access to the manometer for field testing.
- f) Steam and Hot Water Systems. See Section 1.6-2.2.3 of the AIA Guidelines.

Section 265.2900 Electrical Systems

- a) General
 - 1) Applicable Standards
 - A) All electrical material and equipment, including conductors, controls, and signaling devices, shall be installed in compliance with applicable sections of NFPA 70 and NFPA 99.

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- B) All electrical material and equipment shall be listed as complying with available standards of listing agencies or other similar established standards, when such standards are required.
 - C) Field labeling of equipment and materials shall be permitted only when provided by a nationally recognized testing laboratory that has been certified by the Occupational Safety and Health Administration (OSHA) for that referenced standard.
- 2) Testing and Documentation. The electrical installations, including alarm, nurse call, and communication systems, shall be tested to demonstrate that equipment installation and operation is appropriate and functional. A written record of performance tests on special electrical systems and equipment shall show compliance with applicable codes and standards.
- b) Electrical Distribution and Transmission
- 1) Switchboards
 - A) Location
 - i) Main switchboards shall be located in an area separate from plumbing and mechanical equipment and shall be accessible to authorized persons only.
 - ii) Switchboards shall be convenient for use, readily accessible for maintenance, and away from traffic lanes.
 - iii) Switchboards shall be located in a dry, ventilated space free of corrosive or explosive fumes, gases, or any flammable material.
 - B) Overload Protective Devices. These shall operate properly in ambient room temperatures.
 - 2) Panelboards

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- A) Panelboards serving critical branch, equipment system, or normal system loads shall be located on the same floor as the loads to be served.
 - B) Location of panelboards serving life safety branch loads on the floor above or the floor below the loads to be served shall be permitted.
 - C) New panelboards shall not be located in public access corridors.
- 3) Ground-fault Circuit Interrupters
- A) Ground-fault circuit interrupters (GFCIs) shall comply with NFPA 70.
 - B) When ground-fault circuit interrupters are used in critical areas, provisions shall be made to ensure that other essential equipment is not affected by activation of one interrupter.
- c) Power Generating and Storing Equipment
Emergency Electrical Service. Emergency power shall be provided for in accordance with NFPA 99, NFPA 101, and NFPA 110.
- d) Lighting
- 1) General. See Section 1.6-2.3.1.1 of the AIA Guidelines.
 - 2) Lighting for Specific Locations in the Birth Center
 - A) Birth Rooms. Birth rooms shall have general lighting and night lighting.
 - i) A reading light shall be provided for each client. Reading light controls shall be accessible to the client without the client having to get out of bed. Incandescent and halogen light sources that produce heat shall be avoided to prevent burns to the client and/or bed linen. Unless specifically designed to protect the space below, the light source shall be covered by a diffuser or lens. Flexible light arms, if

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used, shall be mechanically controlled to prevent the lamp from contacting the bed linen.

- ii) At least one night light fixture in each birth room shall be controlled at the room entrance.

- B) Corridors shall have general illumination with provisions for reducing light levels at night.

- 3) Emergency Lighting. See Section 1.6-2.3.1.2 of the AIA Guidelines.

- 4) Exit Signs. See Section 1.6-2.3.1.3 of the AIA Guidelines.

- e) Receptacles

- 1) Receptacles in Corridors. Duplex-grounded receptacles for general use shall be installed approximately 50 feet (15.24 meters) apart in all corridors and within 25 feet (7.62 meters) of corridor ends.

- 2) Receptacles in Client Care Areas

- A) Birth Rooms. Each birth room shall have duplex-grounded receptacles.

- i) One receptacle shall be at each side of the head of each bed; one for television, if used; one on every other wall; and one for each motorized bed.

- ii) Receptacles may be omitted from exterior walls where construction or room configuration makes installation impractical.

- B) Birth rooms shall have receptacles as required (Section 2.1-10.3.7.2(1) of the AIA Guidelines).

- C) Each birth room shall have at least six receptacles convenient to the head of the bed.

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- 3) Emergency System Receptacles. Electrical receptacle cover plates or electrical receptacles supplied from the emergency systems shall be distinctively colored or marked for identification. If color is used for identification purposes, the same color shall be used throughout the birth center.
- g) Call Systems
- 1) Birth Room Call Station. In client areas, each birth room shall be served by at least one call station for two-way voice communication.
 - A) Each bed shall be provided with a call device.
 - B) Signal Location
 - i) Calls shall activate a visible signal in the corridor at the birth room's door; in the clean workroom; in the soiled workroom; in clean linen storage, nourishment, equipment storage, and examination/treatment rooms; and at the nurse station of the birth unit.
 - ii) In multi-corridor birth units, additional visible signals shall be installed at corridor intersections.
 - C) Nurse call systems at each call station shall be equipped with an indicating light that remains lighted as long as the voice circuit is operating.
 - 2) Emergency Call System
 - A) The emergency call shall be designed so that a signal activated at a client's call station will initiate a visible and audible signal that can be turned off only at the client call station and that is distinct from the regular nurse call signal.
 - B) The emergency call shall activate an annunciator panel at the nurse station, a visible signal in the corridor at the client's door, and at other areas defined by the functional program.

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- C) Specific Locations in the Birth Center Client Toilet and Bathing Facilities. A nurse emergency call system shall be provided at each client toilet, bath, sitz bath, and shower room. A nurse emergency call shall be accessible to a collapsed client lying on the floor. A pull cord will satisfy this requirement.

Section 265.2950 Emergency Electric Service

- a) An emergency source of electricity shall be provided.
- b) Birth centers shall be permitted to use a battery system for emergency power. The following is required:
- 1) Illumination of means of egress as required in the Life Safety Code (NFPA 101);
 - 2) Illumination of birth and recovery rooms;
 - 3) Illumination of exit and exit directional signs;
 - 4) Fire alarm and alarms required for nonflammable medical gas systems, if nonflammable medical gas systems are installed; and
 - 5) Type 3 emergency electrical service that meets all NFPA 99 requirements of this type of system.

Section 265.3000 Security Systems

Birth centers shall be designed for active and passive security systems that shall be placed carefully and shall not interfere with the life and safety features necessary to operate and maintain a healthy and functional environment.

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.82 Proposed Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104; 625 ILCS 5/6-508 (c-1) (4)
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to Public Act 96-1182, this rulemaking adds offenses of which an applicant for, or holder of, a charter bus endorsement may not be convicted.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

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217/557-4462

- 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: July 2010

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person Identification Card

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1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Consular Licenses (Repealed)
1030.96	Seasonal Restricted Commercial Driver's License
1030.97	Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98	School Bus Commercial Driver's License or Instruction Permit
1030.100	Anatomical Gift Donor (Repealed)
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License
1030.140	Use of Captured Images
1030.APPENDIX A	Questions Asked of a Driver's License Applicant
1030.APPENDIX B	Acceptable Identification Documents

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

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at

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15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007;

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amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. _____, effective _____.

Section 1030.82 Charter Bus Driver Endorsement Requirements

- a) Requirements of Driver Applicants for a Charter Bus Driver Endorsement
In order for the Department to issue a charter bus driver endorsement, all driver applicants must:
- 1) Be 21 years of age or older;
 - 2) Possess a valid and properly classified driver's license issued by the Department;
 - 3) Submit to and successfully pass an Illinois specific criminal background check and Federal Bureau of Investigation criminal background check with current and future information through an approved vendor (A consent form must be signed by the driver applicant/CDL holder that allows the Department to release the fingerprint information to the driver applicant's employer.);
 - 4) Pass a written test on charter bus operation, charter bus safety, and special traffic laws relating to charter buses and submit to a review of the driver applicant's driving habits by the Department at the time the written test is given;
 - 5) Demonstrate the ability to exercise reasonable care in the operation of the charter bus pursuant to the requirements of IVC Section 6-508;

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- 6) A driver applicant must demonstrate physical fitness to safely operate charter buses by undergoing a medical examination in accordance with the provisions of IVC Section 6-508;
- 7) Affirm under penalty of perjury that he/she has not made a false statement or knowingly concealed a material fact in any application for the endorsement;
- 8) Not have been convicted of committing or attempting to commit any one or more of the offenses set forth in IVC Section 6-508(c-1)(4). following offenses:
 - A) ~~offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1 and 33A-2, and in Section 12-4(a) and (b)(1) of the Criminal Code of 1961 [720 ILCS 5];~~
 - B) ~~offenses defined in the Cannabis Control Act [720 ILCS 550] except those offenses defined in Sections 4(a) and (b) and 5(a) of the Cannabis Control Act;~~
 - C) ~~offenses defined in the Illinois Controlled Substances Act [720 ILCS 570] and/or the Methamphetamine Control and Community Protection Act [720 ILCS 646] pursuant to IVC Section 6-508;~~
 - D) ~~offenses committed or attempted in any other state or against the laws of the United States that if committed or attempted in Illinois could be punishable as one or more of the offenses listed in subsections (a)(8)(A) through (c);~~
 - E) ~~offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act [720 ILCS 150/4.1 and 5.1]; and~~

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~~F) offenses defined in Section 6-16 of the Liquor Control Act of 1934 [235 ILCS 5/6-16].~~

- b) Endorsement Application Process
- 1) A driver applicant seeking employment as a charter bus driver must obtain from the prospective employer an Application/Certification form for Illinois charter bus driver endorsement and then complete both the form and the fingerprint process.
 - 2) The driver applicant shall then submit the completed Charter Bus Application/Certification form for the charter bus driver endorsement and the appropriate fee to the Driver Services Facility.
 - 3) The Department shall review the driver applicant's driving history to determine if it is acceptable pursuant to IVC Sections 6-104 and 6-508. The driver applicant must:
 - A) pass a written test administered by the Department in accordance with IVC Section 6-508(c-1)(2).
 - B) successfully complete a road test, if applicable, administered by the Department or a licensed third-party tester in the class of vehicle to be used in accordance with IVC Section 6-508(a)(1). These tests must be successfully completed within three attempts.
 - 4) On renewal/reapplication for a charter bus driver endorsement, the driver applicant shall be required to submit an Application/Certification form for the Illinois charter bus driver endorsement verifying the completion of all requirements. On renewal/reapplication for the charter bus driver endorsement, the driver applicant will not be subject to the fingerprint process.
- c) Denial, Cancellation or Suspension of a CDL with a Charter Bus Driver Endorsement
- 1) The Department shall deny or cancel a CDL holder's charter bus driver endorsement:

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- A) If the criminal background investigation discloses the individual is noncompliant with any of the provisions of IVC Section 6-104 or 6-508;
 - B) Upon receiving notice that the endorsement holder failed to comply with any provision of this Part;
 - C) Upon receiving notice that the endorsement holder's commercial driving privileges are withdrawn or otherwise invalidated.
- 2) The Department shall deny a driver applicant for a charter bus driver endorsement upon an indication on a driving record of the failure to pay any fines, costs or fees that deny the renewal or reissuance of a driver's license or any other indication on a driving record that denies the renewal or reissuance of a driver's license.
 - 3) A cancellation of a CDL with a charter bus driver endorsement shall remain in effect pending the outcome of a hearing pursuant to IVC Section 2-118.
 - 4) An order may be rescinded provided the cause is removed and the driver applicant or CDL holder continues to meet the requirements outlined in IVC Sections 6-104 and 6-508.
- d) Employer Responsibility
It shall be the responsibility of a prospective or current employer of a driver applicant or CDL holder of a charter bus driver endorsement to:
- 1) Request an employer seven digit assigned number by faxing to the Department a request on company letterhead indicating a contact person and telephone/fax number.
 - 2) Distribute charter bus driver endorsement applications.
 - 3) Ensure that driver applicants submit to a fingerprint based criminal background investigation.
 - 4) Certify to the Department in writing that a driver applicant has successfully completed all employment conditions.

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- 5) Notify the Department in writing that the employer has certified the removal from service of the CDL holder with the charter bus driver endorsement whose endorsement has been withdrawn by the Department, prior to the start of that CDL holder's next work shift.
 - 6) Notify the Department in writing that the CDL holder with the charter bus driver endorsement is no longer employed as a charter bus driver by the reporting employer.
 - 7) Notify the Department in writing that, while holding a previously issued valid charter bus driver endorsement, the CDL holder has now been accepted as a charter bus driver for the reporting employer.
 - 8) Immediately upon receipt of a positive drug test, notify the Department in writing . This information shall be privileged and maintained for the use of the Department.
 - 9) Maintain records of certifications that must be available for inspection by the Secretary of State.
- e) Notice
- The Department shall notify the driver applicant or the CDL holder and his/her current employer in writing that he/she:
- 1) is ineligible based on information provided by an ISP or FBI criminal background investigation; or
 - 2) is no longer eligible for a charter bus driver endorsement; or
 - 3) has related cancellations, suspensions or denials of the applicant's charter bus driver endorsement.
- f) Hearings
- 1) Upon the request of a driver applicant or CDL holder whose charter bus driver endorsement has been denied, canceled or suspended, the Secretary of State shall conduct a hearing pursuant to IVC Section 2-118.

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- 2) The petition requesting a hearing shall be in writing and contain the reason the driver applicant or CDL holder believes he/she is entitled to a charter bus driver endorsement.
- 3) The scope of the hearing shall be limited to the issuance criteria contained in IVC Sections 6-104 and 6-508.

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

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- 1) Heading of the Part: School Bus Driver Permit
- 2) Code Citation: 92 Ill. Adm. Code 1035
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1035.10	Amendment
1035.15	Amendment
1035.35	Amendment
1035.45	Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104; 625 ILCS 5/12-816; 625 ILCS 5/6-106.1; 625 ILCS 5-12-813.1; 625 ILCS 5/6-508 (c-1) (4)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds definitions as set forth in Public Acts 96-410 and 96-818, as well as adds additional offenses of which an applicant for or, holder of, a school bus permit cannot have been convicted. This amendment adds a new 3 year suspension for school bus drivers who fail to perform the pre-trip and/or post-trip inspection and requires employers to notify the Secretary of State when a school bus driver fails to perform these inspections.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

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NOTICE OF PROPOSED AMENDMENTS

Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217-557-4462

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: School bus companies
 - B) Reporting, bookkeeping or other procedures required for compliance: Employers must notify the Secretary of State if a pre or post trip inspection is not completed.
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1035
SCHOOL BUS DRIVER PERMIT

Section	
1035.10	Definitions
1035.15	Requirements of Applicants for a School Bus Driver Permit
1035.20	Annual Medical Examination and Certificate
1035.25	Permit Application Process
1035.30	Training
1035.32	Random Drug Testing for Alcohol and Controlled Substances
1035.35	Denial, Cancellation, or Suspension of a School Bus Driver Permit
1035.40	Notice
1035.45	Employer Responsibility
1035.46	Military Deferrals
1035.50	Hearings

AUTHORITY: Implementing Section 6-106.1 and authorized by Section 6-521 of the Illinois Vehicle Code [625 ILCS 5/6-521].

SOURCE: Adopted at 19 Ill. Reg. 10716, effective July 11, 1995; amended at 24 Ill. Reg. 1269, effective January 10, 2000; amended at 24 Ill. Reg. 12092, effective July 31, 2000; amended at 26 Ill. Reg. 12045, effective July 22, 2002; amended at 33 Ill. Reg. 17093, effective December 1, 2009; amended at 34 Ill. Reg. 7750, effective May 20, 2010; amended at 34 Ill. Reg. _____, effective _____.

Section 1035.10 Definitions

For purposes of this Part, the following definitions shall apply:

"Active Duty" – *active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor* (IVC Section 6-106.1(j)).

"Adulterated Specimen" – a urine specimen that contains a substance not expected to be present in human urine, or contains a substance expected to be

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present, but is at a concentration so high that it is not consistent with human urine (see 49 CFR 40.3 (2008)).

"Cancellation" – the cancellation of a school bus driver permit – the annulment or termination by formal action of the Secretary of State of a person's school bus driver permit because of some error or defect in the permit, because the permit holder is no longer entitled to the permit, refusal or neglect of the person to submit to an alcohol and drug evaluation or submit to or fail to successfully complete the examination, in accordance with IVC Sections 1-110, 6-106.1 and 6-207.

"Cellular Radio Communication Device" – a device capable of sending or receiving telephone communications without an access line for service and that requires the operator to dial a number manually. It does not include citizens band radios or citizens band radio hybrids.

"Chain of Custody" – a procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (see 49 CFR 40 (2008)).

"Chain of Custody Form" or "CCF" – an employer copy of the Federal Drug Testing Custody and Control Form used to notify the employer that the applicant has taken a split specimen test and the results of that test.

"Collector" – a person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees and who initiates and completes the CCF.

"Conviction" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law, by a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost, regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated pursuant to IVC Section 6-500(8).

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"Curriculum-Related School Activity" – includes from home to school or from school to home, tripper or shuttle service between school attendance centers, transportation to vocational or career center or other trade-skill development site or regional safe school or other school-sponsored alternative learning program, or a trip that is directly related to the regular curriculum of a student for which he or she earns credit.

"Denial" – to prohibit or disallow the privilege to obtain a school bus driver permit and/or the privilege to operate a school bus in accordance with IVC Section 6-106.1.

"Dilute Specimen" – a urine specimen with creatinine and specific gravity values that are lower than expected for human urine pursuant to 49 CFR 40.3.

"Disqualification" – *a withdrawal of the privilege to drive a commercial motor vehicle* [625 ILCS 5/1-115.3].

"Driver" – *every person who drives or is in actual physical control of a vehicle* [625 ILCS 5/1-116].

"Employer" – any public or private school district, individual, corporation, partnership or association who employs school bus drivers licensed pursuant to IVC Section 6-106.1.

"Employer Certification/Notification" – a form prescribed by the Secretary of State and submitted by the employer that certifies an applicant has met all pre-employment conditions and all conditions for reapplication, or that a driver who is no longer eligible for a school bus driver permit has been removed from service.

"Fingerprint Process" – a method by which a person's fingerprints are taken for the purpose of certification of a criminal background investigation for a school bus driver permit and submitted to the Illinois Department of State Police and the Federal Bureau of Investigation (FBI).

"Hearing" – a hearing conducted by the Secretary of State, pursuant to IVC Sections 2-118 and 6-106.1, upon written request of the driver or applicant.

"Home State" – the States of Indiana, Michigan, Wisconsin, Iowa, Missouri and Kentucky, when they have issued a valid and properly classified driver's license.

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"Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.

"Initial Training" – an initial training class, including first aid procedures, in school bus safety administered by the Illinois State Board of Education through the Regional Office of Education and approved by the Secretary of State pursuant to IVC Section 6-106.1. Initial training will provide sufficient practical behind-the-wheel instruction.

"Lapse" – a period of time following the expiration of a driver's license or school bus driver permit in which the driver can renew or reapply without penalty.

"Medical Examination" – a physical examination by a medical examiner that includes tests for drug and alcohol use and the medical qualifications needed to drive a school bus.

"Medical Examiner" – a person who is a licensed physician, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes him or her to perform medical examinations, or a physician assistant who has been delegated the performance of medical examinations by his or her supervising physician.

"Medical Examiner's Certificate" – a form, developed by the Secretary of State, upon which a medical examiner records the results of a physical examination and certifies whether a person is qualified to apply for a school bus driver permit.

"Medical Review Officer" or "MRO" – a person who is a licensed physician and is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results (see 49 CFR 40.3 (2008)).

"Military Order" – official military documents that indicate the date the school bus driver permit holder will be called to active duty and the expected date the permit holder will return from active duty.

"Miscellaneous Suspension" – a safety and family financial responsibility suspension, unsatisfied judgment suspension, auto emissions suspensions, parking ticket suspension, failure to appear suspension, failure to pay toll suspension, nighttime driving restriction suspension, and all suspensions that are rescinded

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and are no longer in effect.

"Multifunction School Activity Bus" or "MFSAB" – a school bus manufactured for the purpose of transporting 11-15 persons, including the driver, whose purposes do not include transporting students to and from school or school bus stops.

"Possession of a School Bus" – the period of time from which a school bus driver takes possession until the school bus driver returns possession of the school bus, whether or not the school bus driver is operating the school bus.

"Pre-Employment Conditions" – an applicant must have been interviewed by the prospective employer; completed a school bus driver permit application and prescribed medical report form; successfully passed a physical examination; successfully completed a fingerprint-based Illinois specific background check with fingerprints forwarded to the FBI for a national background check; and received the required initial training.

"Pre-Trip and/or Post-Trip Inspection" – requires the school bus driver to test the cellular radio telecommunication device or two-way radio and ensure it is functioning properly before the bus is operated and before leaving the bus at the end of each route, work shift or work day, to walk to the rear of the bus, and to check the bus for children or other passengers in the bus.

"Provisional Status" – the temporary privilege to operate a school bus pending completion of the FBI criminal background check.

"Random Testing" – a drug and/or alcohol test having no specific time pattern.

"Refresher Course" – a classroom course in school bus safety approved by the Secretary of State. Refresher training courses shall be a minimum of 2 hours in length, part of which must be first aid training, taught by an instructor certified by the Illinois State Board of Education under 23 Ill. Adm. Code 1.515.

"Repeatedly Convicted of Offenses against Laws and Ordinances Regulating the Movement of Traffic" – a driver for whom an order has been entered to suspend or revoke a license or permit under IVC Section 6-206(a)(3).

"Repeatedly Involved as a Driver in Motor Vehicle Collisions" – a driver for

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whom an order has been entered to suspend or revoke a license or permit under IVC Section 6-206(a)(3).

"Rescind Order" – a removal by formal action of an order canceling, suspending or denying issuance of a school bus permit.

"Review of Driving Records" – a review of the applicant's driving record maintained by the Secretary of State or documentation from another licensing jurisdiction, which has been certified within 30 days prior to the date of application, to insure that the requirements of IVC Sections 6-106(1), (2), (3), (9), (10), (11), (12), (13) and (14) have been met.

"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other education facilities.

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A motor vehicle of the first division.

A motor vehicle designed for the transportation of not fewer than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]

"School Bus Driver Active Duty Form" – the form submitted by an employer as notification of the date the school bus permit holder is placed on active military duty.

"School Bus Driver Inactive Status" – status of school bus permit while the school bus permit holder is on active military duty.

"School Bus Driver Permit" – permit issued for a period of one year to school bus drivers by the Office of the Secretary of State pursuant to IVC Section 6-106.1.

"School Bus Driver Permit Application" – the form or document prescribed by the Secretary of State upon which a request for a school bus driver permit is made.

"School Bus Driver Return From Active Duty Form" – the form submitted by employer as notification of the date the school bus driver permit holder returned from active duty.

"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].

"Serious Traffic Violation" – notwithstanding convictions that in and of themselves result in the immediate suspension or revocation of a driver's license and privilege, the following offenses or a similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, shall be considered a serious traffic violation:

A conviction, when operating a motor vehicle, for a violation of or relating to:

IVC Section 11-402(a) – a motor vehicle accident involving damage to a vehicle;

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IVC Section 11-403 – failure to stop and exchange information after a motor vehicle collision, property damage only;

IVC Section 11-502(a) – illegal transportation, possession or carrying of alcoholic liquor within the passenger area of any vehicle;

IVC Section 6-101 – operating a motor vehicle without a valid license or permit;

IVC Section 11-403 – failure to stop and exchange information or give aid after a motor vehicle collision involving personal injury or death;

Excessive speeding – a single speeding charge of 15 miles per hour or more above the legal speed limit;

IVC Section 11-503 – Reckless driving;

IVC Section 11-707(d) – passing in a no-passing zone; or IVC Section 11-1414 – passing a stopped school bus;

IVC Section 11-1402(b) – limitations on backing upon a controlled access highway;

IVC Section 11-707(b) – driving on the left side of a roadway in a no-passing zone;

IVC Section 11-1002(e) – failure to yield the right-of-way to a pedestrian at an intersection;

IVC Section 11-1008 – failure to yield to a pedestrian on a sidewalk;

IVC Sections 11-1201 and 11-1202 – failure to stop for an approaching railroad train or signal;

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Any State law or local ordinance relating to motor vehicle traffic control, other than parking violations, arising in connection with a fatal traffic accident;

IVC Section 6-501 – having multiple driver's licenses;

IVC Section 6-507(a) – the requirement to have a valid CDL;

Improper or erratic traffic lane changes;

Following another vehicle too closely;

IVC Section 6-104(d) – possession of a valid school bus permit;

IVC Section 11-605 – school speed zones;

Any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than parking violations, that the Secretary of State determines by administrative rule to be serious.

"Service Member" – *a member of the Armed Services or reserve forces of the United States or a member of the Illinois National Guard* (IVC Section 6-106.1(j)).

"Specimen Bottle" – the bottle that, after being sealed and labeled according to the procedures in this Part, is used to hold the urine specimen during transportation to the laboratory (see 49 CFR 40.3 (2008)).

"Split Specimen" – in drug testing, a part of the urine specimen sent to a first laboratory and retained unopened, and that is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result (see 49 CFR 40.3 (2008)).

"State" – *a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada* [625 ILCS 5/1-195].

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"Substituted Specimen" – a specimen with creatinine and specific gravity values so diminished that they are not consistent with human urine.

"Suspension of Driver's License" – the temporary withdrawal by formal action of the Secretary of State of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary of State [625 ILCS 5/1-204].

"Suspension of School Bus Driver Permit" – the temporary withdrawal, by formal action by the Secretary of State, of a person's permit that grants and specifies limited privileges to operate a school bus on the public highways, for a period specifically designated by the Secretary of State.

"Waiver" – an exemption allowed under certain conditions rendering an ineligible applicant eligible.

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

Section 1035.15 Requirements of Applicants for a School Bus Driver Permit

In order for the Secretary of State to issue a school bus driver permit, all applicants must:

- a) be 21 years of age or older;
- b) possess a valid and properly classified driver's license issued by the Secretary of State or a valid license issued in the applicant's home state;
- c) possess a valid driver's license that has not been revoked, suspended, canceled or disqualified for 3 years immediately prior to the date of application, and shall not have had his or her commercial motor vehicle driving privileges disqualified within the 3 years immediately prior to the date of application, except for miscellaneous suspensions, (see IVC Section 1-115.3). A lapse in the renewal of the driver's license of 30 days or less shall not render the applicant ineligible. The Secretary of State may, in his or her discretion, grant a waiver for a lapse in the renewal of the driver's license in excess of 30 days;
- d) pass written examinations administered by the Secretary of State on school bus operation, school bus safety, and special traffic laws relating to school buses and submit to a review of the applicant's driving habits by the Secretary of State at the

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time the written examination is given;

- e) demonstrate the ability to exercise reasonable care in the operation of a school bus in accordance with the requirements of 92 Ill. Adm. Code 1030.85;
- f) be physically able to safely operate a school bus. An applicant for a school bus driver permit must demonstrate physical fitness to operate a school bus by undergoing a medical examination in accordance with Section 1035.20;
- g) affirm under penalty of perjury that he or she has not made a false statement or knowingly concealed a material fact in any application for a permit;
- h) complete initial training. After satisfactory completion of initial training, an annual refresher course will be required. Refresher courses and the agency or organization conducting those courses shall be approved by the Secretary of State. Failure to complete the annual refresher course shall result in cancellation of the permit until the course is completed;
- i) not have been convicted of 2 or more serious traffic offenses, as defined by Section 1035.10, within one year prior to the date of application, that may endanger the life and safety of any of the driver's passengers within the duration of the permit period;
- j) not have been convicted, within 3 years prior to the date of application, of reckless driving (see IVC Section 11-503), aggravated reckless driving, driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof and/or other drugs (see IVC Section 11-501) or reckless homicide (see Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3]) resulting from the operation of a motor vehicle;
- k) not have been convicted of committing or attempting to commit any one or more of the offenses set forth in IVC Section 6-106.1(a)(11); following offenses:
 - 1) ~~those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,~~

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~~20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1 and 33A-2, and in Section 12-4(a) and (b)(1) of the Criminal Code of 1961 [720 ILCS 5/12-4(a) and (b)(1)];~~

- ~~2) those offenses defined in the Cannabis Control Act, except those offenses defined in Section 4(a) and (b) and Section 5(a) of the Cannabis Control Act [720 ILCS 550/4(a) and (b) and 5(a)];~~
- ~~3) those offenses defined in the Illinois Controlled Substances Act [720 ILCS 570];~~
- ~~4) those offenses defined in Section 10 of the Methamphetamine Control and Community Protection Act [720 ILCS 646/10];~~
- ~~5) any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, could be punishable as one or more of the offenses listed in this subsection (k);~~
- ~~6) the offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act [720 ILCS 150/4.1 and 5.1]; and~~
- ~~7) those offenses defined in Section 6-16 of the Liquor Control Act of 1934 [234 ILCS 5/6-16];~~

- l) not have been repeatedly involved as a driver in motor vehicle collisions or been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway in accordance with 92 Ill. Adm. Code 1040.40;
- m) not have, through the unlawful operation of a motor vehicle, caused an accident resulting in the death of any person;
- n) not have, within the last 5 years, been adjudged to be afflicted with or suffering from any mental disability or disease.

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

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Section 1035.35 Denial, Cancellation, or Suspension of a School Bus Driver Permit

- a) The Secretary of State shall deny or cancel a school bus driver permit of an applicant:
- 1) whose criminal background investigation discloses that he or she is not in compliance with any of the provisions of IVC Section 6-106.1(a);
 - 2) upon receiving notice that the permit holder fails to comply with any provision of this Part;
 - 3) upon receiving notice that the permit holder's restricted commercial driving permit or commercial driving privileges are withdrawn or otherwise invalidated;
 - 4) upon receiving notice that the permit holder has been convicted of 2 serious violations during the duration of the permit.
- b) The Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder has failed to obtain a negative result on a drug test as required by IVC Section 6-106.1 or under 49 CFR 382.303, 382.305, 382.307 and 382.309 (2008).
- c) The Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice from the employer that the holder failed to perform the pre-trip and/or post-trip inspection procedure set forth in IVC Section 12-816 (a) or (b).
- d)e) The Secretary of State shall deny an applicant for a school bus driver permit for a period of 3 years who fails to obtain a negative result on a drug test as required by IVC Section 6-106.1 or under 49 CFR 382.301 (2008).
- e)d) The Secretary of State shall deny an applicant or re-applicant for a school bus driver permit upon an indication on a driving record that he or she has failed to pay any fines, costs or fees that deny the renewal or reissuance of a driver's license or any other indication on a driving record that denies the renewal or reissuance of a driver's license.
- f)e) A cancellation of a school bus driver permit shall remain in effect pending the

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outcome of a hearing pursuant to IVC Section 2-118.

- | ~~g)~~ An order may be rescinded provided the cause is removed and the applicant continues to meet the requirements outlined in IVC Section 6-106.1(a).
- | ~~h)~~ The Secretary shall suspend a school bus driver permit for a period of three years upon receiving notice from the employer that the holder has failed to perform the inspections required by IVC Section 12-816.

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

Section 1035.45 Employer Responsibility

It shall be the responsibility of a prospective or current employer of an applicant or holder of a school bus driver permit to:

- a) conduct a pre-employment interview with the prospective school bus driver applicant;
- b) distribute school bus driver permit applications and medical forms;
- c) insure that applicants submit to a fingerprint-based criminal background investigation;
- d) certify in writing to the Secretary of State that an applicant has successfully completed all pre-employment conditions;
- e) notify the Secretary of State in writing that the employer has certified the removal from service of a school bus driver whose permit has been canceled or suspended by the Secretary of State, prior to the start of that school bus driver's next work shift;
- f) upon receipt of notification from an MRO that an employee has had a positive drug test or refused to be tested, immediately notify the Secretary of State of that result. Notification to the Secretary of State shall include a copy of the CCF form, medical examiner's certificate, positive drug results or notation of failure to complete testing. This information shall be privileged and maintained for use by the Secretary of State;

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- g) notify the Secretary of State in writing, within 10 working days, of the employment or termination of a school bus driver permit holder;
- h) notify the Secretary of State that a school bus driver has failed to perform the pre-trip and/or post-trip inspection process;
- i)h) notify the Secretary of State as soon as possible, but not later than within one business day, whenever a school bus is involved in an accident and the driver is required to submit to the post-accident testing requirements set forth in 349 CFR 382.303;
- i)h) maintain records of certifications for a period of 2 years; these records shall be available for inspection by the Secretary of State.

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

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- 1) Heading of the Part: Illinois State Library, Acquisition Division, Illinois Documents Section
- 2) Code Citation: 23 Ill. Adm. Code 3020
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
3020.110	Amendment
3020.120	Amendment
3020.130	Amendment
3020.150	Amendment
3020.160	Amendment
3020.210	Amendment
3020.240	Amendment
- 4) Statutory Authority: Implementing Section 21 and authorized by Section 2 of the State Library Act [15 ILCS 320/2 and 21]
- 5) A Complete Description of the Subjects and Issues Involved: The title of the Part is being changed to reflect reorganization in the Illinois State Library regarding the change from the Illinois Documents Section to the Government Documents Section, and Sections have been changed accordingly. In Section 3020.110, the number of copies of a publication State agencies submit to the Government Documents Section was reduced from 40 to 35. Section 3020.160 will be clarified to indicate the frequency of publishing the list of State agency publications; and Section 3020.210 reduces the time a depository has to retain a State publication from seven to five years.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain any 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 has no effect on local governments.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed amendment:

Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
Springfield, IL 62701-1796

217/558-4185; jnatale@ilsos.net

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profits 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 these amendments were summarized: January 2010

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3020

ILLINOIS STATE LIBRARY, ~~GOVERNMENT ACQUISITIONS DIVISION,~~
~~ILLINOIS~~ DOCUMENTS SECTION

SUBPART A: DEPOSIT OF PUBLICATIONS

- Section
- 3020.100 Definitions
- 3020.110 State Agency Publications
- 3020.120 State University Publications and Presses
- 3020.130 Delivery Cost and Responsibility
- 3020.140 Excess Copies (Repealed)
- 3020.150 Administrator of State Agency
- 3020.160 Lists of Published Materials

SUBPART B: DEPOSITORY LIBRARIES

- Section
- 3020.200 Designation of Depositories
- 3020.210 Retention and Disposal of Publications
- 3020.220 Citizen Access to Publications
- 3020.230 Inspection of Depositories
- 3020.240 Termination of Depository Status

AUTHORITY: Implementing Section 21 and authorized by Section 2 of the State Library Act [15 ILCS 320/2 and 21].

SOURCE: Filed effective December 21, 1967; rules repealed, new rules adopted and codified at 8 Ill. Reg. 319, effective December 27, 1983; amended at 10 Ill. Reg. 4555, effective July 1, 1986; amended at 27 Ill. Reg. 219, effective January 1, 2003; amended at 33 Ill. Reg. 4169, effective February 27, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: DEPOSIT OF PUBLICATIONS

Section 3020.110 State Agency Publications

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- a) Within 1 week after an agency receives copies of publications it intends to issue, the agency shall send ~~3540~~ copies of all publications, priced and non-priced, to the ~~Government~~ Illinois Documents Section, Illinois State Library. Along with the publications, the issuing agency shall include information containing the address of the agency and, if applicable, the price of each item so that it may appear on the list of State of Illinois publications issued by the State Library.
- 1) In addition to the ~~3540~~ copies submitted to the Illinois State Library, the agency shall submit to the Illinois State Library an electronic copy of the publication via the Illinois State Library's metadata generator using a secure transfer protocol.
 - 2) Submissions in the metadata generator will be deposited in the electronic depository.
 - 3) When a State agency has very few copies of a publication printed, the Illinois State Library may accept three copies of a publication in print instead of the ~~3540~~ copies if an electronic version has been deposited.
 - 4) Electronic deposit is required for copyrighted and priced publications. Internet availability of copyrighted and priced publications will be determined by the depositing State agency.
- b) The issuing agency shall notify the Illinois State Library of an electronic-only publication by submitting the publication and metadata describing the publication to the electronic depository via the Illinois State Library's metadata generator.
- c) One electronic copy shall be provided to the Illinois State Library of all published materials as defined in this Part in a format acceptable to the Illinois State Library, including, but not limited to, the following:
- 1) Microsoft Office file
 - 2) Plain text file
 - 3) Adobe Acrobat
 - 4) Video (mpeg) or sound (wav)

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- 5) Image files (JPEG, TIFF)
- 6) Formats in compliance with the Illinois Web Accessibility Standards (produced by the Illinois Technology Office, 2½ State House, Springfield IL 62706)
- d) In formats where applicable (such as HTML), electronic-only publications shall include metadata embedded in the file posted on a publicly accessible network as submitted to the electronic depository via the Illinois State Library's metadata generator.

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

Section 3020.120 State University Publications and Presses

- a) Within one week after a State university receives publications it intends to issue, the university shall deposit three copies of all priced and non-priced university publications, and two copies of all publications published by the university presses, with the [Government Illinois](#) Documents Section. The address of the issuing State university and the price of the publications shall accompany the materials.
 - 1) In addition to three copies of university publications or two copies of university press publications submitted to the Illinois State Library, the State university shall submit to the Illinois State Library an electronic copy of the publication via the Illinois State Library's metadata generator using a secure transfer protocol.
 - 2) Submissions in the metadata generator will be deposited in the electronic depository.
 - 3) Electronic deposit is required for copyrighted and priced publications. Internet availability of the publication will be determined by the depositing State university.
- b) The issuing agency shall notify the Illinois State Library of an electronic-only publication by submitting the publication and metadata describing the publication to the electronic depository via the Illinois State Library's metadata generator.

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- c) One electronic copy shall be provided to the Illinois State Library of all published materials as defined in this Part in a format acceptable to the Illinois State Library as indicated in Section 3020.110(c) of this Part.
- d) In formats where applicable, electronic-only publications shall include metadata embedded in the file posted on a publicly accessible network as submitted via the Illinois State Library's metadata generator.

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

Section 3020.130 Delivery Cost and Responsibility

The issuing State agency shall be responsible for any costs and for the delivery of all published materials to the GovernmentHhinois Documents Section.

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

Section 3020.150 Administrator of State Agency

By ~~January 15, 2003 and by~~ January 15 of each ~~subsequent~~ year, each State agency shall inform the GovernmentHhinois Documents Section in writing of the person, persons, or positions responsible for distribution of publications of that agency. The GovernmentHhinois Documents Section shall be notified within two weeks ~~after~~of any changes.

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

Section 3020.160 Lists of Published Materials

The GovernmentHhinois Documents Section and the Library Automation and Technology Division shall prepare and publish a ~~monthly~~semi-monthly listing of all published materials received.

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

SUBPART B: DEPOSITORY LIBRARIES

Section 3020.210 Retention and Disposal of Publications

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- a) The Illinois State Library shall keep all depository materials indefinitely, except for ephemeral materials. The Illinois State Library shall retain one copy of superseded material. The Illinois State Library shall retain ownership of Illinois publications deposited in its depository and exchange libraries.
- b) Each depository must keep all publications except for ephemeral and superseded materials received for ~~five~~^{seven} years. At the end of that time, a depository may send a list of unneeded publications to the Government Documents Manager~~Illinois Documents Coordinator~~, Illinois State Library, Gwendolyn Brooks Building, 300 South Second, Springfield IL 62701-1796, who will circulate the list to other depository libraries for their selection. If other libraries request any publications on the list, the discarding library will forward the publications to them, by the least expensive method, at the selecting library's expense. Publications not selected by other depositories may be disposed of or destroyed.
- c) A depository may discard a publication that is published in a tangible format and deposited in the electronic depository if it retains the tangible format for the current and previous year.
- d) A depository is permitted to replace tangible versions with electronic equivalents of publications provided the electronic version is complete and permanently accessible. The Illinois State Library will provide a list on its website of titles that meet these requirements.

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

Section 3020.240 Termination of Depository Status

- a) A depository has the right to terminate its status as a depository by a letter from the depository's governing authority to the Director of the Illinois State Library. The Director may terminate the status of a library as a depository if the requirements of Section 3020.210-3020.230 are not met. At termination, the library will request instructions from the State Library about the disposition of the depository publications on hand.
- b) If a depository library wishes to challenge the termination of its depository status, the depository must request a hearing within one month after termination notice from the State Library. The members of the hearing committee will be the

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Director of the State Library, the ~~Government~~ Illinois Documents Coordinator, the Director of the library system to which the depository library belongs, and a representative from a depository in a non-adjacent library system, who has been mutually agreed upon by the Director of the Illinois State Library and the depository library challenging termination. The majority decision of this committee concerning the termination of the depository library will be final.

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

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Sexual Assault Evidence Submission Act
- 2) Code Citation: 20 Ill. Adm. Code 1255
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1255.10	New Section
1255.20	New Section
1255.30	New Section
1255.40	New Section
1255.50	New Section
- 4) Statutory Authority: Implementing and authorized by Section 45 of the Sexual Assault Evidence Submission Act [725 ILCS 202/45] and authorized by 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to provide procedures and define responsibilities for the submission of sexual assault evidence in connection with the investigation of a criminal case to a Department of State Police laboratory or a laboratory approved and designated by the Director of the State Police.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking rules replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person

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NOTICE OF PROPOSED RULES

may submit comments, data, views or argument regarding the proposed rules. The submissions must be in writing and directed to:

Mr. John M. Hosteny
Interim Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461

Telephone: 217/782-7658

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Municipal police departments may be affected. This Part will not impose any responsibilities other than those required by the Sexual Assault Evidence Submission Act.
- B) Reporting, bookkeeping or other procedures required for compliance: Each law enforcement agency is required to complete and submit to the Illinois State Police an inventory of sexual assault cases not previously submitted to a laboratory. Each law enforcement agency must confirm the submitted inventory form is a complete listing of all previously unsubmitted sexual assault cases in its possession. The case inventory and confirmation must be submitted electronically, unless an alternate submission method is approved by ISP.

In addition, all sexual assault cases submitted to a laboratory must include a certification that the evidence is submitted in connection with a criminal investigation.

- C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The proposed rule is needed in order to comply with Public Act 96-1011 that was signed into law on July 6, 2010. The Department was not aware of this rulemaking requirement when the 2 most recent agendas were submitted.

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NOTICE OF PROPOSED RULES

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

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1255
SEXUAL ASSAULT EVIDENCE SUBMISSION ACT

SUBPART A: PROMULGATION

Section	
1255.10	Purpose
1255.20	Definitions

SUBPART B: OPERATIONS

Section	
1255.30	Responsibilities
1255.40	Procedures for Submission
1255.50	Expungement of Records

AUTHORITY: Implementing and authorized by Section 45 of the Sexual Assault Evidence Submission Act [725 ILCS 202/45] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

SOURCE: Adopted at 34 Ill. Reg. _____, effective _____.

SUBPART A: PROMULGATION

Section 1255.10 Purpose

The purpose of this Part is to provide procedures and define responsibilities for the submission of sexual assault evidence in connection with the investigation of a criminal case to a Department of State Police laboratory or a laboratory approved and designated by the Director of the State Police.

Section 1255.20 Definitions

Unless otherwise specified, all terms shall have the meanings set forth in Section 5 of the Act.

"Act" means the Sexual Assault Evidence Submission Act [725 ILCS 202].

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"Approved Laboratories" means all laboratories within Illinois that are designated as National DNA Index System (NDIS) Participating by the Federal Bureau of Investigation and that are approved by the Director of the Department of State Police under this statute. For example, all Illinois State Police laboratories that conduct DNA casework, the DuPage County Forensic Science Center, and the Northeastern Illinois Regional Crime Laboratory are approved laboratories, provided the individual laboratories maintain their respective status as NDIS Participating laboratories.

"CODIS" means the Combined DNA Index System.

"Department" means the Department of State Police.

"DNA Record" means the DNA profile or genetic marker grouping.

"Law Enforcement Agency" means local, county, state or federal law enforcement agencies involved in the investigation of sexual assault cases in Illinois.

SUBPART B: OPERATIONS

Section 1255.30 Responsibilities

- a) Law Enforcement Agencies
 - 1) By October 15, 2010, each law enforcement agency is required to complete and submit to the Department an inventory of sexual assault cases that have not previously been submitted to a laboratory as described in Section 20 of the Act, per the instructions provided by the Department.
 - 2) Each law enforcement agency must confirm the submitted inventory form is a complete listing of all previously unsubmitted sexual assault cases in its possession.
- b) Illinois State Police
 - 1) The Department will provide, by mail, to each law enforcement agency instructions for completing the inventory of cases required by Section 20 of the Act.

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- 2) By February 15, 2011, the Department will submit a plan for analyzing cases submitted pursuant to this Act to the Governor, the Attorney General, and both houses of the General Assembly.

Section 1255.40 Procedures for Submission

a) Certification

- 1) All sexual assault cases submitted to the laboratory pursuant to any Section of the Act must include a certification that the evidence is submitted in connection with a criminal investigation, as required by Section 30 of the Act. The submitting law enforcement agency must sign the certification required by this subsection (a)(1), stating the evidence is part of a prior or current criminal investigation, for each submission of evidence. This certification relates to the status of the investigation (whether it is criminal or non-criminal) at the time of submission. Evidence from cases that subsequent to collection have been determined to be non-criminal cannot be submitted for analysis since DNA profiles from non-criminal cases are prohibited from being entered into the CODIS database. This certification, to accompany each case submission, is required to ensure that the laboratories are able to comply with all federal and State laws for entering and searching DNA profiles, at the State level, of CODIS. The certification shall read as follows:

This evidence is being submitted by (name of investigating law enforcement agency) in connection with a prior or current criminal investigation. (Section 30 of the Act)

- 2) With approval of the Department's Forensic Sciences Commander or designee, the statutory certification described in subsection (a)(1) may be incorporated into other documentation in lieu of a separate certification form.

b) Required Signatures

- 1) Prior to submission, the law enforcement agency must ensure that all required signatures are obtained for the Patient Consent/Authorization to Release Information and Evidence to Law Enforcement Agency form

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within the Illinois State Police Sexual Assault Evidence Kit. This includes:

- A) the patient, parent or guardian signing the consent authorizing evidence preservation and collection; and
 - B) the patient, parent or guardian, investigating officer or DCFS representative signing the release portion of the form, authorizing release of information.
- 2) A case cannot be accepted for laboratory analysis without the required signatures.
- c) Sexual assault evidence submitted to the laboratory pursuant to any Section of the Act must adhere to the laboratory's case acceptance policy. The law enforcement agency and the laboratory will work together to determine which items of evidence in each case will be submitted. Submissions may be limited to the most probative evidence plus standards in each case.
 - d) A complete inventory of all previously unsubmitted sexual assault cases, as described by Section 20 of the Act, regardless of statute of limitations or current prosecutorial/investigative status, must be submitted electronically to the Illinois State Police by October 15, 2010, as per the instructions provided by the Department, unless an alternate submission method is approved by the Department's Forensic Sciences Commander or designee.

Section 1255.50 Expungement of Records

Upon receipt of notification from the investigating law enforcement agency or State's Attorney's Office by the approved laboratory that analyzed the case that a DNA record, uploaded into CODIS pursuant to the Act, was not connected to a criminal investigation, the DNA record will be removed from the local, State and national CODIS databases. Written confirmation will be sent to the submitting law enforcement agency by the approved laboratory verifying the expungement is completed.

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Sex Offender and Child Murderer Community Notification Law
- 2) Code Citation: 20 Ill. Adm. Code 1282
- 3) Section Number: 1282.30 Proposed Action: Amendment
- 4) Statutory Authority: Implementing the Sex Offender and Child Murderer Community Notification Law [730 ILCS 152] and authorized by Section 2605-35 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-35(a)(8)]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment will allow the Illinois State Police to develop a system under which information from the registry is compared with the Department of Financial and Professional Regulation's database of licensees for purposes of permitting the Department of Financial and Professional Regulation to determine whether persons or other information added to the registry warrant regulatory action by the Department of Financial and Professional Regulation.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendments. The submissions must be in writing and directed to:

DEPARTMENT OF STATE POLICE

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Mr. John M. Hosteny
Interim Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461

Telephone: 217/782-7658

- 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 Amendment begins on the next page:

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1282

SEX OFFENDER AND CHILD MURDERER COMMUNITY NOTIFICATION LAW

SUBPART A: PROMULGATION

Section

1282.10	Purpose
1282.20	Definitions

SUBPART B: OPERATIONS

1282.30	Procedures
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AUTHORITY: Implementing the Sex Offender and Child Murderer Community Notification Law [730 ILCS 152] and authorized by Section 2605-35 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-35(a)(8)].

SOURCE: Adopted at 20 Ill. Reg. 8037, effective June 1, 1996; amended at 24 Ill. Reg. 9073, effective June 19, 2000; amended at 27 Ill. Reg. 16152, effective September 30, 2003; amended at 34 Ill. Reg. _____, effective _____.

SUBPART B: OPERATIONS

Section 1282.30 Procedures

- a) State Board of Education
 - 1) The State Board of Education will provide to the Department an accurate listing of addresses and points of contact for all schools.
 - 2) The listing will be provided to the Department at least 30 days prior to the beginning of scheduled notifications.
 - 3) The State Board of Education will appoint a point of contact to coordinate notification activities with the Department.

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- b) Department of Children and Family Services
 - 1) The Department of Children and Family Services will provide to the Department a listing of addresses and points of contact for all child care facilities.
 - 2) The listing will be provided to the Department at least 30 days prior to the beginning of scheduled notifications.
 - 3) The Department of Children and Family Services will appoint a point of contact to coordinate notification activities with the Department.
- c) State Board of Higher Education
 - 1) The State Board of Higher Education will provide to the Department an accurate listing of addresses and points of contact for all institutions of higher education.
 - 2) The listing will be provided to the Department at least 30 days prior to the beginning of scheduled notifications.
 - 3) The State Board of Higher Education will appoint a point of contact to coordinate notification activities with the Department.
- d) Victim Notification
 - 1) The victim may request automatic notification of the change of address of the associated sex offender.
 - 2) In order to obtain automatic notification, the victim must make a request in writing to the Department which must include the full name and date of birth of the sex offender or the full name, date of conviction and county of conviction of the sex offender.
- e) Law Enforcement Agency Having Jurisdiction
 - 1) Law enforcement agencies having jurisdiction will develop internal procedures and policies for implementing the provisions of the Law. Procedures will provide for the reasonable access to the information

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required to be provided under the Law.

- 2) Agencies shall provide the name, address, date of birth and offense or adjudication of sex offender required to register to any individual as may be authorized by law who requests access to the registry. Agencies have the discretion to provide any additional information contained in the registry, which will help identify the sex offender, to any individual as may be authorized by law. Such disclosure shall not include any information which would help identify the victim.
- 3) A point of contact will be identified to serve as a liaison with schools, child care facilities, and institutions of higher education. Agencies will provide the name and telephone number of their point of contact to all child care facilities, schools, and institutions of higher education within their jurisdictions. Schools, child care facilities, and institutions of higher education will be provided any changes on a timely basis. Point of contact information will also be provided to the Department.
- 4) Requesters will be required to show identification to receive sex offender information.
- 5) Agencies may charge a reasonable fee, not to exceed costs, to provide the information to individuals requesting access to the registry. Provisions for this charge must be included in their written procedures. Fees cannot be charged to schools, child care facilities, institutions of higher education, or other government agencies or for discretionary release of information.
- 6) Disclosure to the Department of Children and Family Services, schools, child care facilities, and institutions of higher education will be made during each scheduled notification. Additional disclosures may be made at any time.
- 7) Law enforcement agencies having jurisdiction can establish agreements with other law enforcement agencies having jurisdiction to facilitate the discharge of their responsibilities under the Law and this Part. These agreements may delegate to another agency tasks necessary to accomplish an agency's mandatory duties. The agreements shall be in writing and shall be submitted to the Department prior to implementation. Regardless of any agreement, each agency shall be responsible to ensure its individual

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compliance with the Law and this Part.

- 8) Law enforcement agencies having jurisdiction have the discretion to place sex offender information, including photographs, on the Internet or in other media. Law enforcement agencies having jurisdiction shall have the discretion to release information regarding employment, school, institution of higher education, and juvenile information only when a risk to the public exists. Adjudicated juvenile information will not be placed on the Internet.
 - 9) Law enforcement agencies having jurisdiction of sex offenders attending or employed at institutions of higher education will within three days forward one copy of the registration form and all changes of employment or education status to the point of contact for the institution.
- f) Illinois State Police
- 1) The Department will provide a listing of all schools, child care facilities, and institutions of higher education to Illinois sheriffs' offices and the Chicago Police Department for their respective jurisdictions. However, the Department will not list controlling administrative entities of groups of non-public schools. The listing or changes will be provided to agencies at least two weeks prior to the beginning of scheduled notifications.
 - 2) The Department will maintain the registry and conduct audits of criminal justice agencies affected by this Part to ensure the integrity of data. The Department will maintain LEADS as the primary mechanism for registration and communication relating to sex offenders.
 - 3) The Department will confer with the State Board of Education, the Department of Children and Family Services, and the State Board of Higher Education concerning the implementation of this Part. Procedures to evaluate the notification process will be developed jointly. Periodic meetings will be scheduled to address issues and identify potential problems.
 - 4) The Department and the Department of Financial and Professional Regulation shall develop a system under which information from the registry is compared with the Department of Financial and Professional

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Regulation's database of licensees for purposes of permitting the Department of Financial and Professional Regulation to determine whether persons or other information added to the registry warrants regulatory action by the Department of Financial and Professional Regulation.

g) Requirements

- 1) Confidentiality
Information regarding an adjudicated juvenile delinquent sex offender shall not be available to the public except that information may be provided to a person when that person's safety may be compromised for some reason related to the juvenile sex offender if so determined by the Department or any law enforcement agency.
- 2) Sex Offender Information
The name, address, date of birth and offense of the sex offender will be provided to all persons or entities receiving information from the registry pursuant to this Part. General sex offender information can be obtained on the Illinois State Police Website at www.isp.state.il.us. Law enforcement agencies have the discretion to provide any additional information contained in the registry, including photographs, which will help identify the sex offender. Information which would help identify the victim may not be disclosed.
- 3) Registration and Notification Period
Sex offenders are required to register for 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility. If confined, sex offenders are required to register for 10 years after final parole, discharge or release from any such facility. Sexual predators, sexually dangerous persons, and sexually violent persons are required to register for the period of their natural lives. Notification requirements with respect to a particular sex offender expire when that individual is no longer required to register.
- 4) Electronic Transmission of Information
Any of the Department's communications and transfer of information described in this Part may be accomplished by electronic means. Publicly accessible communication networks, such as those commonly described as

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the "Internet", may be used when technically feasible.

h) Public Access

1) Discretionary Access

The Department and any law enforcement agency having jurisdiction may provide any information contained in the registry, including photographs but excluding information which would help identify the victim, on any sex offender to any individual or entity likely to encounter the offender. However, adjudicated juvenile sex offender information shall only be disseminated when related to personal safety.

2) Public Inspection

Any individual or entity shall, upon request to the local law enforcement agency having jurisdiction, be provided an opportunity by that agency to inspect a listing of all names, addresses, dates of birth and offenses or adjudications of sex offenders required to register or registered with that agency. The agency has the discretion to provide any additional information contained in the registry, including photographs but excluding information which would help identify the victim, for the purposes of public inspection. The agency has the discretion to provide the requester with the list of all sex offenders required to register within the county, or in any other Illinois county. The agency may either allow the requester to inspect the list and take notes, as appropriate, or provide a copy of the list to the requester. Secondary dissemination of sex offender information is not prohibited. However, adjudicated juvenile sex offender information shall only be disseminated when related to personal safety.

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) Section Number: 1650.481 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]
- 5) A Complete Description of the Subjects and Issues Involved: TRS staff is amending 1650.481 to make it clear that any increase or decrease in a member's retirement annuity due to salary attributable to reciprocal service is not subject to a "salary increase in excess of 6%" employer contribution.
- 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 under the State Mandates Act [30 ILCS 805].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:

Cynthia Fain
Sr. Asst. General Counsel
Teachers' Retirement System
2815 West Washington,
P. O. Box 19253

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

Springfield, Illinois 62794-9253

217/753-0375

- 13) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.
- 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: None

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section

1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section

1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements (Repealed)
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section

1650.201 Disability Benefits – Application Procedure; Effective Date
1650.202 Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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	Rates (Repealed)
1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section	
1650.301	Early Retirement Without Discount – Return to Teaching from a Break in Service
1650.310	Effective Date of Membership
1650.315	Verifying Service Credit
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.335	Unreported Regular Service Credit and Earnings
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
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AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32 Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. 4401, effective March 3, 2009; amended at 33 Ill. Reg. 15863, effective November 2, 2009; amended at 34 Ill. Reg. 4900, effective March 22, 2010; amended at 34 Ill. Reg. 7787, effective May 21, 2010; amended at 34 Ill. Reg. _____, effective _____.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section 1650.481 Employer Contribution Required for Salary Increases in Excess of 6%

The employer contribution required under 40 ILCS 5/16-158(f) will be determined as follows:

- a) Calculate the member's monthly benefit using salaries as reported, excluding that part of the member's salary that exceeds the member's annual full-time salary rate with the same employer for the preceding year by more than 20%.
- b) Calculate the member's monthly benefit using salaries as reported, excluding that part of the member's salary that exceeds the member's salary with the same employer for the preceding year by more than 6%.
- c) Subtract (b) from (a).
- d) Multiply (c) by a Monthly Benefit Factor for the member's exact age at the retirement date. The Monthly Benefit Factors are based on the actuarial assumptions of the System for life expectancy and investment return as determined by the System's actuaries at five year intervals pursuant to 40 ILCS 5/16-176.
- e) If a member's monthly benefit is calculated pursuant to 40 ILCS 5/16-133(a), this Section will not apply.
- f) If there is more than one employer during the final average salary period, each employer will pay its respective contribution based on salary increases granted by that employer in excess of 6%.
- g) If the member's benefit is increased as a result of applying the provisions of Section 20 of the Retirement Systems Reciprocal Act [40 ILCS 5/20], no additional employer contribution will be due.
- h) If the member's benefit is reduced as a result of applying proportional reductions required by 40 ILCS 5/20-124, no employer contribution will be assessed for any salaries attributable to such employment.

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i) If the average salary is calculated using salary earned through employment covered by another participating system under 40 ILCS 5/20, no employer will be assessed for any salaries attributable to that employment.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Licensing Requirements for Land Disposal of Radioactive Waste
- 2) Code Citation: 32 Ill. Adm. Code 601
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
601.10	Repealed
601.20	Repealed
601.30	Repealed
601.50	Repealed
601.60	Repealed
601.70	Repealed
601.80	Repealed
601.90	Repealed
601.100	Repealed
601.110	Repealed
601.120	Repealed
601.130	Repealed
601.140	Repealed
601.150	Repealed
601.160	Repealed
601.170	Repealed
601.180	Repealed
601.190	Repealed
601.200	Repealed
601.210	Repealed
601.220	Repealed
601.230	Repealed
601.240	Repealed
601.250	Repealed
601.260	Repealed
601.270	Repealed
601.280	Repealed
601.290	Repealed
601.300	Repealed
601.310	Repealed
601.320	Repealed
601.330	Repealed
601.340	Repealed
601.350	Repealed

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED REPEALER

- 4) Statutory Authority: Implementing and authorized by the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20]
- 5) Effective Date of Repealer: August 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 repealer, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection
- 9) Notice of Proposal Published in the Illinois Register: 33 Ill. Reg. 13976; October 9, 2009
- 10) Has JCAR issued a Statement of Objection to this Repealer? 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 agreement letter 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 Repealer: Repealing 32 Ill. Adm. Code 601, which was last amended on May 1, 1996.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Maureen Cunningham
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Licensing Requirements for a Low-Level Radioactive Waste Disposal Facility
- 2) Code Citation: 32 Ill. Adm. Code 601
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
601.10	New Section
601.15	New Section
601.20	New Section
601.30	New Section
601.40	New Section
601.50	New Section
601.60	New Section
601.70	New Section
601.80	New Section
601.90	New Section
601.100	New Section
601.110	New Section
601.120	New Section
601.130	New Section
601.140	New Section
601.200	New Section
601.210	New Section
601.220	New Section
601.230	New Section
601.240	New Section
604.250	New Section
601.260	New Section
601.270	New Section
601.280	New Section
601.300	New Section
601.310	New Section
601.320	New Section
601.330	New Section
601.340	New Section
601.APPENDIX A	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 6 and 19 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/6 and 19]

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- 5) Effective Date of Rules: August 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 rules, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection
- 9) Notice of Proposal Published in the Illinois Register: 33 Ill. Reg. 14006; October 9, 2009
- 10) Has JCAR issued a Statement of Objection to these Rules? No
- 11) Differences between proposal and final version:
 1. In Section 601.15, changed "July 1, 2007" to "July 1, 2009."
 2. In Section 601.20, added a definition of "'As low as is reasonably achievable' or 'ALARA' means making every reasonable effort to maintain exposures to radiation as far below the dose limits in 32 Ill. Adm. Code: Chapter II, Subchapters b and d as is practical consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest."
 3. Made technical nonsubstantive, grammatical, and punctuation changes.
- 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? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rules: This rulemaking replaces the requirements previously found in 32 Illinois Administrative Code 601 and 606. This new Part establishes the requirements for siting, designing, licensing, constructing, operating and closing a low-level radioactive waste disposal facility in Illinois.
- 16) Information and questions regarding these adopted rules shall be directed to:

Maureen Cunningham
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/524-0770

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED RULES

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 601

LICENSING REQUIREMENTS FOR A LOW-LEVEL
RADIOACTIVE WASTE DISPOSAL FACILITY

SUBPART A: GENERAL PROVISIONS

Section:

- 601.10 Purpose and Scope
- 601.15 Incorporations by Reference
- 601.20 Definitions
- 601.30 Performance Objectives
- 601.40 License Required
- 601.50 Content of an Application
- 601.60 Application Information – General
- 601.70 Application Information – Land Ownership
- 601.80 Application Information – Financial
- 601.90 Application Information – Closure, Post-Closure and Institutional Control Plans
- 601.100 Application Information – Technical
- 601.110 Issuance of a License
- 601.120 Conditions of Licenses
- 601.130 Application for Renewal
- 601.140 Recordkeeping Requirements

SUBPART B: DESIGN, CONSTRUCTION AND OPERATION

Section:

- 601.200 Disposal Site Suitability Requirements
- 601.210 Disposal Facility Design and Construction
- 601.220 Disposal Site Design and Construction
- 601.230 Disposal Unit Design and Construction
- 601.240 Environmental Monitoring
- 601.250 Technical Requirements – Facility Operation
- 601.260 Contingency Plan and Emergency Procedures
- 601.270 Reporting Requirements
- 601.280 Tests at Waste Disposal Facilities

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SUBPART C: FACILITY CLOSURE AND LICENSE TERMINATION

Section:

601.300	Closure Application
601.310	Closure – Technical Requirements
601.320	Emergency Closure
601.330	Post-Closure Observation and Maintenance
601.340	Termination of License and Site Transfer

601. APPENDIX A Diagram of Terms and General Locations

AUTHORITY: Implementing and authorized by the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20].

SOURCE: Adopted at 10 Ill. Reg. 17465, effective September 25, 1986; amended at 18 Ill. Reg. 16579, effective November 1, 1994; amended at 20 Ill. Reg. 6904, effective May 1, 1996; old Part repealed at 34 Ill. Reg. 12156, and new Part adopted at 34 Ill. Reg. 12158, effective August 5, 2010.

SUBPART A: GENERAL PROVISIONS

Section 601.10 Purpose and Scope

- a) This Part establishes procedures, criteria, performance objectives, and terms and conditions upon which the Illinois Emergency Management Agency – Division of Nuclear Safety (Agency) issues licenses for a low-level radioactive waste disposal facility. Disposal of waste by an individual licensee is set forth in 32 Ill. Adm. Code 340. The requirements of this Part are in addition to, and not in substitution for, the requirements of 32 Ill. Adm. Code Chapter II, Subchapters b and d.
- b) This Part does not apply to disposal of licensed material as provided for in 32 Ill. Adm. Code 340.
- c) This Part is intended to *reflect the best available management technologies which are economically reasonable, technologically feasible, and environmentally sound* for the disposal of low-level radioactive waste, as required by Section 6 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/6].

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- d) The use of shallow land burial of low-level radioactive waste at a disposal facility is prohibited.

Section 601.15 Incorporations by Reference

All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified. All references to 10 CFR are incorporated as of July 1, 2009, unless otherwise specified in this Part, and do not include any later amendments or editions. Copies of rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Illinois Emergency Management Agency – Division of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

Section 601.20 Definitions

As used in this Part, the following definitions apply:

"Accepted engineering principles and practices" means those engineering principles and practices that are used by engineers when fulfilling their requirements and duties consistent with the specific requirements of this Part and as certified by a Professional Engineer licensed under the Professional Engineering Practice Act [225 ILCS 325].

"Active maintenance" means activity needed during the institutional control period to provide reasonable assurance that the performance objectives in Section 601.30 are met. Active maintenance includes ongoing activities such as the pumping and treatment of water from a disposal unit and one-time measures such as replacement of a disposal unit cover. Active maintenance does not include minor custodial care such as repair of fences, repair or replacement of monitoring equipment, revegetation, minor additions to soil cover, minor repair of disposal unit covers, and general disposal site upkeep such as mowing grass.

"As low as is reasonably achievable" or "ALARA" means making every reasonable effort to maintain exposures to radiation as far below the dose limits in 32 Ill. Adm. Code: Chapter II, Subchapters b and d as is practical consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and

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in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

"Buffer zone" means a portion of the disposal site that is controlled by the licensee and that lies under the disposal units and between the disposal units and the boundary of the site.

"Chelating agent" means amine polycarboxylic acids, hydroxycarboxylic acids, glucinic acid and polycarboxylic acids.

"Commence construction" means any clearing of land, excavation or other substantial action that would adversely affect the environment of a disposal facility. The term does not mean disposal site exploration, necessary roads for disposal site exploration, borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the disposal site or the protection of the environment.

"Disposal" means *the isolation of waste from the biosphere in a permanent facility designed for that purpose* [420 ILCS 20/3(f)].

"Disposal facility" or "facility" means a parcel of land, together with buildings, structures, equipment and improvements on or appurtenant to the land, that is used or is being developed for the disposal of low-level radioactive waste.

"Disposal site" means that portion of a disposal facility that is used for disposal of waste. It consists of disposal units and a buffer zone.

"Disposal unit" means a discrete portion of the disposal site into which waste is placed for disposal.

"Engineered barrier" means a man-made structure or device that is intended to improve the disposal facility's ability to meet the performance objectives in this Part.

"Inadvertent intruder" means a person who might occupy the disposal site after the institutional control period and engage in normal activities, such as agriculture, dwelling construction, or other pursuits in which an individual might be unknowingly exposed to radiation from the waste.

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"Institutional control period" means the period of time after the termination of the license during which the State implements an institutional control program based upon the institutional control plan to protect public health and safety and the environment.

"Intruder barrier" means a sufficient depth of cover over the waste that inhibits contact with waste and helps to ensure that radiation exposures to an inadvertent intruder will meet the performance objectives set forth in this Part, or engineered structures that provide equivalent protection to the inadvertent intruder.

"Low-level radioactive waste" or "waste" means *radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel or byproduct material as defined in Section 11e(2) of the federal Atomic Energy Act of 1954 (42 USC 2014) [420 ILCS 20/3(k)].*

"Monitoring" means observing and making measurements to provide data to evaluate the performance and characteristics of the disposal facility.

"Post-closure care" means *the continued monitoring of the regional disposal facility after closure for the purposes of detecting a need for maintenance, ensuring environmental safety, and determining compliance with applicable licensure and regulatory requirements, and includes undertaking any remedial actions necessary to protect public health and the environment from radioactive releases from the facility [420 ILCS 20/3(n)].*

"Release" means *any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment of low-level radioactive waste [420 ILCS 20/3(p)].*

"Remedial action" means *those actions taken in the event of a release or threatened release of low-level radioactive waste into the environment, to prevent or minimize the release of the waste so that it does not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, actions at the location of the release such as storage, confinement, perimeter protection using dikes, trenches or ditches, clay cover, neutralization, cleanup of released low-level radioactive wastes, recycling or reuse, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, provision of*

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alternative water supplies and any monitoring reasonably required to assure that these actions protect human health and the environment. [420 ILCS 20/3(q)]

"Shallow land burial" means a land disposal facility in which radioactive waste is disposed of in or within the upper 30 meters of the earth's surface. However, this definition shall not include an enclosed, engineered, structurally re-enforced and solidified bunker that extends below the earth's surface. [420 ILCS 20/3(r)]

"Site closure and stabilization" means those actions that are taken upon completion of operations that prepare the disposal site for institutional control and that assure that the disposal site will remain stable and will not need ongoing active maintenance.

Section 601.30 Performance Objectives

Disposal facilities shall be sited, designed, constructed, operated, closed and controlled after closure to provide reasonable assurance that:

- a) Concentrations of radioactive material that may be released to the general environment in groundwater, surface water, air, soil, plants or animals do not result in an annual dose exceeding an equivalent of 0.25 mSv (25 mrem) to the whole body, 0.75 mSv (75 mrem) to the thyroid, and 0.25 mSv (25 mrem) to any other organ of any member of the public. The licensee shall assume initiatives necessary to maintain releases of radioactivity in effluents to the general environment as low as is reasonably achievable.
- b) Operations at the disposal facility are conducted in compliance with the standards for radiation protection set out in 32 Ill. Adm. Code 340, except for releases of radioactivity in effluents from the disposal facility, which shall be governed by subsection (a). The licensee shall assume initiatives necessary to maintain radiation exposures as low as is reasonably achievable.
- c) The disposal facility protects any individual inadvertently intruding into the disposal site and occupying the site at any time after the institutional control period.
- d) Following closure, the disposal site achieves long-term stability and eliminates, to the extent practicable, the need for active maintenance.

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Section 601.40 License Required

- a) Each applicant shall file an application with the Agency pursuant to 32 Ill. Adm. Code 330.240 and obtain a license as provided in this Part before commencing construction of a disposal facility.
- b) Prior to submitting a license application, the applicant shall have conducted a monitoring program to obtain basic environmental data on the site characteristics. The applicant shall obtain information about the ecology, meteorology, climate, hydrology, geology, geochemistry and seismology of the disposal site. For those characteristics that are subject to seasonal variation, data must cover at least a 12 month period. The monitoring program shall be conducted under a quality assurance program.
- c) No person may receive, possess and dispose of waste at a disposal facility unless authorized by a license issued by the Agency pursuant to this Part and 32 Ill. Adm. Code 330.

Section 601.50 Content of an Application

An application for a license to commence construction of, or to operate, a disposal facility shall be filed in accordance with 32 Ill. Adm. Code 330.240. Each application shall meet the general requirements set forth in 32 Ill. Adm. Code 330.250 and the additional general, technical, institutional and financial requirements specified in this Part. General information to be included in an application is described in Subpart A. Information specific to design, construction and operation is described in Subpart B. Information regarding site closure and license termination is described in Subpart C.

Section 601.60 Application Information – General

The license application shall include, but not be limited to, the following information:

- a) Identity of the applicant, including:
 - 1) If the applicant is a partnership, the name and address of each partner and the principal location where the partnership does business;
 - 2) If the applicant is a corporation or an unincorporated association:

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- A) the state where it is incorporated or organized and the principal location where it does business; and
- B) the names and addresses of its directors and principal officers;
- 3) If the applicant is a limited liability company:
 - A) the state where it is organized and the principal location where it does business; and
 - B) the names and addresses of its members and managers;
- b) The organizational structure of the applicant, both offsite and onsite, including a description of lines of authority and assignments of responsibilities, whether in the form of administrative directives, contract provisions, or otherwise;
- c) A description of the applicant's quality assurance program;
- d) The technical qualifications and experience of the applicant;
- e) The technical qualifications, including training and experience, of personnel;
- f) A description of the applicant's personnel training program;
- g) A description of:
 - 1) The location of the proposed disposal site;
 - 2) The general character of the proposed handling, storage, treatment and disposal activities;
 - 3) The wastes to be received, possessed and disposed of, including, but not limited to, a description of the waste types, classifications and physical forms; the types, volumes and quantities of containers; an identification and estimate of the radionuclides contained in the various waste types, including concentration and total activity; and identification of stabilization media and chelating agents;

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- 4) Plans for use of the disposal facility for purposes other than disposal of radioactive wastes; and
- 5) The proposed facilities and equipment;
- h) Proposed schedules for construction, receipt of waste, and first emplacement of waste at the proposed disposal facility.

Section 601.70 Application Information – Land Ownership

- a) Identity of Owner. Disposal of radioactive waste in a facility licensed under this Part may be permitted only on land owned in fee simple absolute by the State.
- b) Where the proposed disposal site is on land not owned by the State, the applicant shall submit evidence that arrangements have been made for assumption of ownership in fee simple absolute by the State before the Agency issues a license.

Section 601.80 Application Information – Financial

The applicant shall demonstrate that it either possesses the necessary funds, or has reasonable assurance of obtaining the necessary funds, to cover the estimated costs of conducting all activities over the planned operating life of the project, including costs of construction, operation, closure, post-closure and institutional control.

- a) Operation. The applicant shall *post a performance bond with the Department or show evidence of liability insurance or other means of establishing financial responsibility in an amount sufficient to adequately provide for any necessary remedial actions or liabilities that might be incurred by the operation of the disposal facility during the operating period and during a reasonable period of post-closure care* [420 ILCS 20/6(b)].

AGENCY NOTE: This may include costs associated with failure of the operator or failure to fulfill terms of the contract and costs associated with transferring operation and ownership. The italicized text is a direct quotation from the Illinois Low-Level Radioactive Waste Management Act, which has not been updated to reflect Illinois Executive Order 2003-12, effective July 1, 2003, which transferred the responsibilities of the Illinois Department of Nuclear Safety to the Agency. In this case, the Department means the Illinois Emergency Management Agency.

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- b) Closure and Post-Closure.
- 1) In addition to complying with the requirements of 32 Ill. Adm. Code 326, the applicant shall provide assurances that sufficient funds will be available to carry out disposal facility closure and post-closure. These assurances shall be based on Agency-approved cost estimates reflecting the Agency-approved plan for disposal facility closure and post-closure. The applicant's cost estimates must take into account total costs that would be incurred if an independent contractor were hired to perform the closure and post-closure work. The assurances shall establish that there will be sufficient funds for:
 - A) Decontamination or dismantlement of disposal facility structures; and
 - B) Closure and post-closure of the disposal facility so that, following termination of the license and transfer of custody of the disposal site to the State, the need for active maintenance is eliminated to the extent possible.
 - 2) Liability under the financial assurance mechanism shall remain in effect until the license has been terminated.
- c) Institutional Control Period Funding.
- 1) Prior to the issuance of the license, the applicant shall provide for Agency approval a copy of a binding arrangement, such as a lease or contract, between the applicant and the State that ensures that sufficient funds will be collected and available to cover the costs of monitoring and projected maintenance during the institutional control period.
 - 2) The binding arrangement will be reviewed periodically by the Agency to ensure that changes in inflation, technology and disposal facility operations are reflected in the arrangements. Subsequent changes to the binding arrangement shall be submitted to the Agency for approval.

Section 601.90 Application Information – Closure, Post-Closure and Institutional Control Plans

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- a) Closure Plan. The application for a facility license shall contain a closure plan, which shall be consistent with the performance objectives of this Part, and shall include, but need not be limited to, the following:
- 1) A procedure for disposal of all waste and contaminated equipment remaining at the facility at the time of closure, removal of structures and equipment, and installation of permanent monuments or markers warning against intrusion;
 - 2) An estimate of the funds needed to close the facility and provisions for assuring the availability of those funds;
 - 3) A description of how the facility closure will satisfy the performance objectives of this Part;
 - 4) A description of the permissible uses of the facility and buffer zone following closure; and
 - 5) A description of the monitoring systems to be implemented during the closure, post-closure and institutional control periods.
- b) Post-Closure Plan. The application for a facility license must contain a post-closure plan under which the licensee will observe, monitor and carry out necessary maintenance and repairs at the disposal facility for a period of 10 years after facility closure. The plan shall be consistent with the performance objectives of this Part and shall include, but need not be limited to:
- 1) A procedure for evaluating the performance of both engineered and natural barriers to radionuclide release or migration at the disposal site;
 - 2) A procedure for monitoring the air, soil, surface water and groundwater at the disposal site;
 - 3) A procedure for confirming that the disposal site will meet the long term performance objectives and requirements of this Part;
 - 4) A procedure for identifying potential failure to meet the performance objectives or requirements of this Part;

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- 5) A procedure for correcting any condition that would result in failure to meet the performance objectives of this Part; and
 - 6) An estimate of the funds needed to implement the plan and provisions for assuring the availability of those funds.
- c) Institutional Control Plan. The application must contain an institutional control plan for the long term care, maintenance and monitoring of the disposal site. The plan shall describe the activities to be taken by the site owner following the 10 year post-closure period, as described in subsection (b), and after transfer of title and custody and termination of the facility license. The plan shall be consistent with the performance objectives of this Part and shall include, but need not be limited to, the following:
- 1) A procedure for monitoring the air, soil, surface and groundwater at the disposal site; and
 - 2) An estimate of the costs necessary to carry out the institutional control plan for a period of 300 years and provisions for assuring the availability of those funds.

Section 601.100 Application Information – Technical

The license application shall include, but not be limited to, the following technical information:

- a) A description of the natural and demographic disposal site characteristics as determined by disposal site selection and characterization activities. The description shall include geologic, geotechnical, hydrologic, meteorologic, climatologic and biotic features of the disposal site and vicinity.
- b) A description of the pre-operational monitoring program and the associated quality assurance plan, and results of the pre-operational monitoring program specified in Section 601.40(b).
- c) An environmental report required by 32 Ill. Adm. Code 330.250(b).
- d) A description of the design basis natural events or phenomena and their relationship to the principal design criteria.

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- e) A description of the principal design criteria and their relationship to the performance objectives described in Section 601.30.
- f) A description of the design features of the disposal facility and the disposal units. The description shall include design features related to infiltration of water; integrity of covers for disposal units; structural stability of filling material, wastes and covers; contact of wastes with standing water; disposal site drainage; disposal site closure and stabilization; elimination, to the extent possible, of long-term disposal site maintenance; inadvertent intrusion; occupational exposures; disposal site monitoring; and adequacy of the size of the buffer zone for monitoring and potential mitigative measures.
- g) Analyses of pathways evaluated in demonstrating protection of the general population from releases of radioactivity shall include air, soil, groundwater, surface water, plant uptake and exhumation by burrowing animals. The analyses shall clearly identify and differentiate between the roles performed by the natural disposal site characteristics and design features in isolating and segregating the wastes. The analyses must clearly demonstrate that there is reasonable assurance that the exposures to humans from the release of radioactivity will not exceed the limits set forth in Section 601.30(a).
- h) A description of the environmental monitoring program required by Section 601.240 to be followed during construction, operation, closure and post-closure that includes, but is not limited to, the frequency, type and method of analysis to provide data to evaluate potential health and environmental impacts, and the plan for taking corrective measures if migration of radionuclides is indicated.
- i) A description of codes and standards that the applicant has applied to the design and that will apply to construction of the disposal facilities. The standards shall meet local, State and national building code standards.
- j) A description of the construction and general operation of the disposal facility. The description shall include, as a minimum, the methods of construction of disposal units, waste emplacement, the procedures for and areas of waste segregation, types of intruder barriers, onsite traffic and drainage systems, survey control program, methods and areas of waste storage, and methods to control surface water and groundwater access to the wastes. The description shall also include a description of the methods to be employed in the handling and disposal

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of wastes containing chelating agents or other nonradiological substances that might affect meeting the performance objectives of this Part.

- k) A description of the quality assurance program applied during the determination of natural disposal site characteristics and during the design, construction and operation of the disposal facility.
- l) Analyses of the long-term stability of the disposal site and the need for active maintenance after closure shall be based upon analyses of active natural processes such as erosion, seismic activity, mass wasting, slope failure, settlement of wastes and backfill, infiltration through covers over disposal areas and adjacent soils, and surface drainage of the disposal site. The analyses must provide reasonable assurance that there will not be a need for active maintenance of the disposal site following closure.
- m) An identification of the known natural resources at the disposal site whose exploitation could result in inadvertent intrusion into the low-level radioactive wastes.
- n) A description of the radiation safety program for control and monitoring of radioactive effluents to ensure compliance with this Part and for occupational radiation exposure to ensure compliance with the requirements of 32 Ill. Adm. Code 340 and to control contamination. Both routine operations and accidents shall be addressed. The program description shall include procedures, instrumentation, facilities and equipment.
- o) Analyses of the protection of individuals during operations, including assessments of expected exposures due to routine operations and potential accidents during handling, storage, treatment and disposal of waste. The analyses must provide reasonable assurance that exposures will be controlled to meet the requirements of 32 Ill. Adm. Code 340.
- p) A description of the administrative and operating procedures that the applicant will apply to control activities at the facility.
- q) A description of the contingency plan required by Section 601.260.
- r) A description of the electronic recordkeeping system required in Section 601.140.

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Section 601.110 Issuance of a License

The Agency shall review license applications filed in accordance with Section 601.50. *If the Department determines that the license should be issued, the Department shall publish in the State newspaper a notice of intent to issue the license. Objections to issuance of the license may be filed within 90 days after publication of the notice. Upon receipt of objections, the Director shall appoint a hearing officer who shall conduct an adjudicatory hearing on the objections. The burden of proof at the hearing shall be on the person filing the objections. Upon completion of the hearing, the hearing officer shall recommend to the Director whether the license should be issued. The decision of the Director to issue or deny the license may be appealed under Section 18 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/10.3(c)].*

AGENCY NOTE: The italicized text is a direct quotation from the Illinois Low-Level Radioactive Waste Management Act, which has not been updated to reflect Illinois Executive Order 2003-12, effective July 1, 2003. In this case, the Department means the Illinois Emergency Management Agency.

Section 601.120 Conditions of Licenses

- a) A license issued under this Part, or any right under that license, may not be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Agency finds, after securing full information, that the transfer is in accordance with the provisions of the Radiation Protection Act of 1990 [420 ILCS 40], the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20] and this Part and gives its consent in writing in the form of a license amendment.
- b) The licensee shall not receive waste until the licensee has received written notification from the Agency that the Agency has inspected the disposal facility and has found it to be in conformance with the description, design and construction described in the application for a license.
- c) Failure to renew the license shall not relieve the licensee of responsibility for carrying out site closure and post-closure, and obtaining a license amendment terminating the license.
- d) The terms and conditions of the license are subject to amendment, revision or modification, by reason of amendments to, or by reason of rules, regulations and

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orders issued in accordance with, the terms of the Radiation Protection Act of 1990 and the Illinois Low-Level Radioactive Waste Management Act.

- e) The Agency shall, upon request or on its own initiative, authorize provisions other than those set forth in this Part for the classification and characteristics of waste, disposal of waste, or design and operation of a disposal facility on a specific basis only if the Agency establishes that performance objectives of this Part will be met.

Section 601.130 Application for Renewal

- a) An application for renewal must be filed at least 90 days prior to license expiration. Applications for renewal of a license must be filed in accordance with 32 Ill. Adm. Code 330.240 and this Part.
- b) In any case in which a licensee has filed an application in proper form for renewal of a license, the license does not expire until the Agency has taken final action on the application for renewal.

Section 601.140 Recordkeeping Requirements

- a) The licensee shall maintain any records and make any reports in connection with the licensed activities as are required by the conditions of the license, this Part or 32 Ill. Adm. Code 340.
- b) Records required by this Part or by license conditions shall be maintained until the termination of the license or as specified by a license condition. If a retention period is not otherwise specified, these records shall be maintained and transferred to the officials specified in subsection (e) as a condition of license termination, unless the Agency authorizes their disposition because of inaccuracies or obsolescence.
- c) Records that must be maintained pursuant to this Part may be the original or a reproduced copy or microfilm if the reproduced copy or microfilm is capable of producing a copy that is clear and legible at the end of the required retention period. Records may also be stored in electronic media with the capability for reproducing legible, accurate and complete records during the required retention period. Records such as letters, drawings or specifications shall include all

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pertinent information such as stamps, initials and signatures. The licensee shall maintain safeguards against tampering with and loss of records.

AGENCY NOTE: Safeguards may include such actions as storing a duplicate copy in an offsite location and maintaining suitable software for viewing computer images.

- d) If there is a conflict between this Part and other Agency Parts or a license condition pertaining to the retention period for the same type of record, the longest retention period specified takes precedence.
- e) Following receipt and acceptance of a shipment of radioactive waste, the licensee shall:
 - 1) Record the date that the shipment is received at the low-level radioactive waste disposal facility, the date of disposal of the waste, a traceable shipment manifest number, a description of any engineered barrier or structural overpack provided for disposal of the waste, the location of disposal at the disposal site, the containment integrity of the waste disposal containers received, any discrepancies between materials listed on the manifest and those received, the volume of any pallets, bracing or other shipping or onsite generated materials that are contaminated and are disposed of as contaminated or suspect materials, and any evidence of leaking or damaged disposal containers or radiation or contamination levels in excess of limits specified in regulations of the U.S. Department of Transportation and the Agency (see 32 Ill. Adm. Code 341);
 - 2) Describe any repackaging operations of any of the disposal containers included in the shipment, plus any other information required by the Agency as a license condition.
- f) The licensee shall store, or have stored, manifest and other information pertaining to receipt and disposal of radioactive waste in an electronic recordkeeping system that includes:
 - 1) Information required under 32 Ill. Adm. Code 340.1060, with the exception of shipper and carrier telephone numbers and shipper and consignee certifications; and

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- 2) Information required under subsection (e).
- g) Notwithstanding subsections (a) through (f), copies of records of the location and the quantity of radioactive wastes contained in the disposal site shall be transferred to the Agency, or other agency designated by the Agency, at the time of license termination.

SUBPART B: DESIGN, CONSTRUCTION AND OPERATION

Section 601.200 Disposal Site Suitability Requirements

The following minimum characteristics shall be used in determining a site acceptable for disposal of low-level radioactive waste:

- a) The primary emphasis in disposal site suitability is isolation of waste and disposal site features that ensure that the long-term performance objectives are met.
- b) The disposal site shall be capable of being characterized, modeled, analyzed and monitored.
- c) Within the region where the facility is to be located, a disposal site shall be selected so that projected population growth and future developments are not likely to affect the ability of the disposal facility to meet the performance objectives of this Part.
- d) Areas shall be avoided having known natural resources that, if exploited, would result in failure to meet the performance objectives of this Part.
- e) The disposal site shall be generally well drained and free of areas of standing water or flooding or frequent ponding. Waste disposal shall not take place in a regulatory flood plain, as provided in the rules of the Illinois Department of Natural Resources (see 17 Ill. Adm. Code 3706).
- f) Upstream drainage areas shall be minimized to decrease the amount of runoff that could erode or inundate waste disposal units.
- g) The disposal site shall provide sufficient depth to the water table that groundwater intrusion, perennial or otherwise, into the waste will not occur.

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- h) Areas shall be avoided where tectonic processes such as faulting, folding, seismic activity or vulcanism occur with such frequency and to such an extent that they would affect the ability of the disposal site to meet the performance objectives of this Part or would preclude defensible modeling and prediction of long-term impacts.
- i) Areas shall be avoided where surface geologic processes such as mass wasting, erosion, slumping, landsliding or weathering occur with such frequency and to such an extent that they would affect the ability of the disposal site to meet the performance objectives of this Part, or would preclude defensible modeling and prediction of long-term impacts.
- j) The disposal site must not be located where nearby facilities or activities could adversely impact the ability of the site to meet the performance objectives of this Part or significantly mask the environmental monitoring program.

Section 601.210 Disposal Facility Design and Construction

The disposal facility shall be designed and constructed, based on accepted engineering principles and practices, to further the following:

- a) The design and construction of the disposal facility shall utilize the best available technology that is economically reasonable, technologically feasible and environmentally sound for the receipt, handling and disposal of waste.
- b) The design of the disposal facility shall be compatible with the expected waste characteristics, methods of operation and proposed methods of handling, closure and stabilization and shall demonstrate that the requirements of this Part will be met.
- c) Buildings shall be designed, constructed and maintained in accordance with all applicable codes and standards. In the event that two or more building codes or standards conflict or apply, the most stringent shall be met.
- d) The disposal facility shall be designed to minimize, to the extent practicable, the contact of water with waste following receipt and prior to disposal.

Section 601.220 Disposal Site Design and Construction

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The disposal site shall be designed and constructed, based on accepted engineering principles and practices, to further the following:

- a) Site design features shall be directed toward long-term isolation and avoidance of the need for continuing active maintenance after site closure.
- b) Site design and operation shall be compatible with the closure and post-closure plans and lead to disposal site closure that provides reasonable assurance that the performance objectives will be met.
- c) The disposal site shall be designed to complement and improve, where appropriate, the ability of the disposal site's natural characteristics to assure that the performance objectives will be met.
- d) Surface features shall direct surface water drainage away from disposal units at velocities and gradients that will not result in erosion that will require active maintenance in the future.
- e) The site design shall allow closure in a manner that isolates the wastes and waste constituents and that requires only minor custodial care to assure long-term performance.
- f) The site shall be designed and constructed to allow remedial action, if necessary. Achievement of this objective shall not be accomplished by compromising, or in any way lessening, the ability of the site to satisfy the performance objectives and requirements of this Part.
- g) The site shall be designed to accept waste for disposal for a period of at least 50 years. The site shall be designed to accommodate waste generated during the decommissioning of nuclear power stations in Illinois.

Section 601.230 Disposal Unit Design and Construction

- a) Disposal units shall be designed and constructed, based on accepted engineering principles and practices, to:
 - 1) Minimize, to the extent practicable, the contact of standing water with waste during disposal and the contact of percolating or standing water with wastes after disposal.

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- 2) Be compatible with the expected waste characteristics, methods of operation, and proposed methods of closure and stabilization.
 - 3) Withstand all natural phenomena, such as precipitation, earthquakes and tornadoes, that are expected to occur for 500 years.
 - 4) Incorporate multiple engineered safety features, such as, but not limited to, placing a cover over disposal units, using backfill that adds structural strength and reinforcing units with manufactured materials that provide structural support, prevent the release of waste and waste constituents and prevent inadvertent intrusion.
 - 5) Incorporate design elements that will allow operation of the units in such a manner that the amount of waste on site that is not yet permanently disposed of, as well as the time that waste is held on site prior to disposal, will be minimized.
 - 6) Accommodate waste that cannot be packaged in standard containers, e.g., reactor components, contaminated steel.
 - 7) Maintain their structural integrity regardless of the physical form of the waste.
 - 8) Allow characterization, modeling, analysis and evaluation of the unit's ability to contain waste.
- b) Disposal unit covers shall be designed to minimize water infiltration to the extent practicable, to direct percolating or surface water away from the disposed waste, and to resist degradation by surface geologic processes and biotic activity.
 - c) Disposal unit design shall not incorporate the use of shallow land burial or underground injection wells and shall provide for the use of above-ground units or other designs to provide greater and safer confinement of low-level radioactive waste.
 - d) Disposal units made of manufactured materials shall be designed and constructed, using accepted engineering principles and practices, to ensure that the tensile

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stress in the manufactured materials never exceeds the level that will cause the materials to fail.

- e) Disposal units shall be constructed of materials that will not interact with each other, any surrounding earth, backfill, cover material or base grade material in such a manner as to compromise the ability of the materials to perform their intended function.
- f) If intruder barriers are required by Section 601.250(b), disposal units shall be designed and constructed with intruder barriers designed to last at least 500 years.

Section 601.240 Environmental Monitoring

- a) During construction, operation, closure and post-closure, the licensee shall maintain an environmental monitoring program. Measurements and observations shall be made and recorded to provide data to evaluate the potential health and environmental impacts during the construction and operation of the facility and to enable the evaluation of long-term effects and the need for mitigative measures. The monitoring system shall be capable of providing early warning of releases of radionuclides from the disposal unit before they leave the site boundary.
- b) The licensee shall have plans for taking corrective measures if the environmental monitoring program detects migration of radionuclides, which would indicate that the performance objectives may not be met.

Section 601.250 Technical Requirements – Facility Operation

- a) Wastes designated as Class A pursuant to 32 Ill. Adm. Code 340.1052(b) shall be segregated from other wastes by placement in disposal units that are sufficiently separated from disposal units for the other waste classes so that any interaction between Class A wastes and other wastes will not result in failure to meet the performance objectives of this Part. This segregation is not necessary for Class A wastes if they meet the stability requirements in 32 Ill. Adm. Code 340.1055(b).
- b) Wastes designated as Class C pursuant to 32 Ill. Adm. Code 340.1052(b) shall be disposed of so that the waste is protected by a barrier of a minimum of 5 meters between the top of the Class C waste and the top surface of the cover, or with intruder barriers that are designed to protect against an inadvertent intrusion for at least 500 years.

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- c) Except as allowed by the Agency in Section 601.120(e), only waste classified as Class A, B or C shall be acceptable for disposal.
- d) Wastes shall be emplaced in a manner that maintains the package integrity during emplacement and minimizes the void spaces between packages to ensure structural stability.
- e) The boundaries and locations of each disposal unit shall be accurately located and mapped by means of a land survey. Disposal units shall be marked in such a way that the boundaries of each unit can be easily defined. Three permanent survey marker control points, referenced to United States Geological Survey (USGS) or National Geodetic Survey (NGS) survey control stations, shall be established on the site to facilitate surveys. The USGS or NGS control stations shall provide horizontal and vertical controls as checked against USGS or NGS record files.
- f) A buffer zone of land shall be maintained between disposed waste and the disposal site boundary. The buffer zone shall be of adequate dimensions to carry out environmental monitoring activities and take mitigative measures if needed.
- g) Closure and stabilization measures set forth in the approved site closure plan shall be carried out as each disposal unit is filled and enclosed.
- h) Active waste disposal operations shall not have an adverse effect on completed closure and stabilization measures.
- i) Only wastes containing or contaminated with radioactive materials shall be disposed of at the disposal site.

Section 601.260 Contingency Plan and Emergency Procedures

- a) The licensee shall develop and implement a contingency plan for responding to risks to human health and the environment from fires, explosions or any unplanned release, sudden or gradual, of waste or waste constituents to air, soil, surface water and groundwater. The plan shall address response actions to be taken in the event there is a temporary inability to dispose of wastes at the facility (e.g., because the facility has been closed temporarily) or the facility is permanently closed.

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- b) Notwithstanding the requirements of 32 Ill. Adm. Code 330.250(e)(2), the licensee shall meet all contingency plan requirements specified in 32 Ill. Adm. Code 330.290, in addition to other additional requirements specified in this Section.
- c) The provisions of the contingency plan shall be carried out immediately whenever there is a fire, explosion, release of waste or waste constituents to the environment, or an unscheduled closure of the facility, either temporary or permanent.
- d) The plan shall contain provisions for conducting on-site drills prior to initial receipt of waste for disposal.

Section 601.270 Reporting Requirements

- a) Unmanifested Waste Report. The licensee shall notify the Agency immediately of any waste received at the facility that is unaccompanied by a proper manifest.
- b) Accident Report. The licensee shall provide a written report to the Agency within 7 days after any event resulting in either a release of radioactive material from a disposal unit or a radiation dose to any person outside the facility in excess of the limits specified in Section 601.30 for releases and 32 Ill. Adm. Code 340.310 for exposures. The report shall include:
 - 1) A description of the events causing the releases or exposures;
 - 2) A description of the release, resulting exposures and impacts;
 - 3) A description of the remedial action taken; and
 - 4) A description of actions that will be taken to prevent such events from occurring in the future.
- c) Annual Report. By the end of the first calendar quarter of each year, the licensee shall submit an annual report to the Agency summarizing facility operations for the preceding year. A copy of the report shall be available for public inspection. This report shall contain, but need not be limited to, the following:

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- 1) A summary of the sources, volumes, Curie content and types of low-level radioactive waste received at the facility in the previous year and an inventory of the total volume and Curie content of wastes disposed of at the facility since it commenced operation;
- 2) Specification of the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in airborne effluents during the preceding year;
- 3) A description of any incidents or accidents in which radioactive materials were released, or occupational exposures in excess of the limits set by 32 Ill. Adm. Code 340 occurred;
- 4) A description of the environmental and personnel monitoring programs and the results of those programs;
- 5) The results of the testing and evaluation of disposal unit design and construction, and recommendations;
- 6) A description of the status and adequacy of plans for closure and post-closure of the facility, specifying and considering information learned as a result of the testing and monitoring program and other facility operations during the previous year; and
- 7) An accounting of the fees collected by the facility operator for deposit by the Agency into the Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund established by 420 ILCS 20/14. The accounting shall be performed using generally accepted accounting principles.

Section 601.280 Tests at Waste Disposal Facilities

The licensee shall perform, or permit the Agency to perform, any tests the Agency deems appropriate or necessary for the administration of the requirements in this Part, including, but not limited to, tests of:

- a) Wastes and facilities used for the receipt, storage, treatment, handling and disposal of radioactive wastes;

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- b) Radiation detection and monitoring instruments; and
- c) Other equipment and devices used in connection with the receipt, possession, handling, treatment, storage or disposal of waste.

SUBPART C: FACILITY CLOSURE AND LICENSE TERMINATION

Section 601.300 Closure Application

- a) An application to amend the license for closure shall include a final revision and specific details of the disposal facility final closure plan that had been included as part of the license application submitted under Section 601.90. The application shall include, but not be limited to, the following:
 - 1) Any additional geologic, hydrologic or other data pertinent to the long-term containment of emplaced wastes obtained during the operational period.
 - 2) The results of tests, experiments or any other analyses relating to filling material or excavated areas, closure and sealing, waste migration and interaction with emplacement media, or any other tests, experiments or analysis pertinent to the long-term containment of emplaced waste within the disposal site.
 - 3) Any proposed revision of plans for:
 - A) Decontamination and/or dismantlement of buildings, structures, equipments and improvements;
 - B) Backfilling of excavated areas; or
 - C) Site closure and stabilization.
 - 4) Any new information regarding the environmental impact of closure activities and long-term performance of the disposal site.
- b) Upon review and consideration of an application to amend the license for closure, the Agency shall issue an amendment authorizing closure if the licensee provides

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reasonable assurance that the long-term performance objectives of this Part will be met.

Section 601.310 Closure – Technical Requirements

- a) The licensee shall close the facility at the end of its operating lifetime.
- b) Not more than 2 years nor less than one year prior to anticipated facility closure, the licensee shall submit an application to the Agency in accordance with Section 601.300(a) for a license amendment to close the facility.
- c) Upon granting of the license amendment, the licensee shall close the facility in accordance with the closure plan and the license conditions imposed.
- d) Within 6 months after completing facility closure, the licensee shall certify in writing to the Agency that the facility has been closed in accordance with the requirements of this Part.

Section 601.320 Emergency Closure

- a) Upon finding that immediate closure of the facility is necessary to avoid an imminent threat to the public health or safety or to the environment, the Director of the Agency shall issue an emergency closure order to the licensee. An emergency closure order may be issued by the Director in the event of either:
 - 1) A finding of non-compliance with any applicable regulation of the Agency or provision of the license, if the non-compliance is determined by the Director to pose a risk of a release of radioactive material beyond the site boundary in excess of any applicable limit imposed by 32 Ill. Adm. Code 340; or
 - 2) A finding that continued operation of the facility represents a significant and immediate threat to the public health or safety, as evidenced by a violation of any provision of the Radiation Protection Act of 1990, the Low-Level Radioactive Waste Management Act or any rule, regulation or order promulgated under these Acts, and that requires immediate action to protect the public welfare.

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- b) Upon receipt of a written order requiring immediate closure, the licensee shall immediately take the following actions:
 - 1) Implement the contingency plan required by Section 601.260;
 - 2) Notify all persons holding a site use permit or similar evidence of permission to use the facility; and
 - 3) Notify the Central Midwest Interstate Low-Level Radioactive Waste Commission.

Section 601.330 Post-Closure Observation and Maintenance

The licensee shall observe, monitor, carry out maintenance and repairs, and maintain security at the disposal site for a minimum period of 10 years following site closure and until the license is terminated by the Agency. The licensee shall maintain a monitoring system based on past monitoring performance and the closure and stabilization of the disposal site. The monitoring system must be capable of providing early warning of releases of radionuclides from disposal units before they leave the site boundary. A longer time period for post-closure observation and maintenance may be required as part of the site closure plan, based upon site-specific conditions.

Section 601.340 Termination of License and Site Transfer

- a) Following the period of post-closure care specified in Section 601.330, the licensee shall submit a report to the Agency regarding the projected long term performance of the disposal site and shall apply for an amendment to terminate the license and transfer the title and custody of the facility to the State.
- b) This application will be reviewed in accordance with the provisions of this Part and 32 Ill. Adm. Code 330.
- c) A license will be terminated only if the Agency finds that:
 - 1) The requirements of 32 Ill. Adm. Code 330 and this Part have been met;
 - 2) The closure of the disposal facility has been made in conformance with the licensee's closure plan, as amended and approved as part of the license;
 - 3) The performance objectives of this Part are met;

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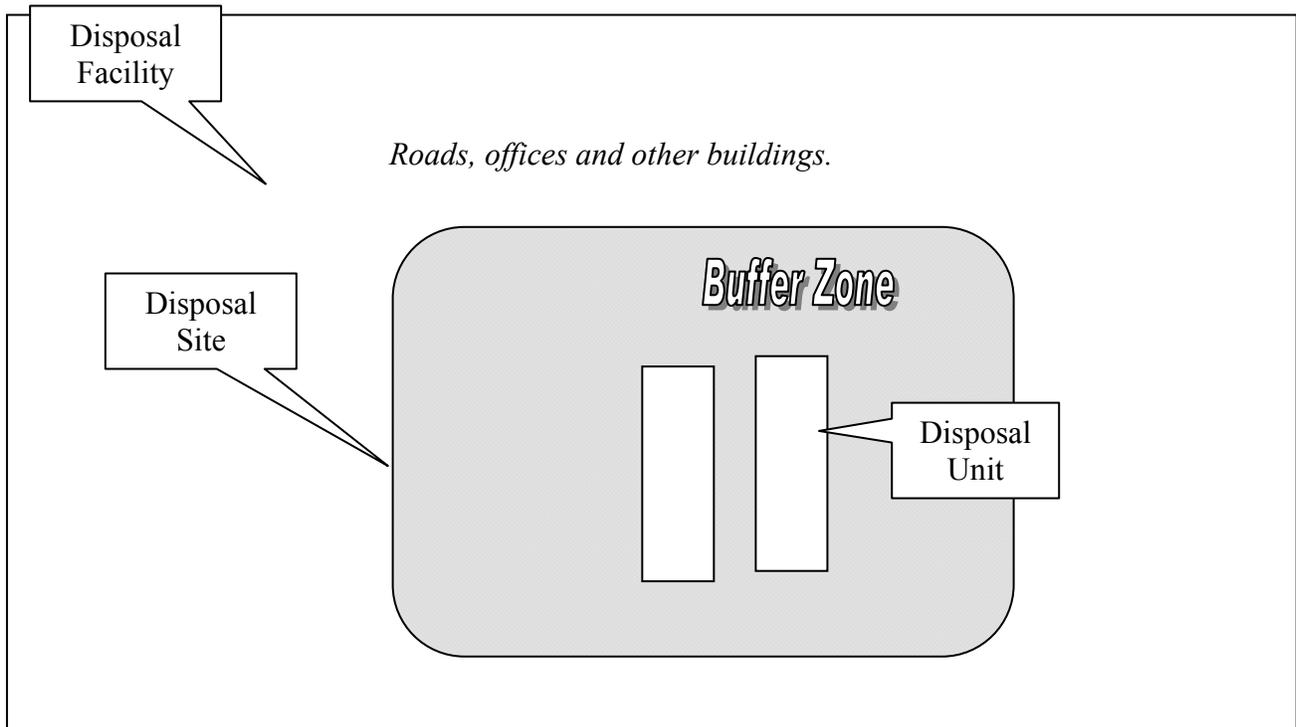
- 4) Any additional requirements resulting from new information developed during the post-closure period have been met and permanent monuments or markers warning against intrusion have been installed;
- 5) The licensee has met all contractual requirements;
- 6) Facility records and any funds held by the licensee for the institutional control plan have been transferred to the State;
- 7) The post-closure monitoring program is operational for implementation by the State agency that will assume responsibility for institutional control of the disposal site; and
- 8) The State agency that will assume responsibility for institutional control of the disposal site is prepared to assume responsibility and ensure that the institutional control requirements found necessary under Section 601.90 will be met.

AGENCY NOTE: The State will implement the institutional control plan, that will physically control access to the disposal site following transfer of control of the disposal site from the licensee and termination of the license. The institutional control program shall include, but not be limited to, carrying out an environmental monitoring program at the disposal site, periodic surveillance, minor custodial care, other requirements as determined by the State, and administration of funds to cover the costs for these activities. Under 10 CFR 61.59, controls may not be relied upon for more than 100 years following transfer of control of the disposal site by the licensee. It is the Agency's intention that controls will remain as long as they are necessary to protect the public health and safety and the environment.

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601.APPENDIX A Diagram of Terms and General Locations



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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Requirements for the Disposal of Low-Level Radioactive Waste Away from the Point of Generation
- 2) Code Citation: 32 Ill. Adm. Code 606
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
606.10	Repealed
606.20	Repealed
606.30	Repealed
606.40	Repealed
606.50	Repealed
606.60	Repealed
606.70	Repealed
606.80	Repealed
606.90	Repealed
- 4) Statutory Authority: Implementing and authorized by the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20]
- 5) Effective Date of Repealer: August 5, 2010
- 6) Does this Repealer contain an automatic repeal date? No
- 7) Does this Repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection
- 9) Notice of Proposal Published in the Illinois Register: 33 Ill. Reg. 14039; October 9, 2009
- 10) Has JCAR issued a Statement of Objection to this Repealer? 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 agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: Repealing 32 Ill. Adm. Code 606, which was last amended on November 1, 1994.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Maureen Cunningham
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

POLLUTION CONTROL BOARD

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- 1) Heading of the Part: Regulatory and Informational Hearings and Proceedings
- 2) Code Citation: 35 Ill. Adm. Code 102
- 3) Section Number: 102.412 Adopted Action: Amend
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28]
- 5) Effective Date of Amendment: August 9, 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 Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 16, 2010; 34 Ill. Reg. 2422
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The procedural rule amendment proposed for final notice is unchanged from first notice, other than to reflect a change in citation form requested by the Joint Committee on Administrative Rules (JCAR).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: A more detailed description of this rulemaking is contained in the Board's opinion and order in the docket titled *Proposed Amendment To Procedural Rules On Hearings In Identical In Substances Rulemakings R10-18* (August 5, 2010). The amendment allows videoconference hearings to be held in rulemaking

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proceedings conducted pursuant to Section 7.2 of the Environmental Protection Act (Act) [415 ILCS 5/7.2 (2008)]. Rules adopted by the Board under Section 7.2 of the Act are identical-in-substance to federal regulations.

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

Marie Tipsord
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-4925

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R10-18 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARD

PART 102
REGULATORY AND INFORMATIONAL HEARINGS AND PROCEEDINGS

SUBPART A: GENERAL PROVISIONS

Section	
102.100	Applicability
102.102	Severability
102.104	Definitions
102.106	Types of Regulatory Proposals
102.108	Public Comments
102.110	Waiver of Requirements
102.112	Other Proceedings

SUBPART B: REGULATIONS OF GENERAL APPLICABILITY,
RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)
AMENDMENTS, AND SITE-SPECIFIC REGULATIONS

Section	
102.200	Proposal for Regulations of General Applicability
102.202	Proposal Contents for Regulations of General Applicability
102.204	Proposal of RCRA Amendments
102.206	Notice of Site-Specific RCRA Proposals
102.208	Proposal for Site-Specific Regulations
102.210	Proposal Contents for Site-Specific Regulations
102.211	Proposal to Update Incorporations by Reference
102.212	Dismissal

SUBPART C: CLEAN AIR ACT AMENDMENTS (CAAA)
FAST TRACK RULEMAKING

Section	
102.300	Applicability
102.302	Agency Proposal
102.304	Hearings

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102.306 Prefiled Testimony

SUBPART D: SERVICE AND FILING OF DOCUMENTS, MOTIONS,
PRODUCTION OF INFORMATION, SUBPOENAS, PREHEARING
CONFERENCES, AND HEARINGS

Section

- 102.400 Service and Filing of Documents
- 102.402 Motions, Production of Information, and Subpoenas
- 102.404 Initiation and Scheduling of Prehearing Conferences
- 102.406 Purpose of Prehearing Conference
- 102.408 Prehearing Order
- 102.410 Authorization of Hearing
- 102.412 Scheduling of Hearings
- 102.414 Hearings on the Economic Impact of New Proposals
- 102.416 Notice of Hearing
- 102.418 Record
- 102.420 Authority of the Hearing Officer
- 102.422 Notice and Service Lists
- 102.424 Prehearing Submission of Testimony and Exhibits
- 102.426 Admissible Information
- 102.428 Presentation of Testimony and Order of Hearing
- 102.430 Questioning of Witnesses

SUBPART E: CERTIFICATION OF REQUIRED RULES

Section

- 102.500 Agency Certification
- 102.502 Challenge to Agency Certification
- 102.504 Board Determination

SUBPART F: BOARD ACTION

Section

- 102.600 Revision of Proposed Regulations
- 102.602 Adoption of Regulations
- 102.604 First Notice of Proposed Regulations
- 102.606 Second Notice of Proposed Regulations
- 102.608 Notice of Board Final Action

POLLUTION CONTROL BOARD

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- 102.610 Adoption of Identical-in-Substance Regulation
- 102.612 Adoption of Emergency Regulations
- 102.614 Adoption of Peremptory Regulations

SUBPART G: MOTIONS FOR RECONSIDERATION AND APPEAL

Section

- 102.700 Filing of Motions for Reconsideration
- 102.702 Disposition of Motions for Reconsideration
- 102.704 Correction of Publication Errors
- 102.706 Appeal

SUBPART H: OUTSTANDING RESOURCE WATER DESIGNATION

Section

- 102.800 Applicability
- 102.810 Petition
- 102.820 Petition Contents
- 102.830 Board Action

102.APPENDIX A Comparison of Former and Current Rules (Repealed)

AUTHORITY: Implementing Sections 5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 27, 28, 28.2, 28.6, 29, and 41 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 27, 28, 28.2, 28.6, 29, and 41] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].

SOURCE: Originally adopted as Chapter 1: Procedural Rules, Part II: Regulatory and Other Nonadjudicative Hearings and Proceedings, in R70-4, 1 PCB 43, October 8, 1970; codified at 6 Ill. Reg. 8357; amended in R84-10 at 9 Ill. Reg. 1398, effective January 16, 1985; Part repealed, new Part adopted in R88-5(B) at 14 Ill. Reg. 9210, effective May 24, 1990; amended in R90-16 at 14 Ill. Reg. 20472, effective December 11, 1990; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 587, effective January 1, 2001; amended in R01-13 at 26 Ill. Reg. 3498, effective February 22, 2002; amended in R04-24 at 29 Ill. Reg. 8776, effective June 8, 2005; amended in R10-18 at 34 Ill. Reg. 12193, effective August 9, 2010.

SUBPART D: SERVICE AND FILING OF DOCUMENTS, MOTIONS,
PRODUCTION OF INFORMATION, SUBPOENAS, PREHEARING
CONFERENCES, AND HEARINGS

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Section 102.412 Scheduling of Hearings

- a) Except as otherwise provided by applicable law, *no substantive regulation shall be adopted, amended, or repealed until after a public hearing within the area of the State concerned.* In the case of site-specific rules, a public hearing will be held in the affected county. Except as otherwise provided by applicable law, *in the case of state-wide regulations, hearings shall be held in at least two areas.* [415 ILCS 5/28(a)]
- b) If the proponent or any participant wishes to request a hearing beyond the number of hearings specified by the hearing officer, that person must demonstrate, in a motion to the hearing officer, that failing to hold an additional hearing would result in material prejudice to the movant. The motion may be oral, if made at hearing, or written. The movant must show that he exercised due diligence in his participation in the proceeding and why an additional hearing, as opposed to the submission of written comments pursuant to Section 102.108 of this Part, is necessary.
- c) If a hearing is scheduled in a rulemaking proposed pursuant to Section 7.2 of the Act [415 ILCS 5/7.2], the hearing may be held by videoconference.

(Source: Amended at 34 Ill. Reg. 12193, effective August 9, 2010)

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- 1) Heading of the Part: University of Illinois Hospital Infection Control Code
- 2) Code Citation: 77 Ill. Adm. Code 251
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
251.100	New
251.200	New
251.300	New
- 4) Statutory Authority: University of Illinois Hospital Act [110 ILCS 330] and Section 2310-310 of the Department of Public Health Powers and Duties Law of the Civil Administration Code [20 ILCS 2310/2310-312]
- 5) Effective Date of Rulemaking: August 4, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 9, 2010; 34 Ill. Reg. 5131
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Various typographical, grammatical and form changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: Section 3 of the Hospital Licensing Act [210 ILCS 85/3], in its definition of "hospital," exempts "hospitalization or care facilities maintained by any university or college established under the laws of this State and

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supported principally by public funds raised by taxation." Therefore, the University of Illinois Hospital is exempt from licensure by the Department of Public Health. However, in 2007 the General Assembly passed Public Act 95-0282, which added a new Section to the University of Illinois Hospital Act [110 ILCS 330] (the Act) that requires the University of Illinois Hospital to develop and implement comprehensive policies for the prevention and control of multidrug-resistant organisms, "including methicillin-resistant *Staphylococcus aureus* (MRSA), vancomycin-resistant enterococci (VRE), and certain gram-negative bacilli (GNB)." Public Act 95-0282 also granted the Department limited rulemaking authority to enforce these new statutory requirements, both within the new Section of the Act, as well as by adding a new Section to the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois that reinforced the Department's regulatory authority, specific to infection control, over the University of Illinois Hospital.

This rulemaking creates a new Part, the University of Illinois Hospital Infection Control Code (77 Ill. Adm. Code 251), which implements PA 95-0282. Part 251 contains three Sections: Definitions, Incorporated and Referenced Materials, and Infection Control. The Section on Infection Control is modeled after the identical Section in the Hospital Licensing Requirements. The language includes statutory language from a companion Public Act, PA 95-0312, which created the MRSA Screening and Reporting Act [210 ILCS 83]. The MRSA Screening and Reporting Act requires every hospital to establish a methicillin-resistant *Staphylococcus aureus* (MRSA) control program.

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

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

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

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIESPART 251
UNIVERSITY OF ILLINOIS HOSPITAL INFECTION CONTROL CODE

Section

251.100	Definitions
251.200	Incorporated and Referenced Materials
251.300	Infection Control

AUTHORITY: Implementing and authorized by the University of Illinois Hospital Act [110 ILCS 330] and Section 2310-312 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code [20 ILCS 2310/2310-312].

SOURCE: Adopted at 34 Ill. Reg. 12199, effective August 4, 2010.

Section 251.100 Definitions

Act – The University of Illinois Hospital Act [110 ILCS 330].

Department – the Department of Public Health

Multidrug-Resistant Organisms or MDROs – include *methicillin-resistant Staphylococcus aureus (MRSA)*, *vancomycin-resistant enterococci (VRE)*, and *certain gram-negative bacilli (GNB)*. (Section 7 of the Act)

University – *the Board of Trustees of the University of Illinois*. (Section 1 of the Act)

University of Illinois Hospital or hospital – *any hospital, institute, clinic, outpatient department or office owned or leased by the University at which a University health care program is conducted*. (Section 1 of the Act)

Section 251.200 Incorporated and Referenced Materials

- a) Federal Guidelines:

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- 1) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings" (June 2007), which may be obtained from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.
 - 2) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guidelines for Infection Control in Health Care Personnel" (1998), which may be obtained from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.
 - 3) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guidelines for Hand Hygiene in Health-Care Settings" (October 25, 2002), which may be obtained from the National Technical Information Services (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.
- b) All incorporations by reference of federal guidelines refer to the guidelines on the date specified and do not include any editions or amendments subsequent to the date specified.
- c) State of Illinois Statutes:
- 1) University of Illinois Hospital Act [110 ILCS 330].
 - 2) Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310].
 - 3) MRSA Screening and Reporting Act [210 ILCS 83].
- d) State of Illinois Rules:
- 1) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690).

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- 2) Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693).
- 3) Department of Public Health, Control of Tuberculosis Code (77 Ill. Adm. Code 696).

Section 251.300 Infection Control

- a) The hospital shall designate a person or persons as Infection Prevention and Control Professionals to develop and implement policies governing control of infections and communicable diseases. The Infection Prevention and Control Professionals shall be qualified through education, training, experience, and/or certification, and the qualifications shall be documented.
- b) A multidisciplinary Infection Control Committee, composed at least of members of the medical staff and nursing staff, the Infection Prevention and Control Professionals, and the supervisor of Central Sterile Supply and the hospital administration, shall be responsible for investigations and recommendations for the prevention and control of infections within the hospital. This Committee shall *perform an annual facility-wide infection control risk assessment*. (Section 7 of the Act)
- c) Policies and procedures for reporting cases of communicable diseases and for the care of patients with communicable diseases shall be in accordance with the Control of Communicable Diseases Code, the Control of Sexually Transmissible Diseases Code and the Control of Tuberculosis Code.
- d) When patients having a communicable disease, or presenting signs and symptoms suggestive of such diagnosis, are admitted, proper precautionary measures shall be taken to avoid cross-infection to hospital personnel, other patients, or the public.
- e) The hospital shall provide facilities and equipment for the isolation of known or suspected cases of infectious disease.
- f) Policies and procedures for handling infectious cases shall include orders for nursing and non-professional staffs providing for proper isolation technique.

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- g) All persons who care for patients with or suspected of having a communicable disease, or whose work brings them in contact with materials that are potential conveyors of communicable disease, shall take appropriate safeguards to avoid transmission of the disease agent.
- h) *The hospital shall develop and implement comprehensive interventions to prevent and control multidrug-resistant organisms (MDROs), including methicillin-resistant Staphylococcus aureus (MRSA), vancomycin-resistant enterococci (VRE), and certain gram-negative bacilli (GNB), that take into consideration guidelines of the Centers for Disease Control and Prevention for the management of MDROs in healthcare settings, including the "2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings" and "Guidelines for Hand Hygiene in Health-Care Settings". (Section 7 of the Act)*
- i) The hospital shall comply with the Centers for Disease Control and Prevention publication "Guidelines for Infection Control in Health Care Personnel".
- j) The multidisciplinary Infection Control Committee shall be responsible for developing, implementing, monitoring, and enforcing a hand hygiene program in the hospital. For the purposes of this Part, "hand hygiene" is a general term that applies to hand washing with plain soap and water; antiseptic hand wash using soap containing antiseptic agents and water; antiseptic hand rub using a waterless antiseptic product, most often alcohol based, rubbed on the surface of the hands; or surgical hand antiseptic.
- 1) The Committee shall assess the current practices and compliance, assess hand hygiene products that are currently being used, solicit input from clinical staff, and develop a hand hygiene program for all staff.
 - 2) All staff (including contractual and medical) shall be educated in the hand hygiene program during initial orientation and at least annually. This education shall be documented.
 - 3) The program shall have clear written goals that require quantitative, time-specific improvement targets.
 - 4) The Committee shall develop and implement measurement tools to be used to assure ongoing compliance with the program.

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- 5) The program shall incorporate the requirements for hand hygiene in educational materials presented to all staff on an ongoing basis; engage patients and families in the hand hygiene efforts; monitor compliance of all staff with recommended measurement tools for hand hygiene, including immediate feedback to personnel; and track compliance over time.
- 6) The results of the monitoring shall be incorporated in the Quality Assurance/Quality Improvement Program.
- k) Contaminated material shall be handled and disposed of in a manner designed to prevent the transmission of the infectious agent.
- l) Thorough hand hygiene shall be required after touching any contaminated or infected material.
- m) The hospital shall establish a systematic plan of checking and recording cases of infection, known or suspected, that develop in the institution; these cases shall be reported to the Infection Control Committee and hospital administration. The Committee shall be empowered and directed to investigate health care-associated infections to determine the causative organism and its possible sources. The findings and recommendations of the Infection Control Committee shall be reported to the medical staff and administration for corrective action.
- n) Policies and procedures related to this Section and to the following items shall be developed:
 - 1) The admission and isolation of patients with specific and/or suspected infectious diseases and protective isolation of appropriate patients.
 - 2) In-service education programs on the control of infectious diseases.
 - 3) Policies and procedures for isolation techniques appropriate to the working diagnosis of the patient and protective routines for personnel and visitors.

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- 4) The recording and reporting of all infections of clean surgical cases to the Infection Control Committee and procedures for the investigation of those cases.
- o) *In order to improve the prevention of hospital-associated bloodstream infections due to methicillin-resistant Staphylococcus aureus (MRSA) and pursuant to Section 2310-312 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois, the hospital shall establish an MRSA control program that requires:*
- 1) *Identification of all MRSA-colonized patients in all intensive care units, and other at-risk patients identified by the hospital, through active surveillance testing.*
 - 2) *Isolation of identified MRSA-colonized or MRSA-infected patients in an appropriate manner.*
 - 3) *Monitoring and strict enforcement of hand hygiene requirements.*
 - 4) *Maintenance of records and reporting of cases under Section 10 of the MRSA Screening and Reporting Act. (Section 5 of the MRSA Screening and Reporting Act)*

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- 1) Heading of the Part: Freestanding Emergency Center Code
- 2) Code Citation: 77 Ill. Adm. Code 518
- 3) Section Number: 518.1100 Adopted Action: Amend
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) Effective Date of Rulemaking: August 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 Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 16, 2010; 34 Ill. Reg. 5555
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Various typographical, grammatical and form changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: Part 518 establishes minimum standards for Freestanding Emergency Centers, including the minimum standards for licensure. This amendment implements Public Act 96-0023, which eliminates the June 30, 2009 deadline for licensure of FECs, inserts a requirement for FECs to get a permit from the Health Facilities and Services Review Board, and requires that a permit application be deemed complete by March 1, 2009. Additionally, P.A. 96-0023 eliminates a requirement for FECs to maintain helicopter landing pads.

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

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

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETYPART 518
FREESTANDING EMERGENCY CENTER CODE

Section

518.1000	Definitions
518.1050	Incorporated and Referenced Materials
518.1100	Freestanding Emergency Center Licensure
518.1150	Initial Licensure Application
518.1155	Application for Annual License Renewal
518.1160	Surveys
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518.1300	Governing Board
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518.2170	Preparation of Drawings and Specifications – Submission Requirements
518.2180	Construction Details
518.2190	Finishes
518.2200	Structural Requirements
518.2210	Mechanical Requirements
518.2220	Plumbing and Other Piping Systems
518.2230	Electrical Requirements
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518.ILLUSTRATION A	Seismic Zone Map
518.TABLE A	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
518.TABLE B	Insulation/Building Perimeter
518.TABLE C	Minimum Efficiency Reporting Values

AUTHORITY: Implementing and authorized by Section 32.5 of the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Adopted at 22 Ill. Reg. 13756, effective July 10, 1998; amended at 24 Ill. Reg. 14026, effective August 31, 2000; amended at 27 Ill. Reg. 8456, effective May 15, 2003; amended at 33 Ill. Reg. 8317, effective June 4, 2009; amended at 34 Ill. Reg. 12207, effective August 4, 2010.

Section 518.1100 Freestanding Emergency Center Licensure

- a) ~~The~~Until June 30, 2009, the Department shall license freestanding emergency centers pursuant to the Act and this Part.
- b) A freestanding emergency center shall meet the following requirements:
 - 1) has received a permit from the Illinois Health Facilities and Services

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Review Board to establish a freestanding emergency center if the application for the permit has been deemed complete by the Department by March 1, 2009;

2)4) is located:

- A) in a municipality with a population of 75,000 or fewer inhabitants;
- B) within 20 miles of the hospital that owns or controls the freestanding emergency center; and
- C) within 20 miles of the Resource Hospital affiliated with the freestanding emergency center as part of the EMS system;

3)2) is wholly owned or controlled by an Associate or Resource Hospital, but is not a part of the hospital's physical plant;

4)3) meets the standards for licensed FECs, adopted in this Part, including, but not limited to:

- A) facility design, specification, operation, and maintenance standards;
- B) equipment standards; and
- C) the number and qualifications of emergency medical personnel and other staff, which must include at least one board certified emergency physician present at the FEC 24 hours per day.

5)4) limits its participation in the EMS System strictly to receiving a limited number of BLS runs by emergency medical vehicles according to protocols developed by the Resource Hospital within the FEC's designated EMS System and approved by the Project Medical Director and the Department;

6)5) provides comprehensive emergency treatment services, as defined in Hospital Licensing Requirements (77 Ill. Adm. Code 250), 24 hours per day, on an outpatient basis;

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- ~~7)6)~~ *provides an ambulance and maintains on site ambulance services staffed with paramedics 24 hours per day;*
- ~~7)~~ *~~maintains helicopter landing capabilities approved by appropriate State and federal authorities;~~*
- 8) *complies with all State and federal patient rights provisions, including, but not limited to, the Emergency Medical Treatment Act and the federal Emergency Medical Treatment and Active Labor Act;*
- 9) *maintains a communications system that is fully integrated with its Resource Hospital within the FEC's designated EMS System;*
- 10) *reports to the Department any patient transfers from the FEC to a hospital within 48 hours after the transfer plus any other data determined to be relevant by the Department;*
- 11) *submits to the Department, on a quarterly basis, the FEC's morbidity and mortality rates for patients treated at the FEC and other data determined to be relevant by the Department;*
- 12) *does not describe itself or hold itself out to the general public as a full service hospital or hospital emergency department in its advertising or marketing activities;*
- 13) *complies with any other rules adopted by the Department under the Act that relate to FECs;*
- 14) *passes the Department's site inspection for compliance with the FEC requirements of the Act;*
- 15) *submits a copy of the permit issued by the Illinois Health Facilities and Services Review~~Planning~~ Board indicating that the facility has complied with the Illinois Health Facilities Planning Act with respect to the health services to be provided at the facility;*
- 16) *submits an application for designation as an FEC in a manner and form prescribed by the Department in this Part; and*

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17) *pays the annual license fee as determined by the Department.* (Section 32.5(a)(1) of the Act)

e) ~~The freestanding emergency center shall be wholly owned or controlled by an Associate or Resource Hospital, but shall not be a part of the hospital's physical plant.~~ (Section 32.5(a)(2) of the Act)

d) ~~A freestanding emergency center shall not describe itself or hold itself out to the general public as a full service hospital or hospital emergency department in its advertising or marketing activities.~~ (Section 32.5(a)(12) of the Act)

(Source: Amended at 34 Ill. Reg. 12207, effective August 4, 2010)

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- 1) Heading of the Part: Sexual Assault Survivors Emergency Treatment Code
- 2) Code Citation: 77 Ill. Adm. Code 545
- 3) Section Number: 545.60 Adopted Action:
Amend
- 4) Statutory Authority: Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70]
- 5) Effective Date of Rulemaking: August 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 Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 9, 2010; 34 Ill. Reg. 5140
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Various typographical, grammatical and form changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: The Sexual Assault Survivors Emergency Treatment Code establishes minimum standards for the treatment of sexual assault survivors in hospital emergency rooms, including initial care and follow-up visits.

These amendments implement Public Act 96-0318, which amended the Sexual Assault Survivors Emergency Treatment Act to ease restrictions on consent for treatment for sexual assault and for releasing evidence and information concerning the sexual assault.

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This rulemaking amended Section 545.60 (Treatment of Sexual Assault Survivors) by inserting statutory language from P.A. 96-0318 into the Section.

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

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

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

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETYPART 545
SEXUAL ASSAULT SURVIVORS
EMERGENCY TREATMENT CODE

Section

545.10	Applicability
545.20	Definitions
545.25	Incorporated and Referenced Materials
545.30	Application of Rules (Repealed)
545.35	Development and Approval of Plans
545.40	Program Administration (Repealed)
545.50	Areawide Sexual Assault Treatment Plans
545.60	Treatment of Sexual Assault Survivors
545.65	Transfer of Sexual Assault Survivors
545.67	Compliance Review
545.70	Requirements of Sexual Assault Transfer Plans (Repealed)
545.80	Approval of a Sexual Assault Treatment Plan (Repealed)
545.90	Approval of a Sexual Assault Transfer Plan (Repealed)
545.95	Emergency Contraception
545.100	Hospital Charges and Reimbursement (Repealed)
545.APPENDIX A	Sexual Assault Treatment Plan Form
545.APPENDIX B	Sexual Assault Transfer Plan Form
545.APPENDIX C	Emergency Contraception Protocols

AUTHORITY: Implementing and authorized by the Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70].

SOURCE: Filed December 30, 1977; rules repealed and new rules adopted at 5 Ill. Reg. 1139, effective January 23, 1981; codified at 8 Ill. Reg. 16334; amended at 11 Ill. Reg. 1589, effective February 1, 1987; amended at 12 Ill. Reg. 20790, effective December 1, 1988; emergency amendment at 26 Ill. Reg. 5151, effective April 1, 2002, for a maximum of 150 days; emergency expired August 28, 2002; amended at 27 Ill. Reg. 1567, effective January 15, 2003; amended at 33 Ill. Reg. 14588, effective October 9, 2009; amended at 34 Ill. Reg. 12214, effective August 4, 2010.

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Section 545.60 Treatment of Sexual Assault Survivors

- a) *Every hospital providing hospital emergency services and forensic services to sexual assault survivors shall comply with the federal Emergency Medical Treatment and Active Labor Act and, as minimum requirements for such services, provide, with the consent of the sexual assault survivor, and as ordered by the attending physician, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes provision of emergency services or who possesses clinical privileges recommended by the hospital medical staff and granted by the hospital, as authorized by the Nurse Practice Act, or a physician assistant who has been delegated authority to provide hospital emergency services and forensic services, the following:*
- 1) *Appropriate medical examinations and laboratory tests required to ensure the health, safety, and welfare of a sexual assault survivor or which may be used as evidence in a criminal proceeding against a person accused of the sexual assault, or both. Records of the results of such examinations and tests shall be maintained by the hospital and made available to law enforcement officials upon the request of the sexual assault survivor. (Section 5(a) of the Act) Examinations and tests shall include, but not be limited to:*
- A) A general physical examination;
- B) Evaluation and/or treatment for sexually transmitted infections in accordance with the guidelines of the Centers for Disease Control and Prevention titled Sexually Transmitted Diseases Treatment Guidelines, or the standards of the American College of Emergency Physicians titled Evaluation and Management of the Sexually Assaulted or Sexually Abused Patient (see Section 545.25);
- C) Evaluation and possible treatment for HIV exposure in accordance with the guidelines of the Centers for Disease Control and Prevention titled Sexually Transmitted Diseases Treatment Guidelines, or the recommendations titled Antiretroviral Postexposure Prophylaxis After Sexual, Injection Drug Use, or Other Nonoccupational Exposure to HIV in the United States, or the standards of the American College of Emergency Physicians

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titled Evaluation and Management of the Sexually Assaulted or Sexually Abused Patient. Testing for HIV shall be conducted in accordance with the AIDS Confidentiality Act; and

- D) Pregnancy test for females of childbearing age;
- 2) *Appropriate oral and written information concerning the possibility of infection, sexually transmitted disease and pregnancy resulting from sexual assault* (Section 5(a) of the Act);
 - 3) *Medically and factually accurate written and oral information about emergency contraception; the indications and counter-indications and risks associated with the use of emergency contraception; and a description of how and when sexual assault survivors may be provided emergency contraception upon the written order of a physician, an advanced practice nurse, or a physician assistant* (Section 2.2(b) of the Act);
 - 4) *Appropriate oral and written information concerning accepted medical procedures, medication, and possible contraindications of such medication available for the prevention or treatment of infection or disease resulting from sexual assault* (Section 5(a) of the Act);
 - 5) *An amount of medication for treatment at the hospital and after discharge as is deemed appropriate by the attending physician, an advanced practice nurse, or a physician assistant and consistent with the hospital's current approved protocol for sexual assault survivors.* (Section 5(a) of the Act);
 - 6) *An evaluation of the sexual assault survivor's risk of contracting human immunodeficiency virus (HIV) from sexual assault. When HIV prophylaxis is deemed appropriate, an initial dose or doses of HIV prophylaxis, along with written and oral instructions indicating the importance of timely follow-up health care, shall be given to the survivor.* (Section 5(a) of the Act) In developing policies on risk assessment of HIV exposure and on HIV prophylaxis, hospitals shall consider the guidelines of the Centers for Disease Control and Prevention (CDC) titled Sexually Transmitted Diseases Treatment Guidelines, or the CDC recommendations titled Antiretroviral Postexposure Prophylaxis After Sexual, Injection

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Drug Use, or Other Nonoccupational Exposure to HIV in the United States, or the Standards of the American College of Emergency Physicians titled Evaluation and Management of the Sexually Assaulted or Sexually Abused Patient;

- 7) *Written and oral instructions indicating the need for follow-up examinations and laboratory tests one to two weeks after the sexual assault to determine the presence or absence of sexually transmitted disease* (Section 5(a) of the Act);
- 8) Appropriate referral to a physician. The survivor shall be referred for follow-up health care and/or monitoring of medication given or prescribed at the time of the initial hospital emergency visit as may be deemed appropriate by the attending physician, advanced practice nurse, or physician assistant;
- 9) *Referral by hospital personnel for appropriate counseling.* (Section 5(a) of the Act) Initial referral should be to a community-based rape crisis center, if such a center is available, or referral to other counseling shall be provided;
- 10) The brochure "After Sexual Assault", published by the Illinois Coalition Against Sexual Assault and the Illinois Department of Public Health, and the pamphlet "Recover/Rebuild: Crime Victims Assistance", published by the Illinois Office of the Attorney General; ~~and~~
- 11) Information on drug-facilitated sexual assault testing, including an explanation of the comprehensive scope of a drug screen and the limited time frame within which evidence can be collected; and
- 12) Information regarding evidence collection, and the process and use of evidence in criminal investigation/cases.

b) *Any person who is a sexual assault survivor who seeks emergency hospital services and forensic services or follow-up healthcare under the Act shall be provided such services without the consent of any parent, guardian, custodian, surrogate, or agent.* (Section 5(b) of the Act)

c)b) The hospital shall develop a uniform system for recording results of medical

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examinations and all diagnostic tests performed in connection with the examination to determine the condition and necessary treatment of sexual assault survivors. The results shall be preserved in a confidential manner as part of the hospital record of the sexual assault survivor. (Section 6.1 of the Act) The medical record shall include the information required in [this subsection \(c\)](#)~~this subsection (b)~~:

- 1) The medical record shall indicate if the sexual assault survivor changed clothes, bathed or douched, defecated, urinated, ate, smoked, or performed oral hygiene between the time of the sexual assault and the time of the examination.
- 2) The medical record shall indicate presence of all indications of trauma, major or minor, that may be used in a criminal proceeding (e.g., cuts, scratches, bruises, red marks, any minor signs of trauma). Photographs of indications of trauma may be taken for evidentiary purposes with the written consent of the sexual assault survivor or the survivor's parent or guardian if the survivor is under 13 years of age. If the survivor is under 13 years of age and the parent or guardian is not immediately available, photographs may be taken and shall be released to law enforcement personnel and State's Attorney staff with written consent of a parent, guardian, or law enforcement officer, or the Department of Children and Family Services.
- 3) The medical record shall not reflect any conclusions regarding whether a crime (e.g., criminal sexual assault, criminal sexual abuse) occurred.
- 4) Medical history shall include brief, general information concerning possible injury; drug allergies; and, for female patients, a detailed gynecological history, including: whether the patient knows or believes that she is pregnant, history of prior gynecological surgery such as hysterectomy or tubal ligation, history of contraceptive use, history of cancer, and any prior genital injury or trauma.
- 5) The medical record shall indicate the presence of any and all persons during the examination process.
- 6) The medical record shall document the compliance with each procedure required by subsection [\(f\)\(e\)](#) of this Section.

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- 7) The medical record shall indicate whether a report was filed with the Department of Children and Family Services, or whether the Department on Aging or the Department of Public Health was contacted.
- 8) The medical record shall include a completed emergency department record.
- 9) The medical record shall indicate whether the Illinois State Police Sexual Assault Evidence Collection Kit was completed.

d)e) All medical records for sexual assault survivors shall be maintained through a filing system that allows for immediate accessibility during Department surveys. This filing system may be maintained electronically.

e)d) The Illinois State Police Sexual Assault Evidence Collection Kit shall be used in the manner prescribed by the information-contained in the Evidence Collection Kit.

- 1) With the survivor's consent, the Evidence Collection Kit shall be completed if the survivor presents himself/herself within seven days after the sexual assault.
- 2) If the Evidence Collection Kit is not collected by law enforcement promptly after completion, or law enforcement has not yet obtained the survivor's consent to release the Evidence Collection Kit, hospital staff shall store it in a safe location for at least two weeks.

f)e) Procedures to ensure the welfare and privacy of the survivor shall be followed and shall include, but not be limited to, the following:

- 1) A member of the health care team shall respond within minutes to move the survivor to a closed environment to ensure privacy. Health care personnel shall refer to survivors by code to avoid embarrassment.
- 2) If, for any reason, the survivor is incapable of receiving oral and written information required in subsection (a) of this Section, the information shall be given to the caregiver/guardian.

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- 3) All unauthorized personnel, including law enforcement personnel, shall remain outside the examination room during the medical examination. If a survivor who is in the custody of law enforcement officers exhibits behavior that may cause physical harm to herself/himself or hospital staff, the staff shall request that law enforcement officers be posted outside the examination room door.
- 4) The hospital shall offer to call a friend or family member and a rape crisis advocate, where available, to accompany the survivor.

g)† Where a minor is the victim of a predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse or criminal sexual abuse, as provided in Sections 12-13 through 12-16 of the Criminal Code of 1961, the consent of the minor's parent or legal guardian need not be obtained to authorize a hospital, physician or other medical personnel to furnish medical care or counseling related to the diagnosis or treatment of any disease or injury arising from such offense. The minor may consent to such counseling, diagnosis or treatment as if the minor had reached his or her age of majority. Such consent shall not be voidable, nor subject to later disaffirmance, because of minority. (Section 3 of the Consent by Minors to Medical Procedures Act [\[410 ILCS 210/3\]](#))

h)g) A sexual assault evidence collection kit may not be released by a hospital without the written consent of the sexual assault survivor. In the case of a survivor who is a minor 13 years of age or older, evidence and information concerning the sexual assault may be released at the written request of the minor. If the survivor is a minor who is under 13 years of age, evidence and information concerning the sexual assault may be released at the written request of the parent, guardian, investigating law enforcement officer, or Department of Children and Family Services. If the survivor is an adult who has a guardian of the person, a health care surrogate, or an agent acting under the health care power of attorney, then consent of the guardian, surrogate, or agent is not required to release evidence and information concerning the sexual assault. If the adult is unable to provide consent for the release of evidence and information and a guardian, surrogate, or agent under a health care power of attorney is unavailable or unwilling to release the information, then an investigating law enforcement officer may authorize the release. Any health care professional, including any physician, advanced practice nurse, physician assistant, nurse, or sexual assault nurse examiner, and any health care institution, including any hospital, who provides evidence or

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information to a law enforcement officer pursuant to a written request as specified in this subsection ~~(h)(g)~~ is immune from any civil or professional liability that might arise from those actions, with the exception of willful or wanton misconduct. The immunity provision applies only if all the requirements of this Section and Section 6.4 of the Act are met. (Section 6.4 of the Act)

~~i)h)~~ All hospitals that provide emergency medical services to sexual assault survivors shall comply with the Crime Victims Compensation Act, the Consent by Minors to Medical Procedures Act and any local ordinances, municipal codes, rules, or regulations that may apply to the treatment of sexual assault survivors.

~~j)i)~~ All hospitals shall comply with the reporting procedures for sexual assault survivors required by Section 3.2 of the Criminal Identification Act.

~~k)j)~~ *Nothing in this Section creates a physician-patient relationship that extends beyond discharge from the hospital emergency department. (Section 5(c) of the Act)*

~~l)k)~~ The hospital shall take all reasonable steps to secure the patient's written informed consent to or refusal of the examination and treatment.

(Source: Amended at 34 Ill. Reg. 12214, effective August 4, 2010)

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
240.728	Amendment
240.729	Amendment
- 4) Statutory Authority: Implementing Public Act 96-958, effective July 1, 2010, and authorized by 20 ILCS 105/4.01(11) and 4.02
- 5) Effective Date of Emergency Amendments: August 4, 2010
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking is not set to expire before the end of the 150-day period.
- 7) Date filed with the Index Department: August 4, 2010
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments are being filed in order to revert back to the prior listings of the maximum payment levels for Plans of Care based on specific ranges of Determination of Need (DON) scores under the Community Care Program. Doing so will avoid undue impact and inconsistent treatment in services for program participants and afford the Department and Care Coordinators a longer period of time to work with program participants and other stakeholders on this issue.
- 10) A Complete Description of the Subjects and Issues Involved: Section 240.728: The amendment eliminates a redundant reference to the Community Care Program and reverts back to the prior listing of the maximum payments levels for Plans of Care including in-home services based on specific ranges of DON scores.

Section 240.729: The amendment eliminates a redundant reference to the Community Care Program and reverts back to the prior listing of the maximum payments levels for Plans of Care including adult day services based on specific ranges of DON scores.
- 11) Are there any proposed amendments to this Part pending? Yes

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NOTICE OF EMERGENCY AMENDMENTS

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
240.160	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.230	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.340	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.415	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.728	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.825	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.855	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.870	Amendment	34 Ill. Reg. 10595; July 30, 2010
245.875	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.920	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.935	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.945	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.950	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.1110	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.1120	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.1130	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.1520	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.1550	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.2020	Amendment	34 Ill. Reg. 10595; July 30, 2010
240.2040	Amendment	34 Ill. Reg. 10595; July 30, 2010

- 12) Statement of Statewide Policy Objectives: This emergency rulemaking does not create or enlarge any State mandate.
- 13) Information and questions regarding this emergency rulemaking shall be directed to:

Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
421 E. Capitol Avenue, #100
Springfield, Illinois 62701-1789

217/785-3346

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

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 240
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

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240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Completed Applications Prior to August 1, 1982 (Repealed)
240.160	Definitions

SUBPART B: SERVICE DEFINITIONS

Section	
240.210	In-home Service
240.220	Chore-Housekeeping Service (Repealed)
240.230	Adult Day Service
240.235	Emergency Home Response Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Case Management Service
240.270	Alternative Provider
240.280	Individual Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	
240.300	Applicant/Client Rights and Responsibilities
240.310	Right to Apply
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Applicant/Client/Authorized Representative Cooperation

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NOTICE OF EMERGENCY AMENDMENTS

- 240.360 Reporting Changes
- 240.370 Voluntary Repayment

SUBPART D: APPEALS

- Section
- 240.400 Appeals and Fair Hearings
- 240.405 Representation
- 240.410 When the Appeal May Be Filed
- 240.415 What May Be Appealed
- 240.420 Group Appeals
- 240.425 Informal Review
- 240.430 Informal Review Findings
- 240.435 Withdrawing an Appeal
- 240.436 Cancelling an Appeal
- 240.440 Examining Department Records
- 240.445 Hearing Officer
- 240.450 The Hearing
- 240.451 Conduct of Hearing
- 240.455 Continuance of the Hearing
- 240.460 Postponement
- 240.465 Dismissal Due to Non-Appearance
- 240.470 Rescheduling the Appeal Hearing
- 240.475 Recommendations of Hearing Officer
- 240.480 The Appeal Decision
- 240.485 Reviewing the Official Report of the Hearing

SUBPART E: APPLICATION

- Section
- 240.510 Application for Community Care Program
- 240.520 Who May Make Application
- 240.530 Date of Application
- 240.540 Statement to be Included on Application

SUBPART F: ELIGIBILITY

- Section
- 240.600 Eligibility Requirements

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240.610	Establishing Eligibility
240.620	Home Visit
240.630	Determination of Eligibility
240.640	Eligibility Decision
240.650	Continuous Eligibility
240.655	Frequency of Redeterminations
240.660	Extension of Time Limit

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section

240.710	Age
240.715	Determination of Need
240.720	Clients Prior to Effective Date of This Section (Repealed)
240.725	Clients After Effective Date of This Section (Repealed)
240.726	Emergency Budget Act Reduction (Repealed)
240.727	Minimum Score Requirements
240.728	Maximum Payment Levels for <u>Plans of Care Including In-home</u> Homemaker Service

EMERGENCY

240.729	Maximum Payment Levels for <u>Plans of Care Including</u> Adult Day- Care Service
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EMERGENCY

240.730	Plan of Care
240.735	Supplemental Information
240.740	Assessment of Need
240.750	Citizenship
240.755	Residence
240.760	Furnishing of Social Security Number

SUBPART H: FINANCIAL REQUIREMENTS

Section

240.800	Financial Factors
240.810	Assets
240.815	Exempt Assets
240.820	Asset Transfers
240.825	Income
240.830	Unearned Income Exemptions
240.835	Earned Income

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NOTICE OF EMERGENCY AMENDMENTS

240.840	Potential Retirement, Disability and Other Benefits
240.845	Family
240.850	Monthly Average Income
240.855	Applicant/Client Expense for Care
240.860	Change in Income
240.865	Application For Medical Assistance (Medicaid)
240.870	Determination of Applicant/Client Monthly Expense for Care
240.875	Client Responsibility

SUBPART I: DISPOSITION OF DETERMINATION

Section	
240.905	Prohibition of Institutionalized Individuals From Receiving Community Care Program Services
240.910	Written Notification
240.915	Service Provision
240.920	Reasons for Denial
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240.930	Suspension of Services
240.935	Discontinuance of Services to Clients
240.940	Penalty Payments
240.945	Notification
240.950	Reasons for Termination
240.955	Reasons for Reduction or Change

SUBPART J: SPECIAL SERVICES

Section	
240.1010	Nursing Facility Screening
240.1020	Interim Services
240.1040	Intense Service Provision
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240.1130	Individual Transfers – Case Coordination Unit to Case Coordination Unit

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- 240.1140 Transfer of Pending Applications
- 240.1150 Interagency Transfers
- 240.1160 Temporary Transfers – Case Coordination Unit to Case Coordination Unit
- 240.1170 Caseload Transfer – Vendor to Vendor
- 240.1180 Caseload Transfer – Case Coordination Unit to Case Coordination Unit

SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Section

- 240.1210 Administrative Service Contract

SUBPART M: CASE COORDINATION UNITS AND PROVIDERS

Section

- 240.1310 Standard Contractual Requirements for Case Coordination Units and Providers
- 240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts
- 240.1330 General Vendor and CCU Responsibilities (Repealed)
- 240.1396 Payment for Services (Repealed)
- 240.1397 Purchases and Contracts (Repealed)
- 240.1398 Safeguarding Case Information (Repealed)
- 240.1399 Termination of a Vendor or Case Coordination Unit (CCU)

SUBPART N: CASE COORDINATION UNITS

Section

- 240.1400 Community Care Program Case Management
- 240.1410 Case Coordination Unit Administrative Minimum Standards
- 240.1420 Case Coordination Unit Responsibilities
- 240.1430 Case Management Staff Positions, Qualifications and Responsibilities
- 240.1440 Training Requirements For Case Management Supervisors and Case Managers

SUBPART O: PROVIDERS

Section

- 240.1505 Administrative Requirements for Certification
- 240.1510 Provider Administrative Minimum Standards
- 240.1520 Provider Responsibilities
- 240.1525 Standard Requirements for In-home Service Providers
- 240.1530 General In-home Service Staffing Requirements

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- 240.1535 In-home Service Staff Positions, Qualifications, Training and Responsibilities
- 240.1540 General Chore-Housekeeping Staffing Requirements (Repealed)
- 240.1541 Minimum Equipment Specifications for Emergency Home Response Service
- 240.1542 Administrative Requirements for Emergency Home Response Service Providers
- 240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities (Repealed)
- 240.1550 Standard Requirements for Adult Day Service Providers
- 240.1555 General Adult Day Service Staffing Requirements
- 240.1560 Adult Day Service Staff
- 240.1565 Adult Day Service Satellite Sites
- 240.1570 Service Availability Expansion
- 240.1575 Adult Day Care Site Relocation
- 240.1580 Standards for Alternative Providers
- 240.1590 Standard Requirements for Individual Provider Services

SUBPART P: PROVIDER PROCUREMENT

Section

- 240.1600 Provider Agency Certification
- 240.1605 Emergency Certification
- 240.1607 Standard CCP Provider Agreement
- 240.1610 Procurement Cycle for Provider Services (Repealed)
- 250.1615 Provider Initiated Service Area Modifications
- 240.1620 Issuance of Provider Proposal and Guidelines (Repealed)
- 240.1625 Content of Provider Proposal and Guidelines (Repealed)
- 240.1630 Criteria for Number of Provider Contracts Awarded (Repealed)
- 240.1635 Evaluation of Provider Proposals (Repealed)
- 240.1640 Determination and Notification of Provider Awards (Repealed)
- 240.1645 Objection to Certification Decision
- 240.1650 Classification, Identification and Receipt of Provider Service Violations
- 240.1655 Method of Identification of Provider Service Violations (Repealed)
- 240.1660 Provider Performance Reviews
- 240.1661 Provider and Case Coordination Unit Right to Appeal
- 240.1665 Contract Actions for Failure to Comply with Community Care Program Requirements

SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

Section

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- 240.1710 Procurement Cycle For Case Management Services
240.1720 Case Coordination Unit Performance Review

SUBPART R: ADVISORY COMMITTEE

- Section
240.1800 Community Care Program Advisory Committee
240.1850 Technical Rate Review Advisory Committee (Repealed)

SUBPART S: PROVIDER RATES

- Section
240.1910 Establishment of Fixed Unit Rates
240.1920 Contract Specific Variations
240.1930 Fixed Unit Rate of Reimbursement for Homemaker Service
240.1940 Fixed Unit Rates of Reimbursement for Adult Day Service and Transportation
240.1950 Adult Day Care Fixed Unit Reimbursement Rates
240.1955 Fixed Unit Rates of Reimbursement for Emergency Home Response Service
240.1960 Case Management Fixed Unit Reimbursement Rates
240.1970 Enhanced Rate for Health Insurance Costs

SUBPART T: FINANCIAL REPORTING

- Section
240.2020 Financial Reporting of Homemaker Service
240.2030 Unallowable Costs for Homemaker Service
240.2040 Minimum Direct Service Worker Costs for Homemaker Service
240.2050 Cost Categories for Homemaker Service

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(11)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendment at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendment at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739,

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendment at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendment at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendment suspended at 16 Ill. Reg. 1744; emergency amendment modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendment at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 23 Ill. Reg. 2496, effective February 1, 1999; amended at 23 Ill. Reg. 5642, effective May 1, 1999; amended at 26 Ill. Reg. 9668, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10829, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17358, effective November 25, 2002; emergency amendment at 28 Ill. Reg. 923, effective December 26, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 7611, effective May 21, 2004; emergency amendment at 30

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Ill. Reg. 10117, effective June 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 11767, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 16281, effective September 29, 2006; amended at 30 Ill. Reg. 17756, effective October 26, 2006; amended at 32 Ill. Reg. 7588, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10940, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17929, effective November 10, 2008; amended at 32 Ill. Reg. 19912, effective December 12, 2008; amended at 33 Ill. Reg. 4830, effective March 23, 2009; amended at 34 Ill. Reg. 3448, effective March 8, 2010; emergency amendment at 34 Ill. Reg. 10854, effective July 15, 2010, for a maximum of 150 days; emergency amendment at 34 Ill. Reg. 12224, effective August 4, 2010, for a maximum of 150 days.

SUBPART G: NON-FINANCIAL REQUIREMENTS

**Section 240.728 Maximum Payment Levels for Plans of Care Including In-homeHomemaker Service
EMERGENCY**

Maximum monthly service dollars are calculated according to the applicant's/client's total Determination of Need score and approved Plan of Care for in-home service or other combination of options excluding adult day service. These maximum monthly service dollars will be adjusted by the Department to be consistent with any future unit rate adjustments for Community Care Program (CCP) providers.

- a) Individuals scoring from 29 thru 32 points shall be eligible for services costing no less than \$1 and not to exceed \$211 monthly.
- b) Individuals scoring from 33 thru 36 points shall be eligible for services costing no less than \$1 and not to exceed \$350 monthly.
- c) Individuals scoring from 37 thru 45 points shall be eligible for services costing no less than \$1 and not to exceed \$533 monthly.
- d) Individuals scoring from 46 thru 56 points shall be eligible for services costing no less than \$1 and not to exceed \$665 monthly.
- e) Individuals scoring from 57 thru 67 points shall be eligible for services costing no less than \$1 and not to exceed \$873 monthly.
- f) Individuals scoring from 68 thru 78 points shall be eligible for services costing no

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

less than \$1 and not to exceed \$1,007 monthly.

- g) Individuals scoring from 79 thru 87 points shall be eligible for services costing no less than \$1 and not to exceed \$1,371 monthly.
- h) Individuals scoring from 88 thru 100 points shall be eligible for services costing no less than \$1 and not to exceed \$1,598 monthly.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 12224, effective August 4, 2010, for a maximum of 150 days)

Section 240.729 Maximum Payment Levels for Plans of Care Including Adult Day-Care Service

EMERGENCY

Maximum monthly service dollars are calculated according to the applicant's/client's total Determination of Need score and approved Plan of Care for adult day service or other combination of options including adult day service. These maximum monthly service dollars will be adjusted by the Department to be consistent with any future unit rate adjustments for CCP providers. Applicable service maximum levels for Community Care Program clients who, based on an approved plan of care, receive adult day care service are:

DON SCORE RANGE	SERVICE MAXIMUM LEVEL
29-32	\$ 236
33-36	590
37-45	708
46-56	828
57-67	944
68-78	1,007
79-87	1,371
88-100	1,598

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 12224, effective August 4, 2010, for a maximum of 150 days)

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of Part: Illinois Bovidae and Cervidae Tuberculosis Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 80
- 3) Section Number: 80.200 Emergency Action:
New Section
- 4) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis eradication Act [510 ILCS 35]
- 5) Effective Date of Amendment: August 6, 2010
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire at the end of 150 days or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: August 6, 2010
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Tuberculosis in bovidae and cervidae is a serious animal health issue. Nationally, the incidence of the disease has been on the increase over the past several years. Detection and confirmation of the disease within the State can result in additional requirements for interstate and international movement of livestock and increased expense to producers. Fortunately, Illinois has been able to maintain tuberculosis free status, and as a result, enjoys minimal tuberculosis requirements for interstate livestock movement. In June 2010 a large national cattle breed show was held in a state that does not have tuberculosis free status. As a result, action needed to be taken to prevent the movement of potentially exposed exhibition animals into Illinois.
- 10) A Complete Description of the Subjects and Issues Involved: The Illinois Bovidae and Cervidae Tuberculosis Eradication Act and Regulations provides for isolation and testing requirements for Illinois origin animals returning to the herd of origin after being exhibited in states that do not have tuberculosis free status. These animals cannot be exhibited in Illinois before these requirements are fulfilled. Currently there are no provisions for out-of-state animals that enter Illinois after they have been exhibited in non-tuberculosis free states. As a result, these animals can enter and exhibit in Illinois without isolation and testing which increases the risk of exposure for other exhibition

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

animals to the bovine tuberculosis organism. This emergency rule provides equivalency in the tuberculosis regulations for both Illinois and non-Illinois origin animals.

- 11) Are there any proposed amendments to this Part pending? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
80.10	Amendment	34 Ill. Reg. 10439; July 23, 2010
80.70	Amendment	34 Ill. Reg. 10439; July 23, 2010
80.80	Amendment	34 Ill. Reg. 10439; July 23, 2010
80.110	Amendment	34 Ill. Reg. 10439; July 23, 2010
80.140	Amendment	34 Ill. Reg. 10439; July 23, 2010
80.160	Amendment	34 Ill. Reg. 10439; July 23, 2010

- 12) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local governments.

- 13) Information and questions regarding this emergency amendment shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds, P.O.Box 19281
Springfield, Illinois 62794-9281

217/785-5713
217/785-4505 (fax)

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

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 80

ILLINOIS BOVIDAE AND CERVIDAE TUBERCULOSIS ERADICATION ACT

Section

- 80.5 Definitions/Incorporations by Reference
80.10 Requirements for Illinois Tuberculosis-Free Accredited Cattle and Bison Herds
80.20 When Indemnity Will Be Paid on Tests
80.30 Herds Quarantined Because of Suspected Tuberculosis Infection
80.40 Identification Tags Not To Be Removed
80.50 Infected Herd Depopulation (Repealed)
80.60 Cattle for Immediate Slaughter (Repealed)
80.70 Feeding or Grazing Cattle from Non-Accredited Tuberculosis Free States
80.80 Female Cattle – Beef Breeds – 18 Months and Over from Non-Accredited Tuberculosis Free Areas or Canadian Provinces
80.90 Sale of Quarantined Feeding or Grazing Cattle (Repealed)
80.100 Release of Feeding or Grazing Cattle from Quarantine (Repealed)
80.110 Breeding Cattle
80.120 Tuberculin Tests
80.130 Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds
80.140 Cervidae
80.150 Goats
80.160 Testing Requirements for Cattle from Non-Accredited Free Areas or Canadian Provinces
80.170 Bison
80.180 Illinois Exhibition Animals Returning from Non-Accredited Free States
80.190 Animals Entering Illinois from Non-Accredited Free States, Canadian Provinces or Areas; Permit Required

80.200 Non-Illinois Origin Animals Entering Illinois After Returning to the Herd of Origin from Non-Tuberculosis Accredited Free States

EMERGENCY

AUTHORITY: Implementing and authorized by the Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35].

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

SOURCE: Regulations Relating to Bovine Tuberculosis, filed January 17, 1972, effective January 27, 1972; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 1, effective June 15, 1978; codified at 5 Ill. Reg. 10455; amended at 7 Ill. Reg. 1742, effective January 28, 1983; amended at 8 Ill. Reg. 17809, effective October 1, 1984; amended at 9 Ill. Reg. 4503, effective March 22, 1985; amended at 9 Ill. Reg. 18432, effective November 19, 1985; emergency amendment at 11 Ill. Reg. 5326, effective March 13, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10183, effective May 15, 1987; amended at 12 Ill. Reg. 8295, effective May 2, 1988; amended at 13 Ill. Reg. 3676, effective March 13, 1989; amended at 14 Ill. Reg. 1931, effective January 19, 1990; amended at 21 Ill. Reg. 17070, effective January 1, 1998; amended at 23 Ill. Reg. 428, effective January 1, 1999; amended at 23 Ill. Reg. 9775, effective August 9, 1999; amended at 24 Ill. Reg. 1003, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 8613, effective June 15, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16623, effective November 1, 2000; amended at 26 Ill. Reg. 71, effective January 1, 2002; amended at 28 Ill. Reg. 2077, effective February 1, 2004; amended at 30 Ill. Reg. 10075, effective May 22, 2006; emergency amendment at 34 Ill. Reg. 12236, effective August 6, 2010, for a maximum of 150 days.

Section 80.200 Non-Illinois Origin Animals Entering Illinois After Returning to the Herd of Origin from Non-Tuberculosis Accredited Free States
EMERGENCY

- a) Any cattle, bison, cervidae or goats entering Illinois after being exhibited in Non-Accredited Free States or Canadian provinces that are not tuberculosis free must be isolated from the remainder of the herd/flock upon return to the herd of origin and retested for tuberculosis 60 to 120 days post return.
- b) The Certificate of Veterinary Inspection must contain the following statement: "The owner or consignor certifies that this (these) animal (animals) has (have) been isolated for 60 to 120 days after returning to the herd of origin from a non-accredited tuberculosis free state or Canadian province and has (have) been found negative to an official TB test conducted at the end of the isolation period."
- c) The date and results of the official TB test must be included on the Certificate of Veterinary Inspection.

(Source: Added by emergency rulemaking at 34 Ill. Reg. 12236, effective August 6, 2010, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

<u>Section Numbers:</u>	<u>Emergency Action:</u>
310.50	Amendment
310.500	Amendment
310.APPENDIX A TABLE X	Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 5) Effective Date of Amendments: August 9, 2010
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment is not to expire prior to the end of the 150-day period unless the Illinois Labor Relations Board (ILRB) issues a certification and the State and the representative bargaining unit sign a negotiated agreement prior to the end of the 150-day period.
- 7) Date filed with the Index Department: August 9, 2010
- 8) This and other Pay Plan amendments are on file and available in the Division of Technical Services and Agency Training and Development of the Bureau of Personnel.
- 9) Reasons for Emergency: The reason for the emergency is the ILRB Revocation of Certification of the Senior Public Service Administrator (SPSA) title Option 8E positions effective July 13, 2010. Effective July 13, 2010, the employees appointed to the SPSA title Option 8E, which is Engineer (Professional) (Sections 310.50 and 310.500) positions and their positions are subject to the jurisdiction of Merit Compensation System and assigned to the SPSA broadband salary range, and receive the immediate corresponding pay treatment (Section 310.480(e)).

The June 11, 2010 State of Illinois Appellate Court order (General No. 4-09-0491, CMS v. Labor Relations Board) reversed the ILRB dismissal of the exceptions CMS filed to the Administrative Law Judge's recommended decision and order that employees appointed to the SPSA title Option 8E positions are public employees and remanded the cause for consideration on the merits of the exceptions to the ILRB. The ILRB is to consider the CMS assertion that at least some of the employees appointed to the positions

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

are supervisory exceptions to being public employees based on the Illinois Public Labor Relations Act [5 ILCS 315/3(n)] and therefore excluded from representation by a bargaining unit. The timeframe of the ILRB consideration, certification decision, potential court appeals, and Memorandum of Understanding (MOU) negotiations is undetermined.

The ILRB issued a Revocation of Certification of the SPSA title Option 8E positions effective July 13, 2010. The ILRB revoked the Certification of Representative of the SPSA title Option 8E positions to the American Federation of State, County and Municipal Employees (AFSCME) RC-063 bargaining unit with position number 40070-12-60-000-00-01 excluded in the corrected certification (issued September 8, 2009) effective June 1, 2009. Effective June 1, 2009 through July 12, 2010, the SPSA title Option 8E positions were assigned to the RC-063-26 pay grade by a MOU signed June 22, 2009 and the employees received pay treatment based on the MOU and subsequent RC-063 bargaining unit agreements. The SPSA title Option 8E positions are not assigned to the RC-063-26 pay grade effective July 13, 2010.

- 10) A complete Description of the Subjects and Issues Involved: In Sections 310.50 and 310.500, the definition of "option" is changed, removing the Option 8E from the SPSA listing of options assigned a negotiated rate.

In Section 310.Appendix A Table X, the SPSA title Option 8E, title code, bargaining unit and pay grade are removed from the title table. The SPSA title Option 8E is removed from the Note immediately following the title table.

- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 13) Information and questions regarding these emergency amendments shall be directed to:

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

504 William G. Stratton Building
Springfield IL 62706

Telephone: 217/782-7964
Fax: 217/524-4570
CMS.PayPlan@Illinois.gov

- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section

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

SUBPART B: SCHEDULE OF RATES

Section

- 310.205 Introduction
- 310.210 Prevailing Rate
- 310.220 Negotiated Rate
- 310.230 Part-Time Daily or Hourly Special Services Rate (Repealed)
- 310.240 Daily or Hourly Rate Conversion
- 310.250 Member, Patient and Inmate Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase (Repealed)
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
	<u>EMERGENCY</u>
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalent
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

310.TABLE A	RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

310.TABLE B	VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
	<u>EMERGENCY</u>
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)

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310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Repealed)
310.APPENDIX C	Medical Administrator Rates (Repealed)
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3,

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1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990;

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peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory

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amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September

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23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December

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1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439,

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effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory

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amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days.

SUBPART A: NARRATIVE

Section 310.50 Definitions**EMERGENCY**

The following definitions of terms are for purposes of clarification only. They affect the Schedule of Rates (Subpart B), and Negotiated Rates of Pay (Appendix A). Section 310.500 contains definitions of terms applying specifically to the Merit Compensation System.

"Adjustment in Salary" – A change in salary rate occasioned by a previously committed error or oversight, or required in the best interest of the State as defined in Sections 310.80 and 310.90.

"Base Salary" – A dollar amount of pay specifically designated in the Negotiated Rates of Pay (Appendix A) or Schedule of Rates (Subpart B). Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

"Bilingual Pay" – The dollar amount per month, or percentage of the employee's monthly base salary, paid in addition to the employee's base salary when the individual position held by the employee has a job description that requires the use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Comparable Classes" – Two or more classes that are in the same pay grade.

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"Creditable Service" – All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last salary increase that was at least equivalent to a full step.

"Demotion" – The assignment for cause of an employee to a vacant position in a class in a lower pay grade than the former class.

"Differential" – The additional compensation added to the base salary of an employee resulting from conditions of employment imposed on the employee during normal schedule of work.

"Entrance Base Salary" – The initial base salary assigned to an employee upon entering State service.

"Hourly Pay Grade" – The designation for hourly negotiated pay rates is "H".

"In Between Pay Grade" – The designation for negotiated pay rates in between pay grades is ".5".

"In-hiring Rate" – An in-hiring rate is a minimum rate/step for a class that is above the normal minimum of the range, as approved by the Director of Central Management Services after a review of competitive market starting rates for similar classes.

"Option" – The denotation of directly-related education and/or experience required to qualify for the position allocated to the classification. The requirements may meet or exceed the requirements indicated in the classification specification. The following options are for the Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

- 1 = General Administration/Business Marketing/Labor/Personnel
- 2 = Fiscal Management/Accounting/Budget/Internal
Audit/Insurance/Financial
- 2B = Financial Regulatory
- 2C = Economist
- 3 = Management Information System/Data Processing/Telecommunications
- 4 = Physical Sciences/Environment
- 6 = Health and Human Services

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- 6B = Day Care Quality Assurance
- 6C = Health Statistics
- 6D = Health Promotion/Disease Prevention
- 6E = Laboratory Specialist
- 6F = Infectious Disease
- 6G = Disaster/Emergency Medical Services
- 7 = Law Enforcement/Correctional
- 8A = Special License – Architect License
- 8B = Special License – Boiler Inspector License
- 8C = Special License – Certified Public Accountant/Certified Internal Auditor
- 8D = Special License – Federal Communications Commission License/National Association of Business and Educational Radio
- 8E = Special License – Engineer (Professional)
- 8F = Special License – Federal Aviation Administration Medical Certificate/First Class
- 8G = Special License – Clinical Professional Counselor
- 8H = Special License – Environmental Health Practitioner
- 8I = Special License – Professional Land Surveyor License
- 8J = Special License – Registered American Dietetic Association/Public Health Food Service Sanitation Certificate/Licensed Dietitian
- 8K = Special License – Licensed Psychologist
- 8L = Special License – Law License
- 8N = Special License – Registered Nurse License
- 8O = Special License – Occupational Therapist License
- 8P = Special License – Pharmacist License
- 8Q = Special License – Religious Ordination by Recognized Commission
- 8R = Special License – Dental Hygienist
- 8S = Special License – Social Worker/Clinical Social Worker
- 8T = Special License – Type 75 Administrative Certificate – General Administrative Endorsement or Superintendent Endorsement
- 8U = Special License – Physical Therapist License
- 8V = Special License – Audiologist License
- 8W = Special License – Speech-Language Pathologist License
- 8X = Special License – Blaster Certificate
- 8Y = Special License – Plumbing License
- 8Z = Special License – Special Metrologist Training

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9G = Special License – Registered Professional Geologist License

The following ~~option isoptions are~~ for the Senior Public Service Administrator classification and ~~has~~ have a negotiated pay grade assigned:

~~8E~~ = ~~Engineer (Professional)~~

8P = Pharmacist License

"Pay Grade" – The numeric designation used for an established set of steps or salary range.

"Pay Plan Code" – The designation used in assigning a specific salary rate based on a variety of factors associated with the position. Pay Plan Codes used in the Pay Plan are:

- B = Negotiated regular pension formula rate for the State of Illinois
- E = Educator title AFSCME negotiated 12-month regular pension formula rate for the State of Illinois
- J = Negotiated regular pension formula rate for states other than Illinois, California or New Jersey
- L = Educator title AFSCME negotiated 12-month alternative pension formula rate for the State of Illinois
- M = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois School for the Visually Impaired
- N = Educator title Illinois Federation of Teachers negotiated 9-month regular pension formula rate for the Illinois School for the Deaf
- O = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois Center for Rehabilitation and Education-Roosevelt
- P = Educator title AFSCME negotiated 12-month maximum-security institution rate for the State of Illinois
- Q = Negotiated alternative pension formula rate for the State of Illinois
- S = Negotiated maximum-security institution rate for the State of Illinois
- U = Negotiated regular pension formula rate for the state of California

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or New Jersey

"Promotion" – The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher pay grade than the former class.

"Reallocation" – The change in the classification of a position resulting from significant changes in assigned duties and responsibilities.

"Reclassification" – The assignment of a position or positions to a different classification based on creation of a new classification or the revision of existing class specification, and approved by the Civil Service Commission.

"Reevaluation" – The assignment of a different pay grade to a class based upon change in relation to other classes or to the labor market.

"Salary Range" – The dollar value represented by Steps 1c through 8 of a pay grade assigned to a class title.

"Satisfactory Performance Increase" – An upward revision in the base salary from one designated step to the next higher step in the pay grade for that class as a result of having served the required amount of time at the former rate with not less than a satisfactory level of competence. (Satisfactory level of competence shall mean work, the level of which, in the opinion of the agency head, is above that typified by the marginal employee.)

"Transfer" – The assignment of an employee to a vacant position having the same pay grade.

"Work Year" – That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.500 Definitions

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EMERGENCY

The following are definitions of certain terms and are for purposes of clarification as they affect the Merit Compensation System only.

"Adjustment in Salary" – A change in salary occasioned by previously committed error or oversight, or required in the best interest of the agency or the state as defined in Sections 310.470 and 310.480.

"Base Salary" – The dollar amount of pay of an employee as determined under the provisions of the Merit Compensation System. Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

"Bilingual Pay" – The dollar amount per month, or percentage of the employee's monthly base salary, paid in addition to the employee's base salary when the individual position held by the employee has a job description that requires the use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Creditable Service" – All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last in-range or promotional salary increase. Reevaluations (Sections 310.460(c) and 310.480(d)), reallocations (Sections 310.460(b) and 310.480(b)), adjustments (Sections 310.470, 310.480(e) and 310.495(c)) and interim assignments (Section 310.490(p)) shall not change the creditable service date.

"Comparable Classes" – Two or more classes that are in the same salary range.

"Demotion" – The assignment for cause of an employee to a vacant position in a class in a lower salary range than the former class.

"Differential" – The additional compensation added to the base salary of an employee resulting from conditions of employment imposed during the normal schedule of work.

"Entrance Base Salary" – The initial base salary assigned to an employee upon entering State service.

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"Maximum Rate of Pay" – The highest rate of pay for a given salary range.

"Minimum Rate of Pay" – The lowest rate of pay for a given salary range. Normally the minimum rate of pay represents the salary to be paid a qualified employee who is appointed to a position in a class assigned to a given salary range.

"Option" – The denotation of directly-related education and/or experience required to qualify for the position allocated to the classification. The requirements may meet or exceed the requirements indicated in the classification specification. The following options are for the Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

1	=	General Administration/Business Marketing/Labor/Personnel
2	=	Fiscal Management/Accounting/Budget/Internal Audit/Insurance/Financial
2B	=	Financial Regulatory
2C	=	Economist
3	=	Management Information System/Data Processing/ Telecommunications
4	=	Physical Sciences/Environment
6	=	Health and Human Services
6B	=	Day Care Quality Assurance
6C	=	Health Statistics
6D	=	Health Promotion/Disease Prevention
6E	=	Laboratory Specialist
6F	=	Infectious Disease
6G	=	Disaster/Emergency Medical Services
7	=	Law Enforcement/Correctional
8A	=	Special License – Architect License
8B	=	Special License – Boiler Inspector License
8C	=	Special License – Certified Public Accountant/Certified Internal Auditor
8D	=	Special License – Federal Communications Commission License/National Association of Business and Educational Radio
8E	=	Special License – Engineer (Professional)

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8F	=	Special License – Federal Aviation Administration Medical Certificate/First Class
8G	=	Special License – Clinical Professional Counselor
8H	=	Special License – Environmental Health Practitioner
8I	=	Special License – Professional Land Surveyor License
8J	=	Special License – Registered American Dietetic Association/Public Health Food Service Sanitation Certificate/Licensed Dietitian
8K	=	Special License – Licensed Psychologist
8L	=	Special License – Law License
8N	=	Special License – Registered Nurse License
8O	=	Special License – Occupational Therapist License
8P	=	Special License – Pharmacist License
8Q	=	Special License – Religious Ordination by Recognized Commission
8R	=	Special License – Dental Hygienist
8S	=	Special License – Social Worker/Clinical Social Worker
8T	=	Special License – Type 75 Administrative Certificate – General Administrative Endorsement or Superintendent Endorsement
8U	=	Special License – Physical Therapist License
8V	=	Special License – Audiologist License
8W	=	Special License – Speech-Language Pathologist License
8X	=	Special License – Blaster Certificate
8Y	=	Special License – Plumbing License
8Z	=	Special License – Special Metrologist Training
9G	=	Special License – Registered Professional Geologist License

The following ~~option is options are~~ for the Senior Public Service Administrator classification and ~~hashave~~ a negotiated pay grade assigned:

8E	=	Engineer (Professional)
8P	=	Pharmacist License

"Performance Review" – The required review of an employee's on-the-job

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performance as measured by a specific set of criteria.

"Performance Review Date" – The date on which the annual merit increase and bonus shall be made effective if a performance review indicates it is appropriate. Actual performance review procedures are to be completed prior to the effective date of any recommendation to allow sufficient time for the records to be processed by the originating agency.

"Promotion" – The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher salary range than the former class.

"Reallocation" – The change in the classification of a position resulting from significant changes in assigned duties and responsibilities.

"Reclassification" – The assignment of a position or positions to a different classification based on creation of a new classification or the revision of existing class specification, and approved by the Civil Service Commission.

"Reevaluation" – The assignment of a different salary range to a class of positions based upon a change in relation to other classes or to the labor market.

"Salary Range" – The dollar values encompassed by the minimum and maximum rates of pay of a salary range assigned to a class title.

"Transfer" – The assignment of an employee to a vacant position in a class having the same salary range.

"Work Year" – That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE X RC-063 (Professional Employees, AFSCME)****EMERGENCY**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Actuary III	00203	RC-063	26
Architect	01440	RC-063	22
Chaplain I	06901	RC-063	16
Chaplain II	06902	RC-063	19
Child Welfare Administrative Case Reviewer	07190	RC-063	22
Child Welfare Advanced Specialist	07215	RC-063	19
Child Welfare Court Facilitator	07196	RC-063	22
Child Welfare Senior Specialist	07217	RC-063	22
Child Welfare Specialist	07218	RC-063	18
Civil Engineer I	07601	RC-063	15
Civil Engineer II	07602	RC-063	17
Civil Engineer III	07603	RC-063	19
Civil Engineer IV	07604	RC-063	22
Clinical Pharmacist	08235	RC-063	25
Clinical Psychologist	08250	RC-063	23
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Electrical Engineer, Department of Public Health	13180	RC-063	22
Environmental Engineer I	13751	RC-063	15
Environmental Engineer II	13752	RC-063	17
Environmental Engineer III	13753	RC-063	19
Environmental Engineer IV	13754	RC-063	22
Environmental Protection Engineer I	13791	RC-063	15
Environmental Protection Engineer II	13792	RC-063	17
Environmental Protection Engineer III	13793	RC-063	19
Environmental Protection Engineer IV	13794	RC-063	22
Environmental Protection Geologist I	13801	RC-063	15
Environmental Protection Geologist II	13802	RC-063	17
Environmental Protection Geologist III	13803	RC-063	19
Geographic Information Specialist I	17271	RC-063	19

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Geographic Information Specialist II	17272	RC-063	23
Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20
Hearing and Speech Advanced Specialist	18227	RC-063	22
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Historical Library Chief of Acquisitions	16987	RC-063	19
Information Services Intern	21160	RC-063	15
Information Services Specialist I	21161	RC-063	17
Information Services Specialist II	21162	RC-063	19
Information Systems Analyst I	21165	RC-063	21
Information Systems Analyst II	21166	RC-063	23
Information Systems Analyst III	21167	RC-063	25
Laboratory Research Scientist	23025	RC-063	23
Landscape Architect	23145	RC-063	22
Landscape Planner	23150	RC-063	19
Librarian I	23401	RC-063	16
Management Systems Specialist	25583	RC-063	21
Manuscripts Manager, Historic Preservation Agency	25610	RC-063	19
Mechanical Engineer I	26201	RC-063	15
Mechanical Engineer II	26202	RC-063	17
Mechanical Engineer III	26203	RC-063	19
Nutritionist	29820	RC-063	18
Occupational Therapist	29900	RC-063	17
Occupational Therapist Program Coordinator	29908	RC-063	19
Occupational Therapist Supervisor	29910	RC-063	21
Optometrist	30300	RC-063	14
Pharmacy Services Coordinator	32010	RC-063	25
Physical Therapist	32145	RC-063	17
Physical Therapist Program Coordinator	32153	RC-063	19
Podiatrist	32960	RC-063	14
Project Designer	34725	RC-063	19
Psychologist I	35611	RC-063	17
Psychologist II	35612	RC-063	20
Psychologist III	35613	RC-063	22
Psychologist Associate	35626	RC-063	15
Public Health Educator	36430	RC-063	19

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Public Service Administrator, Option 8D	37015	RC-063	23
Public Service Administrator, Option 8I			
Department of Natural Resources	37015	RC-063	22
Public Service Administrator, Option 8P	37015	RC-063	26
Department of Human Services			
Public Service Administrator, Option 8U	37015	RC-063	21
Department of Human Services			
Public Service Administrator, Options 1, 3, 4, 6E, 8E, 8N, and 8T	37015	RC-063	24
Public Service Administrator, Options 8H, 8I Department of Natural Resources and 9G	37015	RC-063	22
Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	19
Senior Public Service Administrator, Option 8E	40070	RC-063	26
Senior Public Service Administrator, Option 8P	40070	RC-063	27
Social Worker II	41412	RC-063	18
Social Worker III	41413	RC-063	19
Social Worker IV	41414	RC-063	21
Staff Pharmacist	41787	RC-063	24
Statistical Research Supervisor	42745	RC-063	20
Veterinarian I	47901	RC-063	18
Veterinarian II	47902	RC-063	20
Veterinarian III	47903	RC-063	21
Vision/Hearing Consultant I	47941	RC-063	16
Vision/Hearing Consultant II	47942	RC-063	20
Vision/Hearing Consultant III	47943	RC-063	21

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated RC-063 pay grade have the following options: 1; 3; 4; 6E; 8D; 8E; 8H; 8I; 8N; 8P; 8T; 8U; and 9G. The positions allocated to the Senior Public Service Administrator title that are assigned to the negotiated pay grade have the ~~option following options: 8E and~~ 8P. See the definition of option in Section 310.50.

Effective July 1, 2010

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Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
14	B	3457	3549	3684	3828	3996	4141	4298	4549	4731
14	Q	3601	3700	3841	3998	4170	4328	4492	4754	4943
14	S	3669	3768	3917	4069	4246	4403	4570	4829	5021
15	B	3593	3690	3853	4012	4168	4339	4500	4771	4960
15	Q	3745	3850	4019	4186	4355	4536	4703	4983	5184
15	S	3816	3922	4094	4260	4433	4613	4778	5062	5264
16	B	3755	3862	4035	4215	4388	4573	4755	5036	5237
16	Q	3920	4031	4215	4405	4588	4777	4969	5265	5476
16	S	3995	4108	4290	4482	4668	4854	5048	5338	5551
17	B	3932	4048	4233	4429	4617	4804	4998	5295	5508
17	Q	4106	4223	4426	4629	4822	5018	5223	5533	5756
17	S	4180	4299	4503	4707	4902	5095	5298	5615	5838
18	B	4135	4259	4464	4673	4885	5083	5288	5603	5828
18	Q	4320	4449	4670	4884	5107	5315	5526	5858	6091
18	S	4399	4524	4743	4960	5183	5392	5606	5932	6170
19	B	4356	4488	4718	4940	5168	5387	5612	5953	6191
19	Q	4555	4690	4931	5159	5406	5630	5866	6220	6469
19	S	4634	4770	5009	5239	5481	5709	5945	6296	6549
20	B	4606	4742	4982	5214	5461	5700	5936	6295	6548
20	Q	4813	4956	5206	5451	5710	5955	6203	6582	6845
20	S	4890	5035	5283	5526	5785	6032	6280	6656	6922
21	B	4862	5008	5266	5520	5777	6041	6292	6685	6952
21	Q	5080	5234	5505	5767	6039	6314	6578	6986	7265

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21	S	5157	5312	5578	5844	6117	6390	6653	7063	7347
22	B	5143	5294	5570	5842	6119	6402	6667	7083	7366
22	Q	5372	5531	5822	6108	6393	6689	6970	7401	7696
22	S	5450	5612	5896	6184	6469	6767	7050	7480	7779
23	B	5452	5616	5914	6217	6511	6811	7107	7555	7858
23	Q	5699	5872	6182	6499	6804	7119	7429	7893	8208
23	S	5777	5948	6257	6575	6882	7196	7504	7971	8288
24	B	5802	5977	6294	6626	6942	7263	7590	8067	8389
24	Q	6066	6248	6581	6923	7256	7588	7933	8431	8768
24	S	6141	6326	6655	6998	7332	7667	8011	8506	8847
25	B	6185	6371	6719	7073	7427	7779	8134	8655	9002
25	Q	6461	6656	7022	7389	7763	8133	8500	9046	9408
25	S	6544	6735	7099	7466	7838	8206	8574	9122	9488
26	B	6540	6798	7170	7551	7934	8303	8676	9236	9605
26	Q	6849	7126	7512	7910	8310	8699	9087	9676	10063
26	S	6913	7193	7584	7987	8390	8781	9175	9772	10162
27	B	6910	7257	7652	8056	8464	8861	9259	9857	10252
27	Q	7224	7586	7998	8420	8850	9263	9679	10305	10717

Effective January 1, 2011
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
14	B	3492	3584	3721	3866	4036	4182	4341	4594	4778
14	Q	3637	3737	3879	4038	4212	4371	4537	4802	4992
14	S	3706	3806	3956	4110	4288	4447	4616	4877	5071

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15	B	3629	3727	3892	4052	4210	4382	4545	4819	5010
15	Q	3782	3889	4059	4228	4399	4581	4750	5033	5236
15	S	3854	3961	4135	4303	4477	4659	4826	5113	5317
16	B	3793	3901	4075	4257	4432	4619	4803	5086	5289
16	Q	3959	4071	4257	4449	4634	4825	5019	5318	5531
16	S	4035	4149	4333	4527	4715	4903	5098	5391	5607
17	B	3971	4088	4275	4473	4663	4852	5048	5348	5563
17	Q	4147	4265	4470	4675	4870	5068	5275	5588	5814
17	S	4222	4342	4548	4754	4951	5146	5351	5671	5896
18	B	4176	4302	4509	4720	4934	5134	5341	5659	5886
18	Q	4363	4493	4717	4933	5158	5368	5581	5917	6152
18	S	4443	4569	4790	5010	5235	5446	5662	5991	6232
19	B	4400	4533	4765	4989	5220	5441	5668	6013	6253
19	Q	4601	4737	4980	5211	5460	5686	5925	6282	6534
19	S	4680	4818	5059	5291	5536	5766	6004	6359	6614
20	B	4652	4789	5032	5266	5516	5757	5995	6358	6613
20	Q	4861	5006	5258	5506	5767	6015	6265	6648	6913
20	S	4939	5085	5336	5581	5843	6092	6343	6723	6991
21	B	4911	5058	5319	5575	5835	6101	6355	6752	7022
21	Q	5131	5286	5560	5825	6099	6377	6644	7056	7338
21	S	5209	5365	5634	5902	6178	6454	6720	7134	7420
22	B	5194	5347	5626	5900	6180	6466	6734	7154	7440
22	Q	5426	5586	5880	6169	6457	6756	7040	7475	7773
22	S	5505	5668	5955	6246	6534	6835	7121	7555	7857
23	B	5507	5672	5973	6279	6576	6879	7178	7631	7937
23	Q	5756	5931	6244	6564	6872	7190	7503	7972	8290
23	S	5835	6007	6320	6641	6951	7268	7579	8051	8371

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24	B	5860	6037	6357	6692	7011	7336	7666	8148	8473
24	Q	6127	6310	6647	6992	7329	7664	8012	8515	8856
24	S	6202	6389	6722	7068	7405	7744	8091	8591	8935
25	B	6247	6435	6786	7144	7501	7857	8215	8742	9092
25	Q	6526	6723	7092	7463	7841	8214	8585	9136	9502
25	S	6609	6802	7170	7541	7916	8288	8660	9213	9583
26	B	6605	6866	7242	7627	8013	8386	8763	9328	9701
26	Q	6917	7197	7587	7989	8393	8786	9178	9773	10164
26	S	6982	7265	7660	8067	8474	8869	9267	9870	10264
27	B	6979	7330	7729	8137	8549	8950	9352	9956	10355
27	Q	7296	7662	8078	8504	8939	9356	9776	10408	10824

Effective June 1, 2011
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
14	B	3562	3656	3795	3943	4117	4266	4428	4686	4874
14	Q	3710	3812	3957	4119	4296	4458	4628	4898	5092
14	S	3780	3882	4035	4192	4374	4536	4708	4975	5172
15	B	3702	3802	3970	4133	4294	4470	4636	4915	5110
15	Q	3858	3967	4140	4313	4487	4673	4845	5134	5341
15	S	3931	4040	4218	4389	4567	4752	4923	5215	5423
16	B	3869	3979	4157	4342	4521	4711	4899	5188	5395
16	Q	4038	4152	4342	4538	4727	4922	5119	5424	5642
16	S	4116	4232	4420	4618	4809	5001	5200	5499	5719
17	B	4050	4170	4361	4562	4756	4949	5149	5455	5674

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

17	Q	4230	4350	4559	4769	4967	5169	5381	5700	5930
17	S	4306	4429	4639	4849	5050	5249	5458	5784	6014
18	B	4260	4388	4599	4814	5033	5237	5448	5772	6004
18	Q	4450	4583	4811	5032	5261	5475	5693	6035	6275
18	S	4532	4660	4886	5110	5340	5555	5775	6111	6357
19	B	4488	4624	4860	5089	5324	5550	5781	6133	6378
19	Q	4693	4832	5080	5315	5569	5800	6044	6408	6665
19	S	4774	4914	5160	5397	5647	5881	6124	6486	6746
20	B	4745	4885	5133	5371	5626	5872	6115	6485	6745
20	Q	4958	5106	5363	5616	5882	6135	6390	6781	7051
20	S	5038	5187	5443	5693	5960	6214	6470	6857	7131
21	B	5009	5159	5425	5687	5952	6223	6482	6887	7162
21	Q	5234	5392	5671	5942	6221	6505	6777	7197	7485
21	S	5313	5472	5747	6020	6302	6583	6854	7277	7568
22	B	5298	5454	5739	6018	6304	6595	6869	7297	7589
22	Q	5535	5698	5998	6292	6586	6891	7181	7625	7928
22	S	5615	5781	6074	6371	6665	6972	7263	7706	8014
23	B	5617	5785	6092	6405	6708	7017	7322	7784	8096
23	Q	5871	6050	6369	6695	7009	7334	7653	8131	8456
23	S	5952	6127	6446	6774	7090	7413	7731	8212	8538
24	B	5977	6158	6484	6826	7151	7483	7819	8311	8642
24	Q	6250	6436	6780	7132	7476	7817	8172	8685	9033
24	S	6326	6517	6856	7209	7553	7899	8253	8763	9114
25	B	6372	6564	6922	7287	7651	8014	8379	8917	9274
25	Q	6657	6857	7234	7612	7998	8378	8757	9319	9692
25	S	6741	6938	7313	7692	8074	8454	8833	9397	9775

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

26	B	6737	7003	7387	7780	8173	8554	8938	9515	9895
26	Q	7055	7341	7739	8149	8561	8962	9362	9968	10367
26	S	7122	7410	7813	8228	8643	9046	9452	10067	10469
27	B	7119	7477	7884	8300	8720	9129	9539	10155	10562
27	Q	7442	7815	8240	8674	9118	9543	9972	10616	11040

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 3, 2010 through August 9, 2010 and have been scheduled for review by the Committee at its September 14, 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>
9/15/10	<u>Department of Healthcare and Family Services, Child Support Enforcement (89 Ill. Adm. Code 160)</u>	4/9/10 34 Ill. Reg. 5089	9/14/10
9/22/10	<u>Department of Commerce and Economic Opportunity, Intermodal Facilities Promotion Program (14 Ill. Adm. Code 523)</u>	5/28/10 34 Ill. Reg. 7340	9/14/10

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 34, Issue 34 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

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38 - 140	11955
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56 - 320	11998
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92 - 1035	12105
23 - 3020	12122
20 - 1255	12130
20 - 1282	12137
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32 - 601	8/5/2010	12158
32 - 606	8/5/2010	12191
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77 - 518	8/4/2010	12207
77 - 545	8/4/2010	12214

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