

2010

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 34, Issue 8
February 19, 2010
Pages 2603-2768

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

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

February 19, 2010 Volume 34, Issue 8

PROPOSED RULES

ENVIRONMENTAL PROTECTION AGENCY

Accreditation of Environmental Laboratories

35 Ill. Adm. Code 186.....2603

Permit Fees for National Pollutant Discharge Elimination System

Permits and Domestic Sewage Sludge Generator or Sludge User

Permits

35 Ill. Adm. Code 325.....2608

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF

Medical Assistance Programs

89 Ill. Adm. Code 120.....2631

Medical Payment

89 Ill. Adm. Code 140.....2646

RACING BOARD, ILLINOIS

Advance Deposit Wagering (ADW)

11 Ill. Adm. Code 325.....2672

Other Gaming

11 Ill. Adm. Code 455.....2676

SECRETARY OF STATE

Enhanced Skills Driving Schools

92 Ill. Adm. Code 1065.....2680

ADOPTED RULES

PUBLIC HEALTH, DEPARTMENT OF

Swimming Facility Code

77 Ill. Adm. Code 820.....2698

SECRETARY OF STATE

General Rules, Definitions

92 Ill. Adm. Code 1000.....2755

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

RACING BOARD, ILLINOIS

Advance Deposit Wagering (ADW)

11 Ill. Adm. Code 325.....2761

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....2765

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

RACING BOARD, ILLINOIS

Advance Deposit Wagering (ADW)

11 Ill. Adm. Code 325.....2767

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

Gubernatorial Proclamation

2010-20.....2768

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 preemptory 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
24	June 1, 2010	June 11, 2010

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Accreditation of Environmental Laboratories
- 2) Code Citation: 35 Ill. Adm. Code 186
- 3) Section Number: 186.115 Proposed Action: Amendment
- 4) Statutory Authority: 415 ILCS 5/4(n) and (o)
- 5) A Complete Description of the Subjects and Issues Involved: Proposed amendments to 35 Ill. Adm. Code 186 update the incorporations by reference at Section 186.115 to reflect the editions and federal regulations that are currently being used to accredit environmental laboratories.
- 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 incorporation 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 impact local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Stephanie Flowers, Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

217/782-5544

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other proposed 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 begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 186
ACCREDITATION OF ENVIRONMENTAL LABORATORIES

Section

186.105	Purpose
186.110	Scope and Applicability
186.115	Incorporation by Reference
186.120	Definitions
186.125	Application Process (Repealed)
186.130	Accreditation Procedures and References to Accreditation (Repealed)
186.135	On-Site Evaluations (Repealed)
186.140	Personnel Requirements (Repealed)
186.145	Laboratory Equipment and Materials (Repealed)
186.150	Laboratory Facilities (Repealed)
186.155	Calibration (Repealed)
186.160	Quality Assurance/Quality Control (Repealed)
186.165	Quality Assurance Plan (Repealed)
186.170	Performance Evaluation Sample Testing (Repealed)
186.175	Performance Evaluation Testing Programs (Repealed)
186.180	Fields of Testing
186.185	Sample Acceptance and Receipt (Repealed)
186.190	Record Keeping, Sample Tracking and Reporting (Repealed)
186.195	Subcontracting (Repealed)
186.200	Reciprocity (Repealed)
186.205	Acceptance of Out-of-State Accreditation (Repealed)
186.210	Suspension, Revocation and Denial of Accreditation (Repealed)
186.215	Hearing, Decision and Appeal
186.220	Confidential Documents
186.225	Severability
186.230	On-site Assessment and Proficiency Testing Laboratory Expenses
186.APPENDIX A	Required Method Detection Limits (MDL) or Pattern Recognition Levels (PRL) for Drinking Water Laboratory Accreditation (Repealed)

AUTHORITY: Implementing and authorized by Section 1401(1)(D) of the Safe Drinking Water Act [42 USC 300f(1)(D)], Subpart C of the National Interim Primary Drinking Water

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

Regulations [40 CFR 141.21 through 141.30], the Clean Water Act [32 USC 1251], the Illinois Environmental Protection Act [415 ILCS 5], and authorized by Section 4(n) and (o) of the Illinois Environmental Protection Act [415 ILCS 5/4(n) and (o)].

SOURCE: Adopted at 22 Ill. Reg. 5546, effective March 4, 1998; amended at 26 Ill. Reg. 12167, effective July 29, 2002; amended at 30 Ill. Reg. 2507, effective February 10, 2006; amended at 34 Ill. Reg. _____, effective _____.

Section 186.115 Incorporation by Reference

- a) The Agency incorporates the following documents by reference.
- 1) EPA/600/R-04/003, "National Environmental Laboratory Accreditation Conference: Constitution, Bylaws, and Standards" (July 2003); and
 - 2) "Test Methods for Evaluating Solid Waste, SW846", "Laboratory Manual Physical/Chemical Properties", volumes 1A, 1B and 1C, 3rd edition (~~January 2008~~~~November 2000~~), Office of Solid Waste and Emergency Response, Environmental Protection Agency, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; (202)512-1800 or online at www.epa.gov/epawaste/hazard/testmethods/sw846/online/index.htm www.epa.gov/sw-846.
- b) The Agency incorporates the following Sections of federal regulations by reference:
- 1) 40 CFR 136.3 Table IC, Table IB, Table ID (~~2002~~~~2001~~),
40 CFR 136.4 (~~2002~~)(~~2001~~),
40 CFR 136.5 (~~2002~~)(~~2001~~),
40 CFR 136 Appendix A (~~2002~~)(~~2001~~),
40 CFR 136 Appendix B (~~2002~~)(~~2001~~),
40 CFR 136 Appendix C (~~2002~~)(~~2001~~),

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

~~40 CFR 122, 136, 141, 143, 430, 455 and 465 Final Rule March 12, 2007: "Guideline Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Analysis and Sampling Procedures" 40 CFR 136 Proposed Rule October 18, 1995: "Guidelines Establishing Test Procedures for the Analysis of Pollutants: New Methods",~~

- 2) 40 CFR 141.23(k) ~~(2002)(2001)~~,
- 40 CFR 141.24(e) ~~(2002)(2001)~~,
- 40 CFR 141.24(f)(20) ~~(2002)(2001)~~
- 40 CFR 141.27 ~~(2002)(2001)~~,
- 40 CFR 143.4 ~~(2002)(2001)~~,
- 40 CFR 141.40(n)(11) ~~(2002)(2001)~~, and

~~40 CFR 141 Final Rule June 3, 2008: "Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures",~~

~~40 CFR 141 and 143 Final Rule June 29, 2009: "National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants and Disinfection Byproducts and Changes in References to Analytical Methods",~~

~~40 CFR 141 Final Rule August 3, 2009: "Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedure" 40 CFR 136, 141, 143 Direct Final Rule January 16, 2001: "Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Methods Update".~~

- c) This Section incorporates no later amendments or editions.

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Permit Fees for National Pollutant Discharge Elimination System Permits and Domestic Sewage Sludge Generator or Sludge User Permits
- 2) Code Citation: 35 Ill. Adm. Code 325
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
325.100	New Section
325.105	New Section
325.110	New Section
325.115	New Section
325.120	New Section
325.205	New Section
325.210	New Section
325.215	New Section
325.220	New Section
325.230	New Section
325.235	New Section
325.310	New Section
325.315	New Section
325.320	New Section
325.410	New Section
325.420	New Section
325.425	New Section
325.430	New Section
325.435	New Section
325.510	New Section
325.520	New Section
325.530	New Section
325.605	New Section
325.610	New Section
325.620	New Section
- 4) Statutory Authority: Implementing and authorized by Section 12.5 of the Environmental Protection Act. [415 ILCS 5/12.5]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking sets forth the procedures the Agency will use to collect fees under Section 12.5 of the Environmental Protection Act. [415 ILCS 5/12.5] These fees were established by PA 93-32 , effective July 1, 2003; amended by PA 93-840, effective July 30, 2004; amended

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

by PA 95-516, effective August 28, 2007; and amended by PA 96-245, effective August 11, 2009.

- 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 proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed rule 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: The Illinois Environmental Protection Agency will accept written public comments on this proposal for a period of 45 days after the date of publication in the *Illinois Register*. Comments should reference the Permit Fees for National Pollutant Discharge Elimination System Permits and Domestic Sewage Sludge Generator or User Permits and be addressed to:

Deborah J. Williams
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business, small municipality or not-for-profit corporation that is required to pay a permit fee pursuant to Section 12.5 of the Environmental Protection Act may be impacted by this rulemaking.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- B) Reporting, book keeping 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 Rules begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 325

PERMIT FEES FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMITS AND DOMESTIC SEWAGE SLUDGE
GENERATOR OR SLUDGE USER PERMITS

SUBPART A: GENERAL

Section	
325.100	Purpose
325.105	Applicability
325.110	Definitions
325.115	Relation to Other Fees and Fee Systems
325.120	Severability

SUBPART B: PROCEDURES FOR DETERMINATION AND PAYMENT OF FEES FOR
NPDES PERMITS AND SLUDGE GENERATOR OR SLUDGE USER PERMITS

Section	
325.205	Amount of the Fee
325.210	Proration of Fees
325.215	One Time Annual Fee Payments for Construction Site Stormwater Discharges
325.220	Manner of Payment
325.230	Deposit of Fee Payments
325.235	Refunds

SUBPART C: PROCEDURES FOR PROCESSING PERMIT APPLICATIONS AND
NOTICES OF INTENT FOR WHICH FEES APPLY

Section	
325.310	Notices of Intent to Pursue Coverage Under General NPDES Permits Not Containing the Entire Fee
325.315	Modifications to Notices of Intent for General NPDES Permits
325.320	Modifications to NPDES Permits and Sludge Generator or Sludge User Permits

SUBPART D: NOTICES, TERMINATIONS AND TRANSFER OF OWNERSHIP

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

Section

325.410	Annual Fee Notices for Existing Permits and Permit Renewals
325.420	Initial Annual Fee Notices for New Permits
325.425	Due Dates
325.430	Terminations of NPDES Permits and Sludge Generator and Sludge User Permits
325.435	Transfer of Ownership and Fees

SUBPART E: RESOLUTION OF DISPUTES

325.510	Request for Reconsideration
325.520	Agency Response
325.530	Appeal of Final Agency Action

SUBPART F: FAILURE TO COMPLY WITH SECTION 12.5 OF THE ACT

Section

325.605	Failure to Pay Annual NPDES and Sludge Generator or Sludge User Discharge Fees
325.610	Interest on Unpaid Fees
325.620	Collection Procedures for Unpaid Fees

AUTHORITY: Implementing and authorized by Section 12.5 of the Environmental Protection Act [415 ILCS 5/12.5].

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

SUBPART A: GENERAL

Section 325.100 Purpose

The purpose of this Part is to establish procedures for the collection of fees for discharges that require a National Pollutant Discharge Elimination System (NPDES) permit and are covered under Section 12.5 of the Environmental Protection Act (Act), and for activities that require a domestic sewage sludge generator or sludge user permit from persons holding those permits.

Section 325.105 Applicability

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- a) Except as provided otherwise in subsection (b) of this Section, this Part applies to each person holding an NPDES permit under Section 12(f) of the Environmental Protection Act, including a person who continues to discharge under an expired permit that is properly administratively continued pending renewal, and each person holding a domestic sewage sludge generator or sludge user permit under Section 12(b) of the Act.
- b) This Part does not apply to:
- 1) the State of Illinois or any department or agency of the State;
 - 2) school districts;
 - 3) private sewage disposal systems, as defined in the Private Sewage Disposal Licensing Act [225 ILCS 225];
 - 4) the federal government or any department or agency of the United States;
or
 - 5) the permit holder of any NPDES permit issued under Section 12(f) of the Act for which an annual fee amount is not prescribed in Section 12.5 of the Act.

Section 325.110 Definitions

- a) Unless specified otherwise in this Section, all terms shall have the meanings set forth in the Environmental Protection Act [415 ILCS 5].
- b) For purposes of this Part, the following definitions apply:
- "Act" means the Environmental Protection Act [415 ILCS 5].
- "Agency" means the Illinois Environmental Protection Agency.
- "Applicant" means a person who applies for coverage under a National Pollutant Discharge Elimination System permit to discharge stormwater or wastewater or to generate or use sludge.
- "Board" means the Illinois Pollution Control Board.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

"Design Average Flow" means the average of the daily volumes to be received for a continuous 12-month period of the design year, expressed as a volume per unit of time (35 Ill. Adm. Code 370.211). For purposes of calculating the fee due under this Part for intermittent discharges, Design Average Flow is calculated using only the daily volume values for the number of days the discharge values will be greater than zero.

"Fiscal Year" means the 12 month period beginning July 1 and ending June 30 of the following calendar year.

"Fee" means the fees prescribed under Section 12.5 of the Act.

"Industrial Activity" means those industries identified in Section 502(18) of the Clean Water Act (33 USC 1362(18)) and in 40 CFR 122, appendix D (2007).

"Major Discharge" means the discharge from a source that has been designated as a major facility by USEPA pursuant to the definition in 40 CFR 122.2.

"NPDES" means National Pollutant Discharge Elimination System.

"Permit Holder" means a person who has obtained coverage under an NPDES permit to discharge stormwater or wastewater or to generate or use sludge.

"Person" means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns. [415 ILCS 5/3.315]

"School District" means any public school district in this State established under the Illinois School Code [105 ILCS 5].

"Sewage Sludge" means any solid, semi-solid, or liquid residue removed during the treatment of municipal waste water or domestic sewage.

"Toxic" or "Toxics" means any pollutant listed as toxic pursuant to section 307(a)(1) of the Clean Water Act (33 USC 1317(a)(1)) or in 40 CFR 122, appendix D, Tables II, III and V (2007).

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

"Tributary Population" means the number of individuals served by the treatment works or sewer system with combined sewer overflow outfalls based on the most recent census data.

"USEPA" means the United States Environmental Protection Agency.

"Where Toxic Substances are Regulated" means an industrial facility whose NPDES permit contains numeric effluent limitations for one or more toxic pollutant parameters.

Section 325.115 Relation to Other Fees and Fee Systems

- a) The fees collected pursuant to this Part and the fee collection procedures set forth in this Part are separate from and in addition to all other fees and fee systems established by federal, State or local law.
- b) More than one of the annual fees specified in Section 325.205 may be applicable to an individual permit holder or applicant at an individual facility. These fees are in addition to any other fees required under the Act.

Section 325.120 Severability

If any provision of this Part or the application of that provision to any person or in any circumstance is adjudged invalid, the adjudication shall not affect the validity of this Part as a whole or any provision of this Part not adjudged invalid.

SUBPART B: PROCEDURES FOR DETERMINATION AND PAYMENT OF FEES FOR NPDES PERMITS AND SLUDGE GENERATOR OR SLUDGE USER PERMITS**Section 325.205 Amount of the Fee**

- a) Except when no fee is due pursuant to Section 325.215 for construction site stormwater discharges, each permit holder or applicant subject to this Part pursuant to Section 325.105 shall pay an annual fee to the Agency for any discharge that requires an NPDES permit pursuant to Section 12(f) of the Act and for all activities requiring a sludge generator or sludge user permit pursuant to Section 12(b) of the Act.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 1) *The initial annual fee for discharges under a new NPDES permit or for activity under a new individual sludge generator or sludge user permit must be remitted to the Agency prior to the issuance of the permit. [415 ILCS 5/12.5(c)]*
 - 2) *The initial annual fee for discharges or other activity under a general NPDES permit must be remitted to the Agency as part of the application for coverage under that general permit. [415 ILCS 5/12.5(c)]*
- b) *The annual fees applicable to discharges under NPDES permits are as follows:*
- 1) *For NPDES permits for publicly owned treatment works, other facilities for which the wastewater being treated and discharged is primarily domestic sewage, and wastewater discharges from the operation of public water supply treatment facilities, the fee is:*
 - A) *\$500 for facilities with a Design Average Flow rate of less than 100,000 gallons per day;*
 - B) *\$2,500 for facilities with a Design Average Flow rate of at least 100,000 gallons per day but less than 500,000 gallons per day;*
 - C) *\$7,500 for facilities with a Design Average Flow rate of at least 500,000 gallons per day but less than 1,000,000 gallons per day;*
 - D) *\$15,000 for facilities with a Design Average Flow rate of at least 1,000,000 gallons per day but less than 5,000,000 gallons per day;*
 - E) *\$30,000 for facilities with a Design Average Flow rate of at least 5,000,000 gallons per day but less than 10,000,000 gallons per day; and*
 - F) *\$50,000 for facilities with a Design Average Flow rate of 10,000,000 gallons per day or more. [415 ILCS 5/12.5(e)(1)]*
 - 2) *For NPDES permits for treatment works or sewer collection systems that include combined sewer overflow outfalls, in addition to the fees in subsection (b)(1) of this Section, the fee is:*

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- A) *\$1,000 for systems serving a tributary population of 10,000 or less;*
 - B) *\$5,000 for systems serving a tributary population that is greater than 10,000 but not more than 25,000; and*
 - C) *\$20,000 for systems serving a tributary population that is greater than 25,000. [415 ILCS 5/12.5(e)(2)]*
- 3) *For NPDES permits for mines, the fee is \$5,000. [415 ILCS 5/12.5(e)(2)]*
- 4) *For NPDES permits for industrial activity, other than mines, where toxic substances are not regulated, the fee is:*
- A) *\$1,000 for a facility with a Design Average Flow rate that is not more than 10,000 gallons per day;*
 - B) *\$2,500 for a facility with a Design Average Flow rate that is more than 10,000 gallons per day but not more than 100,000 gallons per day; and*
 - C) *\$10,000 for a facility with a Design Average Flow rate that is more than 100,000 gallons per day. [415 ILCS 5/12.5(e)(5)]*
- 5) *For NPDES permits for industrial activity, other than mines, where toxic substances are regulated, the fee is:*
- A) *\$15,000 for a facility with a Design Average Flow rate that is not more than 250,000 gallons per day; and*
 - B) *\$20,000 for a facility with a Design Average Flow rate that is more than 250,000 gallons per day. [415 ILCS 5/12.5(e)(6)]*
- 6) *For NPDES permits for industrial activity classified by USEPA as a major discharge, other than mines, the fee is:*
- A) *\$30,000 for a facility where toxic substances are not regulated; and*

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- B) *\$50,000 for a facility where toxic substances are regulated.* [415 ILCS 5/12.5(e)(7)]
- 7) *For NPDES permits for municipal separate storm sewer systems, the fee is \$1,000.* [415 ILCS 5/12.5(e)(8)]
- 8) *For NPDES permits for industrial storm water, the fee is \$500.* [415 ILCS 5/12.5(e)(9)]
- 9) *For NPDES permits for construction site storm water, the fee:*
 - A) *for applications received before January 1, 2010 is \$500;*
 - B) *for applications received on or after January 1, 2010 is:*
 - i) *\$250 if less than 5 acres are disturbed; and*
 - ii) *\$750 if 5 or more acres are disturbed.* [415 ILCS 5/12.5(e)(10)]
- c) *The annual fee for activities under a permit that authorizes applying sludge on land is:*
 - 1) *\$2,500 for a sludge generator permit.*
 - 2) *\$5,000 for a sludge user permit.* [415 ILCS 5/12.5(f)]

Section 325.210 Proration of Fees

- a) Proration of New Permit Fees
 - 1) *In the case of a new NPDES or sludge permit issued during the months of January through June, the Agency may prorate the initial annual fee payable under this Section.* [415 ILCS 5/12.5(c)] There is no proration of construction site stormwater discharge NPDES permit fees.
 - 2) Applicants for new NPDES or sludge permits issued between July 1 and December 31 must pay the entire fee due under Section 325.205.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 3) Applicants for new NPDES or sludge permits issued between January 1 and May 31 will be charged a prorated fee according to the following schedule based on the month in which the permit is issued.
 - A) January: 50 percent of the appropriate annual fee amount or \$250, whichever is greater.
 - B) February: 40 percent of the appropriate annual fee amount or \$250, whichever is greater.
 - C) March: 30 percent of the appropriate annual fee amount or \$250, whichever is greater.
 - D) April: 20 percent of the appropriate annual fee amount or \$250, whichever is greater.
 - E) May: 10 percent of the appropriate annual fee amount or \$250, whichever is greater.
 - 4) For new NPDES or sludge permits issued in June, the applicant must pay the entire annual fee for the following fiscal year prior to issuance of the permit.
 - 5) The minimum fee that may be paid pursuant to this subsection (a) is \$250.
- b) Proration of Fees Due Following Permit Modifications.
If a requested modification to an existing NPDES permit causes a change in the applicable fee categories under Section 325.205 that results in an increase in the required fee, the permittee must pay to the Agency the amount of the increase, prorated for the number of months remaining prior to the next July 1, before the modification is granted. [415 ILCS 5/12.5(c)] For purposes of calculating the prorated fee due under this subsection, partial months will be rounded down to the nearest whole month.

Section 325.215 One Time Annual Fee Payments for Construction Site Stormwater Discharges

- a) *Beginning January 1, 2010, in the case of construction site stormwater discharges for which a coverage letter under a general NPDES permit or individual NPDES*

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

permit has been issued or for which the application for coverage under an NPDES permit has been filed with the Agency, no annual fee shall be due after payment of an initial annual fee in the amount provided in Section 325.205(b)(9).

- b) When the permit holder of an NPDES construction site stormwater discharge permit has paid at least one annual fee of \$500 prior to January 1, 2010 for the permitted project, the requirements of subsection (a) of this Section will be satisfied and no additional annual fees will be due for that project.
- c) No refunds will be issued to any permit holder of an NPDES construction site stormwater discharge permit who has paid annual fees that exceed the amounts provided in subsection (a) prior to January 1, 2010.

Section 325.220 Manner of Payment

- a) Payment of each permit fee due must be by check, cashier's check or money order payable to "Illinois EPA". The payment shall be submitted to the address indicated on the fee notice and must include the permittee's Federal Employer Identification Number (FEIN) or Social Security Number (SSN) and permit number.
- b) The Agency may also accept payment by electronic funds transfer, credit card or other electronic method when the Agency has the capability to do so. In order to make an electronic payment, the permittee or applicant must first submit documentation to the Agency of the permit number for which the electronic payment is being made and the permittee's or applicant's FEIN or SSN.
- c) Payment for the initial annual fee for discharges or other activity under a general NPDES permit must be submitted, along with the application for coverage or Notice of Intent to operate under that general NPDES permit. If the Agency determines an individual NPDES permit is required, the fee paid with the application will be credited to the amount due under the individual permit and may be prorated at the date of issuance pursuant to Section 325.210. Any overpayment as a result will be credited to the following fiscal year's annual fee.
- d) The Agency will provide notice to the permit applicant for a new individual NPDES permit and for a new individual sludge generator or sludge user permit of the fee due under Section 325.205 while the permit is under review and prior to

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

issuance. No NPDES permit or sludge generator or sludge user permit may be issued until the total fee due under this Part has been remitted to the Agency.

- e) Payment should not include any fees due to the Agency for any purpose other than the fee due under Section 325.205.

Section 325.230 Deposit of Fee Payments

All fees and interest penalties collected by the Agency under Section 12.5 of the Act shall be deposited into the Illinois Clean Water Fund. Subject to appropriation, the moneys in the Fund shall be used by the Agency to carry out the Agency's clean water activities. [415 ILCS 5/12.5(j)]

Section 325.235 Refunds

- a) No fee remitted to the Agency under this Part shall be refunded in whole or in part at any time or for any reason except as provided in Section 12.5(l) of the Act for certain payments made for the period July 1, 2004 to June 30, 2005 under Sections 12.5(e)(1)(i) and (ii) of the Act and except for those circumstances provided for in subsection (c) of this Section.
- b) Overpayments received by the Agency under this Part will be automatically credited to the fees due for the permit holder at the affected facility in the following fiscal year, unless a refund is requested in writing pursuant to subsection (c). When no future fees are due for that facility or when the amount of the overpayment exceeds the amount due for the following fiscal year, the permit holder may request in writing that the overpayment be credited to fees due to the Agency for another facility under this Part or for fees due to the Agency for the affected facility under a different Part.
- c) Pursuant to this Section, the Agency may issue refunds when a written request containing the applicable permit number, FEIN or SSN and refund amount requested is received from the permittee or applicant and one of the following circumstances are present:
 - 1) the payment received is greater than the amount billed on the invoice for existing permits or indicated on the notice of fee due for new permits and no past due amounts are outstanding;
 - 2) the amount billed is determined to be incorrect; or

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 3) a refund is required by order of the Pollution Control Board, by a court order or at the direction of the Comptroller's Office.

SUBPART C: PROCEDURES FOR PROCESSING PERMIT APPLICATIONS AND NOTICES OF INTENT FOR WHICH FEES APPLY

Section 325.310 Notices of Intent to Pursue Coverage Under General NPDES Permits Not Containing the Entire Fee

- a) Notices of Intent submitted for coverage under an existing general NPDES permit not containing the entire fee due under Section 325.205 shall be considered incomplete and coverage under the applicable general NPDES permit will not be granted by the Agency.
- b) The Agency shall take the following actions in response to Notices of Intent found to be incomplete for failure to submit the entire fee due:
 - 1) The Agency shall deposit any fees submitted along with the Notice of Intent in the Illinois Clean Water Fund and shall notify the applicant of the fee deficiency.
 - 2) Within 30 days after the date on the fee deficiency notice, the applicant must submit the balance of the fee that is due.

Section 325.315 Modifications to Notices of Intent for General NPDES Permits

- a) **Modifications to Pending Applications.**

Prior to a final Agency decision on whether to grant coverage under a general NPDES permit for which a fee has been paid under this Part, the applicant may propose modifications to the Notice of Intent in accordance with the Act and regulations adopted under the Act without any additional fee becoming due, unless the proposed modifications would cause additional fees to be due under Section 325.205. If the proposed modification would cause additional fees to become due, the applicant shall submit the additional fee to the Agency with the proposed modifications to the Notice of Intent for a General NPDES permit or prior to permit issuance for an individual NPDES permit.
- b) **Modifications to Existing Permits.**

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

A permit holder with coverage under an NPDES general permit may propose modifications to the Notice of Intent to pursue coverage under that general NPDES permit in accordance with the Act and regulations adopted under the Act without any additional fee becoming due, unless the proposed modifications would cause additional fees to be due under Section 325.205. If the proposed modification would cause additional fees to become due, the applicant shall submit the additional fee to the Agency with the proposed modifications to the Notice of Intent for a General NPDES permit or prior to permit issuance for an individual NPDES permit.

- c) If the applicant proposes a modification prior to a final Agency decision on whether to grant coverage under a general NPDES permit for which a fee has been paid under this Part, any applicable waiting periods for coverage under the general permit shall commence on the date that the modification and any required fee is received.
- d) If modifications to a Notice of Intent to pursue coverage under a general NPDES permit are received by the Agency from the applicant within 90 days after the date of denial of coverage under the general NPDES permit by the Agency, and if the modifications would allow coverage under the general NPDES permit to be approved, coverage will be issued without additional fees becoming due under this Part, unless the proposed modifications cause an increase in the required fee under Section 325.205. If the modifications cause an increase in the fees due under Section 325.205, the applicant shall submit the additional fee to the Agency with the modification.
- e) Except in those cases where a permit denial or specified permit conditions have been appealed to the Illinois Pollution Control Board in accordance with Section 40 of the Act, modifications to Notices of Intent to pursue coverage under general NPDES permits received by the Agency more than 90 days after the date of a denial of coverage under a general NPDES permit by the Agency shall be considered new applications subject to the fees specified in Section 325.205.

Section 325.320 Modifications to NPDES Permits and Sludge Generator or Sludge User Permits

- a) **Modifications to Pending Applications.**
Prior to a final Agency decision on a permit application for an NPDES permit or a sludge generator or sludge user permit, the applicant may propose modifications

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

to the application in accordance with the Act and regulations adopted under the Act without any additional fee becoming due, unless the proposed modifications would cause additional fees to be due under Section 325.205.

- b) Modifications to Existing Permits.
- 1) *If a requested modification to an existing NPDES permit causes a change in the applicable fee categories under Section 325.205 that results in an increase in the required fee, the permittee must pay to the Agency the amount of the increase, prorated for the number of months remaining before the next July 1, before the modification is granted. [415 ILCS 5/12.5(c)] For purposes of calculating the prorated fee due under this subsection (b)(1), partial months will be rounded down to the nearest whole month.*
 - 2) If a requested modification to an existing sludge generator or sludge user permit causes a change in the applicable fee categories under Section 325.205 that results in an increase in the required fee, the permittee must pay to the Agency the amount of the increase, prorated for the number of months remaining before the next July 1, before the modification is granted. For purposes of calculating the prorated fee due under this subsection (b)(2), partial months will be rounded down to the nearest whole month.
- c) If modifications to a permit application for an individual NPDES permit or a sludge generator or sludge user permit are received by the Agency from the applicant within 90 days after the date of a permit denial by the Agency, and if the modifications would allow approval of the application, a permit will be issued without additional fees becoming due under this Part, unless the proposed modifications cause an increase in the required fee under Section 325.205. If the modifications cause an increase in the fees due under Section 325.205, the applicant shall submit the additional fee to the Agency with the modification.
- d) Except in those cases in which specified conditions of an individual NPDES permit or sludge generator or sludge user permit have been appealed to the Illinois Pollution Control Board in accordance with Section 40 of the Act, modifications received by the Agency more than 90 days after the date of a permit denial by the Agency shall be considered new applications subject to the fees specified in Section 325.205.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

SUBPART D: NOTICES, TERMINATIONS AND TRANSFER OF OWNERSHIP

Section 325.410 Annual Fee Notices for Existing Permits and Permit Renewals

- a) Each year *the Agency shall send a fee notice by mail to each existing permit holder subject to a fee under this Part at his or her address of record. The notice shall state the amount of the applicable annual fee and the date by which payment is required.* [415 ILCS 5/12.5(b)] The address of record is the address provided on the permit application or a billing address provided on a subsequent address correction form submitted to the Agency.
- b) *Except as provided in Section 325.420 with respect to initial fees under new permits and as provided in Section 325.320 for certain modifications of existing permits, fees payable under this Part are due by the date specified in the fee notice, which shall be no less than 30 days after the date the fee notice is mailed by the Agency.* [415 ILCS 5/12.5(b)]
- c) The Agency may send second notices for unpaid fees and interest prior to initiating referral to the Comptroller's Offset System pursuant to 15 ILCS 405/10.05, referral to the Department of Revenue's Debt Collection Bureau pursuant to 30 ILCS 210 or other collection procedures.
- d) In the event the Agency inadvertently sends a fee notice to a permit holder whose NPDES, sludge generator or sludge user permit has expired and is not lawfully administratively continued because the NPDES permit holder did not apply for renewal within 180 days after the permit expiration date or the sludge generator or sludge user permit holder did not apply for renewal within 90 days after the permit expiration date, payment of a fee by the recipient of the notice will not be construed as indicia of possession of a valid NPDES or sludge generator or sludge user permit.

Section 325.420 Initial Annual Fee Notices for New Permits

For new individual NPDES and sludge generator or sludge user permits, the *Agency shall provide notice of the amount of the fee to the applicant during its review of the application.* [415 ILCS 5/12.5(c)] For NPDES permits, this notice will be provided to the applicant during the 15 day notice period. For new permits issued in June, this notice will include the annual fee due for

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

the following fiscal year and no fee notice will be sent by the Agency pursuant to Section 325.410(a) for that fiscal year.

Section 325.425 Due Dates

All annual fees due under this Part must be received by the due date indicated in the annual fee notice to avoid accrual of interest charges.

Section 325.430 Terminations of NPDES Permits and Sludge Generator and Sludge User Permits

- a) It shall be the obligation of every permit holder required to pay a fee pursuant to this Part to notify the Agency, in writing, of the cessation of or reduction in operation at the facility or completion or termination of the permitted activity and to request modification or termination of all appropriate permits.
- b) Notifications and requests under this Section shall be sent to:

Illinois Environmental Protection Agency
Division of Water Pollution Control
P. O. Box 19276
Springfield IL 62794-9276
- c) The permit holder remains liable for annual discharge fees provided in the fee notice billing statement mailed by the Agency until the expiration date specified in the permit unless a request for termination of the facility's permit or permits is made in writing to the address provided in subsection (b) prior to the due date contained in the annual fee notice.
- d) Timely submittal of a termination request will stay the accrual of interest while the termination request is under review by the Agency.

Section 325.435 Transfer of Ownership and Fees

- a) When there is a change in ownership or operational control at a permitted facility subject to one or more of the fees in this Part, the new owner or operator will become liable for all fees that accrue as of the date of transfer of permit coverage.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- b) Transfer of permit coverage may occur only in the following ways (40 CFR 112.61):
- 1) The permit is modified or revoked and reissued;
 - 2) The permit is transferred by minor modification; or
 - 3) The permit is transferred by automatic transfer.
- c) Transfer by Minor Modification. A change in ownership or operational control of a facility will be considered a minor modification of an NPDES permit under 40 CFR 122.63(d) provided that no other change in the permit is necessary, all past due fees have been paid, and a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees has been submitted to the Agency.
- d) Transfer by Automatic Transfer. An NPDES permit will be automatically transferred pursuant to 40 CFR 122.61(b) if all of the following conditions are met:
- 1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
 - 2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them;
 - 3) All past due fees have been paid; and
 - 4) The Agency does not notify the existing and proposed permittees of its intent to modify or revoke and reissue the permit. If this notice is not received, the automatic transfer is effective on the date specified in the agreement between the parties.

SUBPART E: RESOLUTION OF DISPUTES

Section 325.510 Request for Reconsideration

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- a) The permit holder may request reconsideration of the amount of the NPDES permit fee or sludge generator or sludge user permit fee as determined by the Agency pursuant to Section 325.205, within 45 days after issuance of the annual fee notice. Failure to request reconsideration within this period shall constitute waiver of all rights to seek reconsideration of the amount due from the Agency and will result in waiver of right to appeal pursuant to Section 325.530.
- b) All requests for reconsideration shall be in writing and shall include all pertinent facts and arguments in support of the request. The request shall be addressed to:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Billing Coordinator
Mail Code #15
P. O. Box 19276
Springfield IL 62794-9276
- c) The permit holder shall pay the amount of the fee it believes it owes at the time of the request for reconsideration and any remainder shall be subject to interest and penalties if the request for reconsideration is denied.

Section 325.520 Agency Response

- a) The Agency shall respond in writing to any request for reconsideration pursuant to Section 325.510 within 45 days after receipt of the request. The written response shall constitute final Agency action. Failure by the Agency to respond within 90 days after receipt of the request shall be considered a denial of the request and shall also constitute final Agency action.
- b) Upon written notification to the permit holder, the Agency may extend the response period under subsection (a) by up to an additional 45 days.

Section 325.530 Appeal of Final Agency Action

- a) Pursuant to Section 5(d) of the Act and this Part, the Pollution Control Board may hear appeals of final Agency action denying requests for reconsideration of permit fee determinations made by the Agency under this Part for fees due under Section 12.5 of the Act.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- b) To appeal final Agency action under this Part, the permit holder or applicant must file a petition for review with the Pollution Control Board under the procedures required by 35 Ill. Adm. Code 105.206 within 35 days after service of final Agency action or the date the decision was due, whichever is later.

SUBPART F: FAILURE TO COMPLY WITH SECTION 12.5 OF THE ACT

Section 325.605 Failure to Pay Annual NPDES and Sludge Generator or Sludge User Discharge Fees

Failure to submit the fee required under Section 12.5 of the Act by the due date constitutes a violation of Section 12.5 of the Act.

Section 325.610 Interest on Unpaid Fees

- a) *Late payments shall incur an interest penalty, calculated at the rate in effect from time to time for tax delinquencies under Section 1003(a) of the Illinois Income Tax Act [35 ILCS 5/1003], from the date the fee is due until the date the fee payment is received by the Agency. [415 ILCS 5/12.5(d)]*
- b) Interest rates are adjusted on a semiannual basis, on January 1 and July 1, as provided in Section 3-2(b) of the Uniform Penalty and Interest Act [35 ILCS 735/3-2(b)].
- c) The Agency does not have authority to waive interest penalties.
- d) Interest penalties apply to unpaid fee principal amounts only. Interest penalties are not incurred on prior unpaid interest amounts.
- e) Interest penalties are calculated daily and are applied to fee amounts not paid by the due date.
- f) Notification of any accrued interest penalties will be provided to the permit holder in the annual fee notice described in Section 325.410.

Section 325.620 Collection Procedures for Unpaid Fees

The Agency may utilize any available collection procedures to recover unpaid fees under Section 12.5 of the Act. These may include, but are not limited to, enforcement actions pursuant to

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

Section 31 of the Act, submittal of the unpaid amounts for Comptroller's Offset pursuant to 30 ILCS 210, or submittal of the unpaid fee to the Department of Revenue's Debt Collection Bureau pursuant to 30 ILCS 210.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
120.318	Amendment
120.400	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], 730 ILCS 125/17 and PA 96-872
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking, in conjunction with proposed amendments to Part 140, implements PA 96-872 and recent amendments to the County Jail Act [730 ILCS 125/17]. These changes in the law stipulate that the Department only cover in-patient hospitalization for individuals who are eligible for medical assistance while confined or detained in a "public institution" by a criminal justice authority. In addition, the Department reimburses county jails for medical treatment over \$500 provided to an eligible detainee. Further, PA 96-872 prohibits the Department from cancelling the enrollment of individuals solely because they have been confined or detained in a public institution. This rulemaking will enable eligible and enrolled individuals to resume their full medical assistance coverage quickly upon release from custody.
- 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 does not affect units of local government.
- 12) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/782-1233

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was Summarized: January 2009

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.14 Presumptive Eligibility for Children
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 FamilyCare Assist
120.34 FamilyCare Share and FamilyCare Premium Level 1
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community – Integrated Living Arrangements

SUBPART D: MEDICARE PREMIUMS

Section

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

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section

- 120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section

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

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.328	Compliance with Employment and Work Activity Requirements (Suspended; Repealed)
120.329	Compliance with Non-Economic Eligibility Requirements of Article IV (Suspended; Repealed)
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Child Support and Spousal Maintenance Payments
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.347	Treatment of Trusts
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard – MANG(C)
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART I: SPECIAL PROGRAMS

Section	
120.500	Health Benefits for Persons with Breast or Cervical Cancer
120.510	Health Benefits for Workers with Disabilities
120.520	SeniorCare (Repealed)
120.530	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
120.540	Illinois Healthy Women Program
120.550	Asylum Applicants and Torture Victims
120.TABLE A	Value of a Life Estate and Remainder Interest
120.TABLE B	Life Expectancy

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; preemptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; preemptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; preemptory amendment suspended at 32 Ill. Reg. 8450, effective May 21, 2008; preemptory amendment repealed under Section 5-125 of the Illinois Administrative Procedure Act, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; preemptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; preemptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 6551, effective April 28, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

days; emergency expired August 29, 2009; emergency amendment at 33 Ill. Reg. 10785, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12703, effective September 7, 2009; amended at 33 Ill. Reg. 15707, effective November 2, 2009; amended at 33 Ill. Reg. 17070, effective December 2, 2009; amended at 34 Ill. Reg. 889, effective December 30, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section 120.318 Institutional Status

- a) Individuals residing in public institutions (see 42 CFR 435.1009) are ineligible for medical assistance, except as provided in subsections (b) and (c) of this Section.
- b) For individuals confined or detained in any local or State penal or correctional institution who are otherwise eligible for, and enrolled in, medical assistance authorized under Article V of the Illinois Public Aid Code [305 ILCS 5], benefits shall be limited to those services reimbursed by the Department as described in 89 Ill. Adm. Code 140.10. The limitation shall be lifted upon timely notice to the Department that the individual has been released. The notice must confirm that the individual is residing in Illinois and shall include an address through which the individual may be contacted. This change shall take effect upon adoption of this amended rule for persons who are eligible for medical assistance because they have attained the age of 65, are blind or have a disability. For all other individuals, this change shall take effect no later than January 1, 2012.
- c) Nothing in subsection (b) shall affect the eligibility of pregnant women whose medical care during pregnancy is eligible for federal reimbursement of the cost of care provided to an unborn child.
- d) Individuals who are confined or detained by a federal law enforcement agency are ineligible for medical assistance.
- b) ~~Individuals between the ages of 22-64 who are patients in an Institution for Mental Diseases (see 42 CFR 435.1009) are ineligible for financial and medical assistance. These individuals continue to be ineligible for financial and medical assistance while temporarily discharged for the purpose of obtaining medical care. Individuals who are temporarily discharged remain patients of the institution as long as they are not given a complete or absolute discharge while they receive medical care. An individual on conditional release or convalescent leave from an~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~Institution for Mental Diseases is not considered to be a patient in that institution. A conditional release or convalescent leave is one that provides treatment for the illness or condition for which the individual was institutionalized rather than for a medical condition.~~

- ~~e) Individuals confined in any local, state, or federal penal or correctional institution are ineligible for assistance.~~
- ~~d) Residents of a private psychiatric hospital certified for participation in the Medicare Program who are 65 years of age or older may be eligible for assistance. Those individuals residing in a private psychiatric hospital not certified to participate in the Medicare Program are not eligible for public assistance.~~
- ~~e) Individuals under age 21 residing in a private psychiatric hospital having JCAH accreditation may be eligible for public assistance.~~
- ~~ef) A resident of a private institution who has a contract with the institution providing total needs throughout life is ineligible, as no needs remain to be met.~~
- ~~fg) Residents of private institutions (other than those who have purchased life care contracts) are ineligible for public assistance when they have purchased care and maintenance to provide for all their needs in the institution and the amount paid has not been wholly consumed for care.~~
- ~~gh) Individuals, living in a public or a private facility ~~that~~which has official policies and administrative procedures ~~that~~which are not in conformance or are in conflict with the Illinois Public Aid Code provision or Department rules governing eligibility for medical~~public~~ assistance, are ineligible for medical~~public~~ assistance.~~
- ~~i) Any individual residing in a facility which is licensed by the Department of Public Health as a Community Living Facility for the mildly and moderately retarded may be eligible for MANG.~~

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

Section 120.400 Twelve Month Eligibility for Persons under Age 19

- a) Coverage under the Department's Medical Assistance Program shall be provided

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

for all eligible persons under 19 years of age for a 12 month period, regardless of any changes in income that may occur during that period, except as provided in subsections (c) and (d) of this Section. Provisions under this Section are not applicable to persons under age 19 who do not experience any changes in circumstances and continue to meet all medical assistance eligibility requirements.

- b) The 12 month period shall begin the later of:
- 1) the month in which initial eligibility is determined; or
 - 2) the month in which eligibility has most recently been determined.
- c) Eligibility shall end when the earliest of the following occurs:
- 1) the 12 month period ends; or
 - 2) the person attains age 19; or
 - 3) the person is no longer a resident of Illinois; or
 - 4) the person is incarcerated; this provision shall not apply effective January 1, 2012; or
 - 5) the person dies; or
 - 6) the Department determines that, at the time of application, incorrect or inaccurate information was provided that affected the eligibility determination; or
 - 7) the caretaker relative requests termination; or
 - 8) the child is also the caretaker relative of a child receiving benefits under the Public Aid Code and fails to cooperate with the support enforcement for that child as required by 89 Ill. Adm. Code 160.30; or
 - 9) the Department determines that the child was incorrectly determined to be eligible.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- d) Twelve month eligibility under this Section shall not apply to any person who:
 - 1) has only been determined to be presumptively eligible; or
 - 2) has a spenddown; or
 - 3) has only been determined eligible for emergency medical assistance under Section 120.310(b)(3).

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:
140.2 Amendment
140.10 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], 730 ILCS 125/17 and PA 96-872
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking, in conjunction with proposed amendments to Part 120, implements PA 96-872 and recent amendments to the County Jail Act [730 ILCS 125/17]. These changes in the law stipulate that the Department only cover in-patient hospitalization for individuals who are eligible for medical assistance while confined or detained in a "public institution" by a criminal justice authority. In addition, the Department reimburses county jails for medical treatment over \$500 provided to an eligible detainee. Further, PA 96-872 prohibits the Department from cancelling the enrollment of individuals solely because they have been confined or detained in a public institution. This rulemaking will enable eligible and enrolled individuals to resume their full medical assistance coverage quickly upon release from custody.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
140.400	Amendment	33 Ill. Reg. 4468; March 27, 2009
140.526	Repeal	33 Ill. Reg. 14269; October 16, 2009
140.530	Amendment	33 Ill. Reg. 14269; October 16, 2009
140.860	New Section	33 Ill. Reg. 14269; October 16, 2009

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/782-1233
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was Summarized: January 2009

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to ~~Incarcerated~~ Persons [Confined or Detained by the Criminal Justice System](#)

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination or Revocation on Persons Associated with Vendor

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 140.19 Application to Participate or for Reinstatement Subsequent to Termination,
Suspension or Barring
- 140.20 Submittal of Claims
- 140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB
Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or
Part B and Are Eligible for Some Form of Medicaid Benefits
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited
- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits
- 140.31 Emergency Services Audits
- 140.32 Prohibition on Participation, and Special Permission for Participation
- 140.33 Publication of List of Sanctioned Entities
- 140.35 False Reporting and Other Fraudulent Activities
- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
- 140.44 Withholding of Payments Due to Fraud or Misrepresentation
- 140.55 Recipient Eligibility Verification (REV) System
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher
Advance Payment and Expedited Payments
- 140.72 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust
Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
- 140.95 Hospital Services Trust Fund
- 140.96 General Requirements (Recodified)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services
(Recodified)
- 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section

- 140.400 Payment to Practitioners
- 140.402 Copayments for Noninstitutional Medical Services
- 140.403 Telehealth Services
- 140.405 SeniorCare Pharmaceutical Benefit (Repealed)
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
- 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers
- 140.416 Optometric Services and Materials
- 140.417 Limitations on Optometric Services
- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
- 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items –
Dentists (Repealed)
- 140.425 Podiatry Services
- 140.426 Limitations on Podiatry Services
- 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry
(Repealed)
- 140.428 Chiropractic Services
- 140.429 Limitations on Chiropractic Services (Repealed)
- 140.430 Independent Clinical Laboratory Services
- 140.431 Services Not Covered by Independent Clinical Laboratories
- 140.432 Limitations on Independent Clinical Laboratory Services
- 140.433 Payment for Clinical Laboratory Services
- 140.434 Record Requirements for Independent Clinical Laboratories
- 140.435 Advanced Practice Nurse Services
- 140.436 Limitations on Advanced Practice Nurse Services
- 140.438 Imaging Centers
- 140.440 Pharmacy Services
- 140.441 Pharmacy Services Not Covered

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 140.442 Prior Approval of Prescriptions
- 140.443 Filling of Prescriptions
- 140.444 Compounded Prescriptions
- 140.445 Legend Prescription Items (Not Compounded)
- 140.446 Over-the-Counter Items
- 140.447 Reimbursement
- 140.448 Returned Pharmacy Items
- 140.449 Payment of Pharmacy Items
- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Services
- 140.453 Definitions
- 140.454 Types of Mental Health Services
- 140.455 Payment for Mental Health Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Hospital-Based and Encounter Rate Clinic Payments
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Eligible Home Health Providers
- 140.471 Description of Home Health Services
- 140.472 Types of Home Health Services
- 140.473 Prior Approval for Home Health Services
- 140.474 Payment for Home Health Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Illinois Healthy Women
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.494	Record Requirements for Medical Transportation Services
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
140.498	Fingerprint-Based Criminal Background Checks

SUBPART E: GROUP CARE

Section	
140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Informal Hearing Process for Denial of Payment for New ICF/MR
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered By Department Payment
140.512	Utilization Control
140.513	Notification of Change in Resident Status
140.514	Certifications and Recertifications of Care (Repealed)
140.515	Management of Recipient Funds – Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

140.520	Management of Recipient Funds – Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	County Contribution to Medicaid Reimbursement
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports – Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs Updates
140.552	Nursing and Program Costs
140.553	General Administrative Costs Updates
140.554	Component Inflation Index (Repealed)
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
140.646	Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND
LOCAL GOVERNMENTAL ENTITIES

Section

140.850 Reimbursement of Administrative Expenditures
140.855 Administrative Claim Review and Reconsideration Procedure
140.860 County Owned or Operated Nursing Facilities (Repealed)
140.865 Sponsor Qualifications (Repealed)
140.870 Sponsor Responsibilities (Repealed)
140.875 Department Responsibilities (Repealed)
140.880 Provider Qualifications (Repealed)
140.885 Provider Responsibilities (Repealed)
140.890 Payment Methodology (Repealed)
140.895 Contract Monitoring (Repealed)
140.896 Reimbursement For Program Costs (Active Treatment) For Clients in Long Term
Care Facilities For the Developmentally Disabled (Recodified)
140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care
Facilities (Recodified)
140.901 Functional Areas of Needs (Recodified)
140.902 Service Needs (Recodified)
140.903 Definitions (Recodified)
140.904 Times and Staff Levels (Repealed)
140.905 Statewide Rates (Repealed)
140.906 Reconsiderations (Recodified)
140.907 Midnight Census Report (Recodified)
140.908 Times and Staff Levels (Recodified)
140.909 Statewide Rates (Recodified)
140.910 Referrals (Recodified)
140.911 Basic Rehabilitation Aide Training Program (Recodified)
140.912 Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section

140.920 General Description
140.922 Covered Services
140.924 Maternal and Child Health Provider Participation Requirements

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 140.926 Client Eligibility (Repealed)
- 140.928 Client Enrollment and Program Components (Repealed)
- 140.930 Reimbursement
- 140.932 Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND
REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section

- 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
- 140.942 Definition of Terms (Recodified)
- 140.944 Notification of Negotiations (Recodified)
- 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
- 140.948 Negotiation Procedures (Recodified)
- 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
- 140.952 Closing an ICARE Area (Recodified)
- 140.954 Administrative Review (Recodified)
- 140.956 Payments to Contracting Hospitals (Recodified)
- 140.958 Admitting and Clinical Privileges (Recodified)
- 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
- 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
- 140.964 Contract Monitoring (Recodified)
- 140.966 Transfer of Recipients (Recodified)
- 140.968 Validity of Contracts (Recodified)
- 140.970 Termination of ICARE Contracts (Recodified)
- 140.972 Hospital Services Procurement Advisory Board (Recodified)
- 140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
- 140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

Section

- 140.990 Primary Care Case Management Program

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

140.991	Primary Care Provider Participation Requirements
140.992	Populations Eligible to Participate in the Primary Care Case Management Program
140.993	Care Management Fees
140.994	Panel Size and Affiliated Providers
140.995	Mandatory Enrollment
140.996	Access to Health Care Services
140.997	Payment for Services

SUBPART J: ALTERNATE PAYEE PARTICIPATION

Section

140.1001	Registration Conditions for Alternate Payees
140.1002	Participation Requirements for Alternate Payees
140.1003	Recovery of Money for Alternate Payees
140.1004	Conditional Registration for Alternate Payees
140.1005	Revocation of an Alternate Payee
140.TABLE A	Medichex Recommended Screening Procedures (Repealed)
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

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

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 140.2 Medical Assistance Programs

- a) Under the Medical Assistance Programs, the Department pays participating providers for necessary medical services, specified in Section 140.3 through 140.7 for:
- 1) persons eligible for financial assistance under the Aid to the Aged, Blind or Disabled-State Supplemental Payment (AABD-SSP) and Temporary Assistance to Needy Families (TANF) programs (Medicaid-MAG);
 - 2) persons who would be eligible for financial assistance but who have resources in excess of the Department's eligibility standards and who have incurred medical expenses greater than the difference between their income and the Department's standards (Medicaid-MANG);
 - 3) persons receiving financial assistance under the General Assistance (GA) program, either State Transitional Assistance or State Family and Children Assistance (GA-Medical);
 - 4) individuals under age 18 who do not qualify for TANF/TANF-MANG and infants under age one year (see Section 140.7);
 - 5) pregnant women who would not be eligible for TANF/TANF-MANG if the child were born and who do not qualify as mandatory categorically needy (see Section 140.9);
 - 6) persons who are eligible for Title IV-E adoption assistance/foster care assistance from another State and who are living in Illinois;
 - 7) noncitizens who have an emergency medical condition (see 89 Ill. Adm. Code 120.310); however, payment is not included for care and services related to an organ transplant procedure;
 - 8) persons eligible for medical assistance under the Aid to the Aged, Blind or Disabled (AABD) program who reside in specified Supportive Living Facilities (SLFs), as described at 89 Ill. Adm. Code 146, Subpart B; and
 - 9) persons eligible for FamilyCare as described in 89 Ill. Adm. Code 120.32 and 120.34 and 89 Ill. Adm. Code 118.600, Subpart F.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- b) "Necessary medical care" is that which is generally recognized as standard medical care required because of disease, disability, infirmity or impairment.
- c) The Department may impose prior approval requirements, as specified by rule, to determine whether the medical care is necessary and eligible for payment from the Department in individual situations. Such requirements shall be based on recommendations of technical and professional staff and advisory committees.
- d) When recipients are entitled to Medicare benefits, the Department shall assume responsibility for their deductible and coinsurance obligations, unless the recipients have income and/or resources available to meet these needs. The total payment to a provider from both Medicare and the Department shall not exceed either the amount that Medicare determines to be a reasonable charge or the Department standard for the services provided, whichever is applicable.
- e) The Department shall pay for services and items not allowed by Medicare only if they are provided in accordance with Department policy for recipients not entitled to Medicare benefits.
- f) The Department may contract with qualified practitioners, hospitals and all other dispensers of medical services for the provision and reimbursement of any and all medical care or services as specified in the contract on a prepaid capitation basis (i.e., payment of a fixed amount per enrollee made in advance of the service); volume purchase basis (i.e., purchase of a volume of goods or services for a price specified in the contract); ambulatory visit basis (i.e., one comprehensive payment for each visit regardless of the services provided during that visit) or per discharge basis (i.e., one comprehensive payment per discharge regardless of the services provided during the stay). Such contracts shall be based either on formally solicited competitive bid proposals or individually negotiated rates with providers willing to enter into special contractual arrangements with the State.
- g) The Department may require that recipients of medical assistance under any of the Department's programs exercise their freedom of choice by choosing to receive medical care under the traditional fee for service system or through a prepaid capitation plan or under one of the other alternative contractual arrangements described in subsection (f) of this Section. The categories of recipients who may choose or be assigned to an alternative plan will be specified in the contract. Recipients required to make such a choice will be notified in writing by the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Department. If a recipient does not choose to exercise his/her freedom of choice, the Department may assign that recipient to a prepaid plan. Under such a plan, recipients would obtain certain medical services or supplies from a single source or limited source. The Department will notify recipients in writing if they are assigned to a prepaid plan. Recipients enrolled in or assigned to a prepaid plan will receive written notification advising them of the services which they will receive from the plan. Covered services not provided by the plan will be reimbursed by the Department on a fee for service basis. Recipients will receive a medical eligibility card, which will apply to such services.

- h) The Department may enter into contracts for the provision of medical care on a prepaid capitation basis from a Health Maintenance Organization (HMO) whereby the recipient who chooses to receive medical care through an HMO must stay in the HMO for a certain period of time, not to exceed six months (the enrollment period). Upon written notice, the recipient may choose to disenroll from such an HMO at any time within the first month of each enrollment period. The Department will send the recipient a notice at least 30 days prior to the end of the enrollment period, which gives the recipient a specified period of time in which to inform the Department if the recipient does not wish to re-enroll in the HMO for a new enrollment period. The recipient may then disenroll at the end of the enrollment period only if the recipient responds to the notice and indicates in writing a choice to disenroll. Failure to respond to the notice will result in automatic re-enrollment for a new enrollment period. Recipients shall also be allowed to disenroll at any time for cause.
- i) The Department may enter into contracts for the provision of medical care on a prepaid capitation basis from a Health Maintenance Organization whereby the recipient who chooses to receive medical care through an HMO may choose to disenroll at any time, upon written notice.
- j) The Department shall pay for services under the Maternal and Child Health Program, a primary health care program for pregnant women and children (see Subpart G).
- k) [Services covered for persons who are confined or detained as described in 89 Ill. Adm. Code 120.318\(b\) shall be limited as described in Section 140.10.](#)

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 140.10 Medical Assistance Provided to ~~Incarcerated~~ Persons Confined or Detained by the Criminal Justice System

- a) The Department shall pay for certain medical services provided to the following groups of individuals who are confined or detained persons ~~incarcerated~~ in county jails or other detention facilities in Illinois, that are not operated by the State, and who are pending trial, who at the time of arrest had already been determined eligible for, and enrolled in, medical assistance administered under Article V of the Illinois Public Aid Code [305 ILCS 5] ~~the AFDC, AABD, MANG, AMI, or Ga (Chicago) programs,~~ subject to the following conditions:
- 1) Individuals who, at the time of confinement or detention, were already enrolled for medical assistance. ~~The county or arresting authority (a unit of local government other than a county which employs peace officers who have made the arrest of a person) is responsible for the first \$2,500 in medical services provided the incarcerated person;~~
 - 2) Individuals who, subsequent to their confinement or detention, were determined eligible and enrolled for medical assistance. ~~The Department will pay only for medical services in excess of \$2,500 covered by the specific medical assistance program for which the incarcerated person was determined eligible;~~
 - 3) ~~Payment will be at Department rates;~~
 - 4) ~~The Department will pay only medical providers who are enrolled for participation in the Medical Assistance Program; and~~
 - 5) ~~Medical assistance coverage under this rule shall terminate at the earlier of the date of the eprson's conviction or entry of a guilty plea or the date of the person's release from jail.~~
- b) Reimbursement of hospital inpatient services. The Department will directly reimburse hospitals pursuant to 89 Ill. Adm. Code 147, 148 and 152 for inpatient hospital services provided to those covered under subsections (a)(1) and (2) of this Section. ~~Medical providers who seek payment from the Department for services provided to incarcerated persons shall first submit their claims on the appropriate billing forms to the County Sheriff or arresting authority equivalent.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- c) Reimbursement of other services~~The County Sheriff or arresting authority equivalent will:~~
- 1) With respect to medical services provided to individuals described in subsection (a)(1), the Department shall reimburse the county or arresting authority (a unit of local government other than a county that employs peace officers who make the arrest) for a portion of the cost of medical services, other than hospital inpatient services, that are:~~Verify that the services billed correspond to the services rendered;~~
 - A) Provided to the individual during his or her period of confinement or detention;
 - B) Covered for the class of persons described in Section 5-2 of the Public Aid Code under which the individual is enrolled;
 - C) Provided by medical providers that are enrolled with the Department to participate in the medical assistance program; and
 - D) Provided pursuant to a county or arresting authority ordinance or resolution providing for reimbursement for the cost of medical services at the reimbursement levels established by the Department for medical assistance under Article V of the Public Aid Code.
 - 2) The county or arresting authority requesting reimbursement from the Department must submit the following documentation in a form and format specified by the Department:~~Identify date of incarceration, date of conviction or guilty plea, and date of release, as appropriate, for the person receiving the medical services;~~
 - A) Information necessary to adjudicate a claim for each service provided, including, but not limited to:
 - i) the name, birth date, Social Security number and recipient identification number of the individual receiving the medical service;
 - ii) the name, address and provider number of the health care provider that provided the service;

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Advance Deposit Wagering (ADW)
- 2) Code Citation: 11 Ill. Adm. Code 325
- 3) Section Number: 325.60 Proposed Action:
New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is a consequence of Public Act 96-0762 (SB 1298). On January 26, 2010, the Board voted unanimously to limit the interstate commission fee, the fees ADW licensees are charged by out-of-state racetracks, to no more than 5%. However, interstate commission fees may exceed 5% for Grade 1 thoroughbred races and harness races with a purse of \$200,000 or more.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 7-701
Chicago, Illinois 60601

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

312/814-5017

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

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 325
ADVANCE DEPOSIT WAGERING (ADW)

Section

325.10	Definitions
325.20	License to Conduct Advance Deposit Wagering
325.30	Advance Deposit Wagering Rules
325.40	Requirements to Establish an Advance Deposit Wagering Account
325.50	Powers of the Board
325.60	Organization Licensee Simulcast Signals and Commission Fees

AUTHORITY: Implementing and authorized by Section 26(g) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/26(g)].

SOURCE: Emergency rule adopted at 33 Ill. Reg. 12860, effective September 2, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 539, effective January 1, 2010; emergency amendment at 34 Ill. Reg. 581, effective January 1, 2010, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 34 Ill. Reg. _____, effective February 3, 2010, for a maximum of 150 days; emergency amendment at 34 Ill. Reg. _____, effective February 3, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. _____, effective _____.

Section 325.60 Organization Licensee Simulcast Signals and Commission Fees

- a) All advance deposit wagering licensees shall televise or broadcast or display via the internet the simulcast signal of the live racing of all organization licensees and accept wagers on the live racing of all organization licensees.
- b) Advance deposit wagering licensees shall not be permitted to accept out-of-state wagers on any organization licensee's live racing signal without the approval and consent of the organization licensee providing the signal.
- c) The Board finds that, as a means to maximize and support the highest simulcast commission rates charged to out-of-state entities by all organization licensees and

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

therefore maximize revenues to horsemen's purse accounts and organization licensees, and to establish commission and purse splits consistent with existing wagering facility revenue divisions, all organization licensees shall provide their live racing simulcast signal to all advance deposit wagering licensees for a simulcast commission fee not to exceed 8%.

- d) An advance deposit wagering licensee's interstate commission fee shall not exceed 5% except for Grade 1 thoroughbred races and harness races with purses of \$200,000 or more.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Other Gaming
- 2) Code Citation: 11 Ill. Adm. Code 455
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
455.10	New Section
455.20	New Section
- 4) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- 5) A Complete Description of the Subjects and Issues Involved: Section 10 of proposed rulemaking establishes requirements for charity gaming events at wagering facilities in accordance with the following Illinois statutes: Charitable Games Act, Raffles Act, Bingo License and Tax Act, Illinois Lottery Law, Illinois Pull Tabs and Jar Games Act. Section 20 replaces the lottery requirements previously found in 11 Ill. Reg. Code 1305.340 and 1407.56.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 455
OTHER GAMING

Section

- 455.10 Charitable Gaming
455.20 Lottery Events at Wagering Facilities

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

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

Section 455.10 Charitable Gaming

- a) No licensee shall, without the prior approval of the Board, allow a charitable gaming event to be held at a wagering facility.
- b) All requests by licensees to the Board regarding charitable gaming events shall be in writing and include the following information:
 - 1) The day and time of the proposed event;
 - 2) The charity to benefit from the proposed event and a copy of the charity's Charitable Gaming license obtained in accordance with 230 ILCS 30/3;
 - 3) A copy of the provider's license obtained by the licensee in accordance with 230 ILCS 30/4; and
 - 4) Assurance that no raffles, slot machines, coin-in-the-slot-operated devices or other games of chance will be present on the date of the charitable gaming event.
- c) Any charitable gaming held at a wagering facility shall be subject to all regulations promulgated under the Charitable Games Act [230 ILCS 30].

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- d) No licensee shall allow more than eight charitable gaming events to be held at a wagering facility in a calendar year.
- e) Pursuant to 230 ILCS 30/8(15), only the following games may be conducted as part of the charitable gaming event: roulette, blackjack, poker, pull tabs, craps, bang, beat the dealer, big six, gin rummy, five card stud poker, chuck-a-luck, keno, hold-em poker, and merchandise wheel.
- f) No other gaming/gambling events shall be held at the wagering facility unless permitted by other Illinois statute (i.e., the Horse Racing Act [230 ILCS 5], the Raffles Act [230 ILCS 15], the Illinois Pull Tabs and Jar Games Act [230 ILCS 20], Bingo License and Tax Act [230 ILCS 25] or the Illinois Lottery Law [20 ILCS 160]).
- g) No concessionaire shall be allowed to sell food, beverages or programs at the charitable gaming event unless licensed by the Board.

Section 455.20 Lottery Events at Wagering Facilities

- a) No licensee shall, without the prior approval of the Racing Board, enter into or implement any agreement with the Illinois Lottery Control Board providing for:
 - 1) Selection of the winner of any lottery prize by a method that depends, in whole or in part, upon the results of a race conducted at a wagering facility; or
 - 2) The conduct of any lottery drawing or the award of any lottery prize at a wagering facility.
- b) Any licensee seeking Racing Board approval of an agreement with the Illinois Lottery Control Board shall submit a copy of the proposed agreement, together with the request, and shall supply other information concerning the proposed lottery event as the Racing Board may require.
- c) No lottery events shall be conducted at a wagering facility in Illinois unless they are in compliance with the Illinois Lottery Law [20 ILCS 160].

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Enhanced Skills Driving Schools
- 2) Code Citation: 92 Ill. Adm. Code 1065
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1065.10	New Section
1065.15	New Section
1065.20	New Section
1065.25	New Section
1065.30	New Section
1065.35	New Section
1065.40	New Section
1065.45	New Section
1065.50	New Section
1065.55	New Section
1065.60	New Section
1065.65	New Section
1065.70	New Section
1065.75	New Section
1065.80	New Section
1065.85	New Section
1065.90	New Section
- 4) Statutory Authority: 625 ILCS 5/Ch. 6 Art. X; 625 ILCS 5/2-104
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being established to set forth the regulations that will govern the licensing and operation of enhanced skills driving schools and their instructors, as authorized by Public Act 96-740.
- 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

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

- 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: Texts of the prepared amendments are posted on the Secretary of State's website, <http://www.cyberdriveillinois.com/> 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:

Arlene J. Pulley
Administrative Rules Coordinator
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: Enhanced Skills driving schools
 - B) Reporting, bookkeeping or other procedures required for compliance: Every licensed enhanced skills driving school is required to keep records relating to every student enrolled in an enhanced skills driving class and shall make said records available to the Secretary of State upon request.
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because the need for this rulemaking was not anticipated at the time the agendas were prepared.

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

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE
SUBCHAPTER f: HIGHWAYSPART 1065
ENHANCED SKILLS DRIVING SCHOOLS

Section

1065.10	Definitions
1065.15	Unlicensed Person May Not Operate Enhanced Skills Driving School
1065.20	Requirements for Enhanced Skills Driving School Licenses
1065.25	Enhanced Skills Driving School Names
1065.30	Refund of Application Fees
1065.35	School Locations and Facilities
1065.40	Enhanced Skills Driving School Student Instruction Record
1065.45	Enhanced Skills Driving School Required Curriculum and Course of Instruction
1065.50	Enhanced Skills Driving School Contracts
1065.55	Inspection of School Facilities
1065.60	Licenses
1065.65	Safety Inspection of Enhanced Skills Driving School Motor Vehicles
1065.70	Requirements to Obtain and Retain an Enhanced Skills Driving School Instructor's License
1065.75	Enhanced Skills Driving School Responsibility for Employees
1065.80	Denial, Cancellation, Suspension and Revocation of Enhanced Skills Driving School's License and Instructor's License
1065.85	Reinstatement after Cancellation or Suspension
1065.90	Hearings

AUTHORITY: Implementing Chapter 6, Art. X of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. X] and authorized by Section 6-1012 of the Illinois Vehicle Code [625 ILCS 5/6-1012].

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

Section 1065.10 Definitions

"Department" – the Commercial Driving Training School Division within the Department of Driver Services within the Office of the Secretary of State.

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

"Enhanced Skills Driving School" or "ESDS" – a school for teaching advanced driving skills, such as emergency braking, crash avoidance and defensive driving techniques to licensed drivers for a fee. This term does not mean a school for preparing students for examinations given by the Secretary of State.

"Enhanced Skills Instruction" – techniques such as advanced driving skills, emergency braking, crash avoidance and defensive driving provided by an enhanced skills driving school.

"Fraudulent Activity" – any action calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of the truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

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

Section 1065.15 Unlicensed Person May Not Operate Enhanced Skills Driving School

- a) No entity or individual that accepts payment in performing activities in the training of enhanced driving skills may operate, unless licensed as an ESDS by the Department in accordance with IVC Ch. 6, Art X.
- b) Any entity or individual that is licensed as an ESDS must display its appropriate license in a visibly prominent place.
- c) No person or group licensed as an ESDS, or any agent, servant or employee of any ESDS, shall give enhanced driving skills instruction unless licensed by the Department as an ESDS.
- d) No ESDS shall operate before it is properly licensed by the Department as provided in IVC Section 6-1001.
- e) No ESDS may remain in operation if its license to operate an ESDS is suspended, revoked, canceled or not renewed.

Section 1065.20 Requirements for Enhanced Skills Driving School Licenses

- a) The Department shall not issue, or shall deny, cancel, suspend or revoke, an ESDS license unless:

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

- 1) The applicant has at least one motor vehicle owned or leased in the name of the ESDS or school owner and insurance certified as required in IVC Section 6-1002(3) for use in enhanced driving skills instruction;
- 2) The applicant has at least one person who is employed by or associated with the school who is licensed or qualified to be licensed by the Department as an ESDS instructor for that school;
- 3) The physical facilities meet the requirements of this Part;
- 4) The applicant is of good moral character as required pursuant to IVC Section 6-1002(1). In making a determination of good moral character, the Department is not limited to, but may consider, the following:
 - A) If the person has been convicted of a felony or a misdemeanor:
 - i) The relationship of any crime of which the person has been convicted to the ability to operate an enhanced skills driving school; or
 - ii) The length of time that has elapsed since the person's last criminal conviction;
 - iii) Whether the applicant successfully completed any sentence imposed with the convictions;
 - iv) Whether the applicant has multiple convictions for felony or misdemeanor offenses.
 - B) If the person has been indicted, formally charged or otherwise charged with a felony or a misdemeanor, the license shall be either denied or cancelled if:
 - i) the person is found "guilty" by the court, the denial or cancellation previously entered on his/her record in accordance with Section 1065.85(b) shall stand. This action does not preclude further suspension and/or

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

revocation of the ESDS license under another Section of this Part or the IVC;

- ii) the person is found "not guilty" by the court, the denial or cancellation previously entered on the license in accordance with Section 1065(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the ESDS license under another Section of this Part or the IVC;
 - iii) the person is granted a disposition of "court supervision" by the court, the denial or cancellation previously entered on the license in accordance with Section 1065(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the ESDS license under another Section of this Part or the IVC; and
- 5) The applicant has paid all applicable statutory fees.
- b) Only one ESDS license shall be issued to any individual, group, association, partnership or corporation, and the Department shall deny the application of any ESDS if any of the applicants are unqualified or are already licensed or have made application for another ESDS license.
 - c) The applicant shall not be a current salaried or contractual employee of the Secretary of State.
 - d) Upon receipt of a properly executed application for a an ESDS license, the Department shall investigate the qualifications of the applicant, and authorized representatives of the Department shall inspect the ESDS property and equipment to determine whether the application should be granted or denied.
 - e) The applicant must authorize an investigation to include a fingerprint-based background check to determine if the applicant has ever been convicted of a crime and, if so, the disposition of those convictions. The authorization shall indicate the scope of the inquiry and the agencies that may be contacted. Upon this authorization, the Secretary of State may request and receive information and assistance from any federal, State or local governmental agency as part of the authorized investigation. Each applicant shall have his or her fingerprints

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

submitted to the Department of State Police in the form and manner prescribed by the Department of State Police. The fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record information databases. The applicant shall be required to pay all related fingerprint fees, including, but not limited to, the amounts established by the Department of State Police and the Federal Bureau of Investigation to process fingerprint based criminal background investigations. Any criminal convictions and disposition information obtained by the Secretary of State shall be confidential and may not be transmitted outside the Office of the Secretary of State, except as required in this Part, and may not be transmitted to anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the applicant. The information obtained from the investigation may be maintained by the Secretary of State or any agency to which the information was transmitted.

- f) An owner or manager shall not engage in fraudulent activity as defined in Section 1065.10.
- g) An owner or employee of an ESDS shall not have been declared to have engaged in fraudulent activity within the five years prior to making application.
- h) An owner shall not knowingly use unlicensed instructors for the purpose of enhanced driving skills instruction.
- i) An owner shall submit a curriculum for courses and programs offered for review and approval by the Department.
- j) Each ESDS must obtain and maintain a business telephone number and listing for use in conducting business.

Section 1065.25 Enhanced Skills Driving School Names

- a) No ESDS shall adopt, use or conduct any business under a name that is not distinguishable upon the records of the Department from a name used by another ESDS as defined in 14 Ill. Adm. Code 150.440.
- b) No licensed ESDS shall incorporate under its own or another name unless the name of the proposed corporation is submitted to the Department of Business Services of the Office of the Secretary of State for a final determination of the

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

availability of the name, along with the fee required by Section 15.10 of the Business Corporation Act of 1983 [805 ILCS 5/15.10].

- c) No licensed ESDS' name shall contain, separate and apart from any other word or abbreviation in the name, the word "corporation", "company", "incorporated", or "limited", or an abbreviation of one of these words, unless so licensed by the Secretary of State.
- d) No ESDS shall change its name unless 30 days prior written notice is given to the Department stating the change of name. Upon receipt of the above notice, the Department shall, without an application fee, require the ESDS to complete an amended application for license in the form and manner prescribed for original applicants.

Section 1065.30 Refund of Application Fees

The Department shall not refund any application fee that has been submitted by any person with an application for an ESDS or an ESDS instructor's license. This provision shall apply to all applicants regardless of whether a license has been issued or denied.

Section 1065.35 School Locations and Facilities

- a) Each ESDS must maintain an established place of business that:
 - 1) is owned or leased by the ESDS and regularly occupied and primarily used by the ESDS and that is not shared with any other ESDS;
 - 2) is located in a district that is zoned for business or commercial purposes;
 - 3) has a permanent sign with the name of the school on it;
 - 4) includes an office facility, subject to the following conditions:
 - A) is a minimum of 150 square feet of office space that must contain sufficient space, equipment, records and personnel to carry on the business of an ESDS;
 - B) complies with all State and local laws relating to public health, safety and sanitation;

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

- C) has a sign posted in a conspicuous place, on or near the permanent school sign, stating the days and regular hours when open. A school shall not be deemed open for business unless at least one authorized representative of the school is present;
 - D) is open to the general public during posted hours on file with the Department;
 - E) has direct access from the outside. Any business may be conducted in the same building providing the business being conducted is legal and the business has its own entrance;
 - F) displays the ESDS license, the names, addresses and instructor license numbers of all instructors employed by the school, and the address of each branch office and branch classroom.
- b) An ESDS that has a licensed established place of business may operate a branch office provided all the requirements of the established place of business are met and the branch office bears the same name and is operated as a part of the same business entity as the established place of business.
- 1) Upon receipt by the Department of a written request to open a branch office, an authorized representative of the Department shall inspect the branch office and, if it complies with this Section, the Department shall issue the appropriate license, which must be displayed in a visibly prominent place in the branch facility.
 - 2) When a branch office is to be closed, the enhanced skills driving school shall return the branch office license to the Department within 10 business days.
- c) The established place of business or branch office of any ESDS shall not consist of or include a house trailer, residence, tent, temporary stand, temporary address, or room or rooms in a hotel, rooming house or apartment house; shall not be occupied as a single or multiple unit dwelling house; and shall not be an answering service.

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

- d) No office or place of business of an ESDS shall be established within 1,500 feet of any building used as an office by any department of the Secretary of State having to do with the administration of any laws relating to motor vehicles, nor may any ESDS, its owner or any instructor solicit or advertise for business within 1,500 feet of any building used as an office by any department of the Secretary of State having to do with the administration of any laws relating to motor vehicles.
- e) The established place of business of each ESDS must include a training site for the behind-the-wheel instruction that must be:
 - 1) owned or leased by the ESDS;
 - 2) paved and have sufficient space to safely accommodate the training provided in the ESDS curriculum; and
 - 3) on private property.
- f) No ESDS shall change the location of its established place of business or any of its branch facilities unless 30 days prior written notice is given to the Department stating the change of location. Upon receipt of the change of location notice, the Department will determine if the new location meets all requirements and, without an application fee, require the ESDS to complete an amended application for license in the form and manner prescribed for original applicants.

Section 1065.40 Enhanced Skills Driving School Student Instruction Record

- a) All ESDS licensed by the Department shall maintain a permanent record of instruction given to each student in accordance with IVC Section 6-1008. The record shall include the name of the student, the student's driver's license number, all fees paid to the school by the student, the type and date of instruction given and the name of the instructors who provided the instruction. If records of the driver training school are kept electronically, a hard copy must be retained for inspection purposes. All permanent student instruction records must be kept on file in the established place of business of each ESDS for a period of three calendar years after the student has ceased taking instruction at or with the school.
- b) Each ESDS shall furnish the student a duplicate of his or her instruction record when the student completes all of the courses contracted for or otherwise ceases taking instruction at or with the school.

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

- c) The branch office must maintain a copy of the student's instruction record and any other student records required by the Department for a minimum period of six months before transferring the records to the established place of business where they shall be retained as provided in subsection (a).

Section 1065.45 Enhanced Skills Driving School Required Curriculum and Course of Instruction

- a) Every ESDS student must possess a current and valid driver's license during each behind-the-wheel lesson.
- b) The curriculum submitted by the ESDS must indicate the specific techniques of instruction that will be offered.

Section 1065.50 Enhanced Skills Driving School Contracts

- a) All contracts or agreements between any ESDS and any individual or group for the sale, purchase, barter or exchange of any driving instruction or any classroom instruction must be in writing and shall contain the following:
 - 1) A statement indicating the agreed contract price per hour or lesson and the terms of payment;
 - 2) A statement that the agreement constitutes the entire contract between the school and the student, and no verbal assurances or promises not contained in the agreement shall bind the school or the student;
 - 3) A statement indicating the specific date and time when instruction is to begin, the hours of instruction and the location of the instruction;
 - 4) The name and address of the school and the student or entity and the number and type of all licenses to operate a motor vehicle held by the student; and
 - 5) A statement indicating that the student has the right to file a complaint with the Secretary of State so that the Secretary may investigate and take appropriate action against the ESDS and/or instructor.

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

- b) No ESDS may sell, transfer, assign, exchange, trade or otherwise dispose of any contract or part of a contract, agreement or obligation between any ESDS and any student, unless the ESDS has obtained the written consent of the student.
- c) If any ESDS fails to comply with a material provision of a contract or agreement by or between the ESDS or any of its students, the ESDS shall refund all monies for any unperformed portion of the contract or agreement deposited by the student as consideration for performance of the contract or agreement by the school, unless the student violates a material provision of the contract or agreement.

Section 1065.55 Inspection of School Facilities

Each ESDS shall permit authorized representatives of the Department to make reasonable inspections of all of the school's facilities. During inspections, each owner, partner, associate, corporate director, officer, manager or employee of any ESDS shall cooperate with the authorized representative and, upon demand, shall exhibit all records, instructional aids and other objects that are pertinent and necessary to the inspection or investigation. If an ESDS' established business hours include only Saturday and Sunday and/or evening hours, the school, upon request from the Department, shall make necessary personnel available and shall allow the Department to make an inspection during the hours of 7:00 a.m. through 5:00 p.m., Monday through Friday.

Section 1065.60 Licenses

- a) No individual, partnership, group, association or corporation may sell, assign, barter or trade any ESDS license or ESDS instructor license issued by the Department. No license issued under the IVC to any person to operate an ESDS or to an instructor shall be transferable.
- b) When any licensed ESDS ceases to engage in the business of giving instruction for compensation or when, upon reasonable investigation, it appears that the school has ceased to do business, the owners, partners, associates, corporate directors, officers or managers of the enhanced skills driving school shall surrender their ESDS license to the Department.
- c) ESDS instructors must have their wallet instructor's license on their person during all behind-the-wheel instruction.

Section 1065.65 Safety Inspection of Enhanced Skills Driving School Motor Vehicles

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

- a) No motor vehicle shall be used for enhanced skills training unless:
 - 1) it is owned or leased in the name of the ESDS licensed by the Department or school owner indicated on the license and a lease agreement is submitted to the Department signed by the lessor and lessee. The lease agreement shall contain the make, year and vehicle identification number of the vehicle. It shall also contain the names and addresses of the lessor and lessee;
 - 2) it is in safe operating condition that includes, but is not limited to, operating and undamaged doors, mirrors, windshield, exhaust system, headlights, turn signals, seat belts, brakes and tires;
 - 3) it is listed in the driver training school license application and insurance certificate on file with the Department.
- b) The Department shall not issue an insurance certificate sticker until the school has provided to the Department a vehicle fleet schedule listing the vehicles used by the school that is signed by an authorized representative of the school and an insurance certificate form provided by the Department.
- c) The insurance certificate sticker shall be issued by the Department and shall be firmly attached to the lower right portion of the front windshield of the vehicle and shall not be removed until the term of validity has expired or the motor vehicle ceases to be used for ESDS instruction or ESDS purposes by the ESDS identified on the sticker.

Section 1065.70 Requirements to Obtain and Retain an Enhanced Skills Driving School Instructor's License

- a) The Department shall not issue, or shall deny, cancel, suspend or revoke, an ESDS instructor's license:
 - 1) To any person who:
 - A) does not have a current, valid driver's license;

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

- B) has not held a valid driver's license for any two year period preceding the date of application for an instructor's license;
- C) intends to instruct in L and/or M classification, as defined in 92 Ill. Adm. Code 1030.30(e) and (f);
- D) has not held the representative classification for three consecutive years immediately prior to the date of application;
- E) has been convicted of three or more offenses against traffic regulations governing the movement of traffic within the two year period immediately preceding the date of application for an instructor's license;
- F) has had two or more convictions of a violation that caused an auto accident within the two year period immediately preceding the date of application for an instructor's license;
- G) is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle;
- H) fails to properly and fully complete an application for a license or otherwise indicates that he/she is unqualified to receive an enhanced driving skills instructor's license;
- I) is not employed or associated with an ESDS;
- J) is currently a salaried or contractual employee of the Secretary of State;
- K) fails to supply a complete set of fingerprints to the Department so that a background check may be completed;
- L) is not at least 21 years of age;
- M) is not of good moral character as required pursuant to IVC Section 6-1004(1). In making a determination of good moral character, the Department is not limited to, but may consider, the following:

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

- i) If the person has been convicted of a felony or a misdemeanor, the relationship of any crime of which the applicant has been convicted to the ability to operate a driver training school and the length of time that has elapsed since the applicant's last criminal conviction;
 - ii) If the person has been indicted, formally charged or otherwise charged with a felony or a misdemeanor, the license shall be either denied or cancelled if:
 - the person whose ESDS instructor licenses has been denied or cancelled under this Part is found "guilty" by the court, the denial or cancellation previously entered on his/her record in accordance with Section 1065.85(b) shall stand. This action does not preclude further suspension and/or revocation of the ESDS instructor license under another Section of this Part or the IVC;
 - the person is found "not guilty" by the court, the denial or cancellation previously entered on the license in accordance with Section 1065.85(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the ESDS instructor license under another Section of this Part or the IVC;
 - the person is granted a disposition of "court supervision" by the court, the denial or cancellation previously entered on the license in accordance with Section 1065.85(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the ESDS instructor license under another Section of this Part or the IVC;
- N) holds a driver's license that has had a revocation that has terminated within 10 years prior to the date of application;

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

- O) has ever been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof, leaving the scene of an accident, reckless homicide, or reckless driving.
- b) If an applicant indicates that he/she has been convicted of a felony or misdemeanor, the applicant shall submit a signed release allowing the Department to obtain any information regarding the applicant's arrest and conviction, thereby enabling the Department to determine the fitness of an applicant to be licensed as an instructor.
- c) No ESDS instructor shall provide behind-the-wheel instruction in a vehicle that is classified higher than the classification of the instructor's driver's license. An instructor may hold two classifications, one classification from Classes A, B, C and D and one classification from Classes L and M, as defined in 92 Ill. Adm. Code 1030.30(e) and (f). An instructor holding a Class A commercial driver's license may teach enhanced driving skills in Classes A, B, C and D vehicles. An instructor holding a Class B commercial driver's license may teach enhanced driving skills in Classes B, C and D vehicles. An instructor holding a Class C commercial driver's license may teach enhanced driving skills in Classes C and D vehicles. However, an instructor holding a non-commercial driver's license may only teach students who do not require a commercial driver's license. An instructor holding a Class M license may teach students enhanced driving skills in Classes L and M vehicles.
- d) All instructors who have ceased to be employed or associated with the school designated on their license must submit a new complete instructor's license application and application fee before being licensed to instruct at another school or in the same school after the cessation.
- e) An instructor shall not engage in fraudulent activity as defined in Section 1065.10.
- f) During the course of instruction, an instructor shall not engage in any non-school related activity that puts the student in danger.
- g) A licensed ESDS instructor who holds a license from a state other than Illinois must provide the Department with a copy of his/her current driving record with the original application and every six months subsequent to licensure.

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

Section 1065.75 Enhanced Skills Driving School Responsibility for Employees

- a) No ESDS shall employ or otherwise retain any individual to give instruction unless the individual has a valid, current ESDS instructor's license for that school issued by the Department and meets the qualifications provided in Section 1065.70.
- b) All acts by any individual employed by or associated with any ESDS and all acts performed by an instructor shall be presumed acts within the scope of employment unless the school can provide competent evidence to the contrary.
- c) If a licensed instructor is temporarily suspended, laid off or discharged by an ESDS, the school shall immediately notify the Department, on forms furnished by the Department, containing the name, address and license number of the instructor, termination date, and the reason for the termination. In all cases in which an employee ceased working for the ESDS, whether it be a temporary layoff or any other termination of his/her association with the school, the instructor must surrender his/her license to the Department.

Section 1065.80 Denial, Cancellation, Suspension and Revocation of Enhanced Skills Driving School's License and Instructor's License

- a) The Department may deny, suspend or revoke an ESDS license, or ESDS instructor license for any:
 - 1) violation of IVC Ch. 6, Art. X;
 - 2) violation of this Part.
- b) The Department may cancel an ESDS license for any:
 - 1) violation of IVC Sections 6-1001 and 6-1002;
 - 2) violation of this Part.
- c) The Department may cancel an ESDS instructor license for any:
 - 1) violation of IVC Section 6-1004;

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

- 2) violation of this Part.

Section 1065.85 Reinstatement after Cancellation or Suspension

- a) An ESDS that desires to have a license reinstated following suspension shall reapply and pay the application fee of \$500 as required by IVC Section 6-1002(5).
- b) An ESDS instructor who desires to have a license reinstated following suspension shall reapply and pay \$70 as required by IVC Section 6-1004(5).
- c) An ESDS that desires to have a license reinstated after cancellation shall reapply for a license, pay the required application fee of \$500 as required by IVC Section 6-1002(5), and demonstrate compliance with the provisions of this Part for which the cancellation was issued (e.g., proof of insurance).
- d) An ESDS instructor that desires to have a license reinstated after cancellation shall reapply for a license; pay the required fee of \$70 as required by IVC Section 6-1004(5); and demonstrate compliance with the provisions of this Part for which cancellation was issued (e.g., proof of insurance).

Section 1065.90 Hearings

- a) The Department will send written notice of denial to an applicant for a license to operate an ESDS or to be an ESDS instructor. A formal hearing may be requested in writing in accordance with 92 Ill. Adm. Code 1001, Subpart A and IVC Section 2-118. A request for hearing shall not stay the denial.
- b) Prior to the suspension or revocation of the license of an ESDS or ESDS instructor, the Department will conduct a hearing in accordance with 92 Ill. Adm. Code 1001, Subpart A and IVC Section 2-118. In the hearing, the Department will present competent evidence to establish violations of any regulations or laws governing ESDS and/or ESDS instructors and seek the appropriate sanctions in accordance with Section 1065.85.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Swimming Facility Code
- 2) Code Citation: 77 Ill. Adm. Code 820
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
820.10	Amended
820.20	Amended
820.120	Amended
820.145	New
820.200	Amended
820.210	Amended
820.230	Amended
820.250	Amended
820.320	Amended
820.330	Amended
820.340	Amended
- 4) Statutory Authority: Authorized by and implementing the Swimming Facility Act [210 ILCS 125]
- 5) Effective Date of Rulemaking: February 3, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file and available for public inspection at the Illinois Department of Public Health, 525 W. Jefferson Street, Springfield, Illinois 62761-0001.
- 9) Notice of Proposal Published in the Illinois Register: 33 Ill. Reg. 12459; September 11, 2009
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The following changes were made in response to comments received during the first notice or public comment period:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

In Section 820.145(a), "Section 820.210(f)(3)" was changed to "Section 820.210(f)(3)(H)".

In Section 820.210(a) "Spas 30 minutes" was inserted after "Other Pools 6 Hours".

In Section 820.210(f)(3)(H), the following was inserted after "maximum flow rate.: This requirement shall not apply to systems where each suction outlet is at least 18 inches or 29 inches as measured diagonally.".

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

In the title, "ILLINOIS" was stricken, "POOL AND BATHING BEACH CODE" was stricken, and "FACILITY" was added before "CODE".

In Section 820.210(f)(3)(H), the last sentence was changed to read "This requirement shall not apply to systems in which each suction outlet is at least 18 inches by 23 inches or 29 inches as measured diagonally.".

In Section 820.145(a), the referenced Sections were changed as follows: "All swimming facilities with suction outlets located in the pool shall comply with Section 820.200(e) and Section 820.210(f)(3)(H). Compliance with Section 820.210(f)(3)(G) is not required when suction outlets comply with one or more of the following:".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No. A related emergency rulemaking expired on October 14, 2009.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking implements amendments to Part 820 to address changes in federal law resulting from passage of the Virginia Graeme Baker Pool and Spa Safety Act (15 USC Sec. 8001 et seq.). These changes require that all public and commercial pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains; that pools and spas existing after the date of December 19, 2008 must have: more than 1 drain; one or more unblockable drains; or no main drain; and that every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

standard established by section 8003 of the federal Act. Regulated entities must alter their drains to be in compliance with federal mandate. However, DPH will not have any regulatory authority to ensure that these bather entrapment requirements are enforced because the federal act does not authorize enforcement by states. This rulemaking was adopted because the previous Illinois rules were not equal to the new federal requirements, and it would have been impossible for owner/operators of swimming facilities in Illinois to be in compliance with both the state and federal requirements. The new certified safety covers protrude from the pool floor, which was not allowed in the previous code.

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

Susan Meister
Division of Legal Services
Illinois 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 Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER n: RECREATIONAL FACILITIES

PART 820

~~ILLINOIS-SWIMMING POOL AND BATHING BEACH FACILITY~~ CODE

SUBPART A: GENERAL

Section

- 820.10 Definitions
- 820.20 Incorporated and Referenced Materials

SUBPART B: SWIMMING POOLS AND BATHING BEACHES

Section

- 820.100 Permits
- 820.110 Water Supplies
- 820.120 Wastewater Disposal
- 820.130 Food Service Sanitation
- 820.140 Exemptions
- 820.145 Swimming Facilities in Existence Prior to January 1, 2009
- 820.150 Variances

SUBPART C: SWIMMING ~~FACILITY~~POOL DESIGN REQUIREMENTS

Section

- 820.200 General Design Requirements
- 820.210 Swimming ~~Facility~~Pool Water Treatment System
- 820.220 Swimming Pool Bather Preparation Facilities
- 820.230 Wading Pools
- 820.240 Spray Pools
- 820.250 Slides
- 820.260 New Equipment, Construction and Materials (Repealed)
- 820.270 Lazy Rivers

SUBPART D: OPERATIONAL REQUIREMENTS

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

820.290	Applicability of Operation Requirements
820.300	Personnel
820.310	Safety Equipment
820.315	Notification
820.320	Water Quality
820.330	Swimming Pool Closing
820.340	Operation and Maintenance
820.350	Operation Reports and Routine Sampling
820.360	Patron Regulations
820.370	Swimming Suits and Towels Furnished by Management
820.380	Wading Pools, Spray Pools and Therapy Pools
820.390	Refuse Disposal

SUBPART E: BATHING BEACH DESIGN AND OPERATION

Section

820.400	Minimum Sanitary Requirements for Bathing Beaches
820.500	Minimum Sanitary Requirements for Bathing Beaches (Renumbered)

820.APPENDIX A

Illustrations

820.ILLUSTRATION A	Slope of Pool Floor
820.ILLUSTRATION B	Pool Walls
820.ILLUSTRATION C	General Pool Diving Area Dimensions
820.ILLUSTRATION D	Pools with Diving Facilities in Excess of Three Meters in Height
820.ILLUSTRATION E	Slide Dimensions (Repealed)
820.ILLUSTRATION F	Slide Position (Repealed)
820.ILLUSTRATION G	Flow Meter Installation
820.ILLUSTRATION H	Skimmer Construction
820.ILLUSTRATION I	Installation of a Pressure Sand Filter System
820.ILLUSTRATION J	Installation of a Pressure Diatomaceous Earth Filter System
820.ILLUSTRATION K	Installation of a Vacuum Filter System
820.ILLUSTRATION L	Chlorine Injection into Return Line to Pool Using Pump Discharge Pressure
820.ILLUSTRATION M	Chlorine Injection into Return Line to Pool Using External Water Source Pressure (Repealed)
820.ILLUSTRATION N	Chlorine Injection into Return Line to Pool Using Booster Pump

820.APPENDIX B

Tables

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

820.TABLE A	Dimensions of Swimming Pools with Diving Facilities in Excess of Three Meters in Height
820.TABLE B	First Aid Kit Contents
820.TABLE C	Flows Carried by Inlets
820.TABLE D	Sizing Swimming Pool Chlorinators
820.TABLE E	Shower, Lavatory and Toilet Fixtures Required Per Bather Load

AUTHORITY: Implementing and authorized by the Swimming Facility Act [210 ILCS 125].

SOURCE: Adopted October 22, 1974; amended and effective February 9, 1976; amended at 4 Ill. Reg. 46, p. 1283, effective November 5, 1980; amended at 5 Ill. Reg. 9593, effective September 16, 1981; rules repealed and new rules adopted at 5 Ill. Reg. 13623, effective December 2, 1981; amended and codified at 8 Ill. Reg. 12366, effective July 5, 1984; amended at 11 Ill. Reg. 12308, effective July 15, 1987; amended at 14 Ill. Reg. 786, effective January 1, 1990; amended at 20 Ill. Reg. 6971, effective May 25, 1996; emergency amendment at 21 Ill. Reg. 7536, effective May 28, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 9357, effective May 15, 1998; amended at 23 Ill. Reg. 6079, effective May 20, 1999; emergency amendment at 23 Ill. Reg. 6551, effective May 20, 1999, for a maximum of 150 days; emergency expired October 16, 1999; amended at 24 Ill. Reg. 11271, effective July 15, 2000; amended at 25 Ill. Reg. 8291, effective July 1, 2001; emergency amendment at 27 Ill. Reg. 4223, effective February 15, 2003, for a maximum of 150 days, emergency expired July 14, 2004; emergency amendment at 33 Ill. Reg. 7177, effective May 18, 2009, for a maximum of 150 days; emergency expired October 14, 2009; amended at 34 Ill. Reg. 2698, effective February 3, 2010.

SUBPART A: GENERAL

Section 820.10 Definitions

In addition to the definitions in the Illinois Swimming ~~Facility Pool and Bathing Beach~~ Act, the following additional definitions shall apply:

"Act" means the Swimming ~~Facility Pool and Bathing Beach~~ Act [210 ILCS 125].

"Appurtenance" means an accessory facility or feature at a swimming pool or bathing beach, such as a diving board, slide, wading pool, plunge pool, spray pool, or bathhouse. The term does not refer to a therapy pool as defined in this Section.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Approval" means compliance with the Act and this Part.

"Approved Certification Agency" means an organization that has been accredited by the American National Standards Institute (ANSI) and found to meet the requirements specified in ANSI Z 34.1 (1993), Third Party Certification Program, to evaluate swimming pool equipment for compliance with NSF-Standard 50, "Circulation system components and related materials for swimming pools, spas/hot tubs", published by NSF International (NSF).

"Attendant" means a person at least 16 years of age, stationed at the top of a water slide and responsible for ensuring safe use of the slide.

"Bather Load" means the maximum number of persons that may be allowed in the pool area at one time without creating undue health or safety hazards. (See Section 820.200(b).)

"Bathing Beach" means a Public Bathing Beach as defined in the Act.

"Certified Safety Cover" means a cover for a pool suction outlet that has been certified for conformance to American Society of Mechanical Engineers (ASME)/ANSI Standard A112.19.8-2007.

"Community Water System" means a public water system ~~that~~which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days a year.

"Construction" means the process of building or fabricating a swimming pool, bathing beach or appurtenance.

"Construction in a Flood Plain" means the placement or erection of structures or earthworks; land filling, excavation or non-agricultural alteration of the ground surface; installation of public utilities; channel modification; storage of materials or any other activity undertaken to modify the existing physical features of a flood plain with respect to the storage and conveyance of flood waters.

"Deep Area" means an area of a swimming pool in which the water depth exceeds five feet.

"Development" means improvement of a site for the purpose of establishing a

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

bathing beach, the addition of an appurtenance to an existing swimming pool or bathing beach, modifying the shape, water surface area or depth of a swimming pool, or changing the design of the water recirculation or water treatment system of a swimming pool. It does not include repairs to existing facilities that do not alter the design of the facility.

"Diving Pool" means a pool designed and intended for use exclusively for diving.

"Drop Slide" means a slide with an exit angle exceeding 11 degrees measured downward from the horizontal.

"Field-Fabricated Suction Outlet" means a suction outlet having a cover that is not a certified safety cover or a safety cover installed in a manner that is not specified by the manufacturer. The term includes suction outlet covers consisting of a certified safety cover installed together with other components and covers comprising multiple certified safety covers covering a single suction outlet.

"Flume" means the inclined channel of a water slide.

"Homeowner's Association" is a not-for-profit corporation ~~composed~~~~comprised~~ of members who have common ownership interest in property owned or operated by the association for the benefit of all the members.

"Inlet" means an opening or fitting through which filtered water enters the pool.

"Installation" means the emplacement of a swimming pool manufactured and transported to the intended site.

"Lazy River" means a pool intended for use with flotation devices and consisting of a closed loop with an artificially induced current.

"Major Alteration" means a substantial modification of a swimming facility. The term includes, but is not limited to, an alteration of a pool that changes the water surface area, depth or volume; addition of a permanently installed recreational appurtenance such as a diving board, slide or starting platform to a pool or beach; modification of the design of the recirculation system for a pool; or addition, replacement or modification of a bather preparation facility for a swimming facility. Examples of alterations that are not major include, but are not limited to, painting of a swimming pool, replacement of a pool filter or pump having

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

identical characteristics or replacement of plumbing fixtures in a bather preparation facility.

"Main Drain" means the outlet or outlets in the floor of the pool.

"Make-up Water" means the water added to a pool to replace that which is lost.

"Manager/Operator" means the person or entity responsible for the actual daily operation, or for the supervision of the operation, of a swimming pool or bathing beach.

"Office of Water Resources" means the Illinois Department of Natural Resources, Office of Water Resources, One Natural Resources Way~~3215 Executive Park Dr.~~, Springfield IL ~~62702~~62703.

"Perimeter Overflow System" means a channel normally extending completely around the pool used to skim the surface layer of water. Also known as an overflow gutter.

"Permit" means a certificate issued by the Department allowing the construction, development or installation of a swimming pool or bathing beach under the provisions of the Act.

"Plunge Area" means a location in a pool or bathing beach at the exit of a slide, or the area in a pool below and in front of a diving board or platform.

"Plunge Pool" means a pool used exclusively as a plunge area for one or more slides.

"Pool" means a swimming pool ~~or a wading pool~~, plunge pool, spa, or other ~~recreational~~ water basin used by the public~~utilized in conjunction with or as an appurtenance to a swimming pool~~. The term does not refer to ~~spas and therapy pools not designed or intended for swimming or to~~ basins for individual use that are drained after each use.

"Pool Depth" means the vertical distance between the pool floor and the water level.

"Project Designer" means a licensed design professional primarily responsible for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

the design of the construction, development or installation of a swimming pool or bathing beach.

"Recirculation Piping" means the piping from the pool to the filters and back to the pool, through which the pool water circulates.

"Safety Vacuum Release System" means a device or combination of devices that has been designed to prevent bather entrapment on a suction fitting in a pool. Methods include, but are not limited to, immediately admitting air into the suction piping and/or de-energizing the pump upon sensing an increase in vacuum in the suction pipe, or reversing the circulation flow.

"Safety Vent Pipe" means a piping arrangement designed to admit air into suction piping to break a vacuum caused by a blocked suction fitting in a pool.

"Shallow Area" means an area in a swimming pool, in which the water depth does not exceed five feet at any point.

"Skimmer" means a mechanical device connected to the recirculation piping ~~that~~which is used to skim the pool surface.

"Slide" means a recreational feature, including a water slide or drop slide, with a smooth, inclined flume or channel by which a rider is conveyed downward to a plunge area.

"Slip-Resistant" means not conducive to slipping under contact with bare feet when wet.

"Spa" means a basin of water designed for recreational or therapeutic use that is not drained, cleaned, or refilled for each user. It may include hydrojet circulation, hot water, cold water mineral bath, air induction bubbles, or some combination thereof. It includes "therapeutic pools", "hydrotherapy pools", "whirlpools", "hot spas", and "hot tubs". It does not include these facilities at individual residences intended for use by the occupant and his or her guests. (Section 3.10 of the Act) The term does not apply to a swimming pool as defined in the Act.

"Spray Pool" means an artificially constructed area over which water is sprayed but is not allowed to pool.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Suction outlet" means a fitting or opening in a pool basin through which water flows out of the pool. The term does not include a skimmer or a drain for a perimeter overflow system.

"Superchlorination" means the establishment of an elevated chlorine residual in pool water for the purpose of removing combined chlorine (chlorine that has reacted with nitrogenous compounds) or destroying unwanted organisms in the pool.

~~"Surge Weir" means an opening into a perimeter overflow system channel that allows skimming of the pool water surface when the surface is below the level of the overflow lip of the perimeter overflow system.~~

"Swimming facility" means a swimming pool, spa, public bathing beach, water slide, lazy river, or other similar aquatic feature. (Section 3.12 of the Act)

"Swimming pool" means any artificial basin of water which is modified, improved, constructed or installed for the purpose of public swimming, wading, floating, or diving, and includes: pools for community use, pools at apartments, condominiums, and other groups or associations having 5 or more living units, clubs, churches, camps, schools, institutions, Y.M.C.A.'s, Y.W.C.A.'s, parks, recreational areas, motels, hotels and other commercial establishments. It does not include pools at private residences intended only for the use of the owner and guests. (Section 3.01 of the Act) The term refers to swimming pools used for swimming, wading pools, lazy rivers, therapy pools, and plunge pools. The term does not refer to spas or to spray pools.

"Therapy Pool" means a pool that is not a spa and is intended only for medical treatment, physical therapy or muscle relaxation, and not intended for swimming or instruction in swimming, and includes spas, whirlpools and hot spas.

"Transition Point" means a location in a shallow area of a swimming pool where an area, having a floor slope of no more than one foot vertical in 12 feet horizontal, adjoins an area where the floor slope exceeds one in 12.

"Turnover Period" means the time required to recirculate a volume of water equivalent to the water volume of the pool through the filtration system.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Wading Area" means a portion of a pool, other than an area of limited extent such as a stair, seat or ramp, where the water depth does not exceed 30 inches; or the portion of a bathing beach where the water depth is less than five feet, or that portion thereof designated by the installation of a buoyed line to separate this area from deeper water.

"Wading Pool" means a swimming pool having a maximum water depth not exceeding 30 inches.

"Water Level" means the level of the overflow lip of a perimeter overflow system ~~or the mid-level of surge weirs, if present,~~ or the mid-level of the skimmer operating range.

"Water Slide" means a slide with a flow of water and having a flume exceeding 30 feet in length.

"Wave Pool" means a swimming pool designed for the purpose of producing wave action in the water.

"Zero-Depth Edge" means that portion of the perimeter of a zero-depth pool where the pool floor intersects the pool water surface.

"Zero-Depth Pool" means a swimming pool where the pool floor intersects the water surface along a portion of its perimeter.

(Source: Amended at 34 Ill. Reg. 2698, effective February 3, 2010)

Section 820.20 Incorporated and Referenced Materials

a) The following materials are ~~incorporated or~~ referenced in this Part and are available for inspection at the Department's Springfield office:

1)a) Statute
Swimming Facility~~Pool and Bathing Beach~~ Act [210 ILCS 125]

2)b) Rules~~Regulations~~

A)4) Illinois Plumbing Code (77 Ill. Adm. Code 890). (See Sections 820.200(r), 820.2109(c)(1), and 820.210(f)(1)(A).)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- ~~B)2)~~ Regulation of Construction Within Flood Plains (92 Ill. Adm. Code 706). (See Sections 820.10 and 820.100 (b)(3)(A).)
- ~~C)3)~~ Drinking Water Systems Code (77 Ill. Adm. Code 900). (See Section 820.110(a).)
- ~~D)4)~~ Private Sewage Disposal Code (77 Ill. Adm. Code 905). (See Section 820.120.)
- ~~E)5)~~ Food Service Sanitation Code (77 Ill. Adm. Code 750). (See Section 820.130.)
- ~~F)6)~~ Public Water Supplies (35 Ill. Adm. Code: Subtitle F, Chapters I and II). (See Section 820.110(a).)
- ~~G)7)~~ Public Area Sanitary Practice Code (77 Ill. Adm. Code 895). (See Section 820.110(a).)
- b)e) The following materials are incorporated in this Part and are available for inspection at the Department's Springfield office:~~Other Materials~~
- 1) National Electrical Code (~~2008~~1999 Edition)
National Fire Protection Association
~~1~~ 1 Batterymarch Park, ~~Quincy MA 02269~~
Quincy MA 02169
 - 2) ~~NSF International~~
NSF Standard 50, "Circulation system components and related materials for swimming pools, spas/hot tubs" (~~February 15, 2008~~July 1996)
NSF International
~~789 N. Dixboro Road~~3475 Plymouth Road
P.O. Box ~~130140~~13014
Ann Arbor ~~MI, Michigan~~ 48113-0140
 - 3) ANSI Z 34.1 (1993), Third Party Certification Program
American National Standards Institute
11 West 42nd Street
New York NY 10036

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 4) ASME/ANSI Standard A112.19.8-2007, "Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs"
The American Society of Mechanical Engineers
345 East 47th Street
New York NY 10017
- 5) ASME/ANSI A112.19.17-2002, "Manufactured Safety Vacuum Release Systems (SVRS) for Residential and Commercial Swimming Pool, Spa, Hot Tub and Wading Pool Suction Systems"
The American Society of Mechanical Engineers
345 East 47th Street
New York NY 10017
- 6) ASTM F2387-04, "Standard Specification for Manufactured Safety Vacuum Release Systems (SVRS) for Swimming Pools, Spas and Hot Tubs"
ASTM International
100 Barr Harbor Dr., P.O. Box C700
West Conshohocken PA 19428-2959
- 7) IAPMO SPS4-2000, "Material and Property Standard for Special Use Suction Fittings for Swimming Pools, Spas and Hot Tubs (For Suction Side Automatic Swimming Pool Cleaners)"
The International Association of Plumbing and Mechanical Officials
5001 E. Philadelphia St.
Ontario CA 91761

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

(Source: Amended at 34 Ill. Reg. 2698, effective February 3, 2010)

SUBPART B: SWIMMING POOLS AND BATHING BEACHES

Section 820.120 Wastewater Disposal

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- a) Sewage generated from the operation of a swimming pool or bathing beach shall discharge to a public sanitary sewer or to a system ~~that~~which complies with the Department's Private Sewage Disposal Code (77 Ill. Adm. Code ~~905940~~).
- b) Deck or surface area drainage water may be discharged directly to storm sewers, natural drainage areas, or the ground surface. Such drainage shall not result in nuisance conditions that create an offensive odor, produce a stagnant wet area, or create an environment for the breeding of insects.
- c) Wash or backwash water from filters shall be discharged to natural drainage areas, sanitary sewers, storm sewers, or to the ground surface in a manner that does not result in a nuisance condition.

(Source: Amended at 34 Ill. Reg. 2698, effective February 3, 2010)

Section 820.145 Swimming Facilities in Existence Prior to January 1, 2009

- a) All swimming facilities with suction outlets located in the pool shall comply with Section 820.200(e) and Section 820.210(f)(3)(H). Compliance with Section 820.210(f)(3)(G) is not required when suction outlets comply with one or more of the following:
 - 1) The suction outlet piping system is equipped with a safety vent pipe that will introduce air into the suction pipe if the water level in the vent pipe drops to a level of no more than 5 feet below the water level in the pool, but shall not introduce air into the suction piping when there is no obstruction of a suction outlet or in suction piping. The diameter of the vent pipe shall be at least ½ the diameter of the suction pipe, but not less than 1½ inches. The top of the vent pipe shall be open to the atmosphere and shall not be accessible to the public. The opening shall be protected against entry of dirt, rodents, birds, leaves, and other objects, and shall be accessible for cleaning and inspection; or
 - 2) The suction outlet piping system is equipped with a safety vacuum release system, which shall be installed in accordance with the manufacturer's specifications. A safety vacuum release system shall be certified in accordance with ASME/ANSI A112.19.17-2002 or ASTM F2387-04; or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 3) Water flows from the suction outlet to a surge tank, vacuum filter tank or balance tank by force of gravity, and the pump suction pipe draws water from the surge, vacuum filter or balance tank and is not directly connected to the suction outlet. The vacuum filter, surge or balance tank shall be vented to the atmosphere. The vent shall be designed to prevent blockage.
- b) Existing skimmer equalizer lines shall be permanently disabled or the piping shall be rerouted as required by Section 820.210(f)(5)(F).

(Source: Added at 34 Ill. Reg. 2698, effective February 3, 2010)

SUBPART C: SWIMMING ~~FACILITY~~~~POOL~~ DESIGN REQUIREMENTS**Section 820.200 General Design Requirements**

Swimming ~~facilities~~~~pools~~ and appurtenances, including other pools associated with or provided as appurtenances to swimming pools, shall comply with this Subpart.

- a) Enclosures
 - 1) The swimming pool area shall be completely enclosed by a protective wall, fence or other barrier, at least ~~4~~~~four~~ feet high, measured on the inside and outside, and not providing ready footing for climbing. The height of an opening under the bottom of the barrier shall not exceed ~~4~~~~four~~ inches. The openings in any barrier shall not exceed ~~4~~~~four~~ inches in width and height.
 - 2) Each entrance into the pool enclosure shall be equipped with a door or gate that is self-closing and self-latching. This requirement is not necessary when people enter the pool area through the bathhouse and lifeguards are provided in the pool area. Doors and gates at all entrances to the pool enclosure must be equipped with hardware that permits secure locking of the entrance.
 - 3) A balcony shall not overhang or extend within 10 feet horizontally of any portion of the water surface of a swimming pool.
 - 4) Sand areas shall not be allowed inside of the pool enclosure unless a barrier is provided to control access to the pool. If access is allowed to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

such areas, an arrangement must be provided that requires bathers passing from the sand area to the pool area to pass through a shower facility with heated or tempered water for removal of sand.

- b) Bather Load. The Department will compute a bather load for each swimming pool area. A bather load shall be specified with the issuance of a construction permit for a new swimming pool. In the case of multiple swimming pools contained within a common enclosure, the Department may compute a combined bather load for the pool enclosure. The criteria to be used for computing the bather load are as follows:
- 1) Shallow Area. Fifteen square feet of water surface shall be required for each bather.
 - 2) Deep Area. Twenty-five square feet of water surface shall be required for each bather, with 300 square feet deducted for each diving board or platform.
 - 3) The bather load for wading pools shall be computed at 15 square feet of pool water surface for each bather.
 - 4) A designated plunge area or landing area for a slide, as specified in Section 820.250 of this Part, shall not be considered in computing a bather load.
 - 5) One bather shall be allowed for each 50 square feet of pool deck area in excess of the minimum specified in Section 820.200(j)(1).
- c) Structure. A licensed architect or structural engineer shall certify that the pool is designed to withstand all anticipated hydraulic structural loadings for both full and empty conditions. All appurtenances to the pool, such as diving boards and slides, shall be designed to carry the anticipated load.
- d) Material. Pools shall be constructed of materials ~~that~~which provide a rigid, watertight shell with a smooth, impervious, light-colored finish that is non-toxic and easily cleaned. The floor of shallow areas shall have a slip-resistant finish. Pool vinyl liners may ~~only~~ be installed only over a base of concrete, steel or other such rigid material.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- e) Obstruction. An obstruction creating a safety hazard shall not extend into or above the pool, or shall not protrude from the floor of the pool. Certified safety covers for suction outlets shall not protrude more than two inches from the floor or walls of the pool.
- f) Slope of Pool Floor. The floor of a pool shall slope downward toward the main drain. The slope in shallow areas shall not exceed one foot vertical in 12 feet horizontal except for a slope directed downward from a transition point, which shall not exceed one foot vertical in 3three feet horizontal. In portions of the pool with a depth greater than 5five feet, the front slope of the deep area shall not be steeper than one foot in 3three feet. The slope requirements are illustrated in Appendix A: Illustration A.
- g) Transition Point. Transition points shall be marked with a stripe on the pool floor having a width of at least 4four inches and a color that contrasts with that of the floor, and with a buoyed safety rope with colored buoys, installed at least one foot on the shallow side of the transition point. In other pools having adjoining shallow and deep areas, a safety rope with colored buoys shall be installed where the water depth reaches 5five feet.
- h) Pool Walls
- 1) Pool walls shall meet the following requirements:
 - A) Where the pool depth is 42 inches or less, pool walls shall be vertical to the floor. The junction of the wall with the floor shall consist of a cove with a radius not exceeding 6six inches.
 - B) Where the pool depth exceeds 42 inches, pool walls shall meet one of the following criteria:
 - i) The wall shall be vertical for a distance of at least 5five feet below the water level, below which the wall may angle to the floor; or
 - ii) The wall shall be vertical for a distance of at least 3three feet below the water level, below which the wall shall form a curve to the floor. The curve shall be tangent to the pool wall and shall have a radius of curvature at least equal to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

the vertical distance between the center of curvature and the pool floor.

- 2) If pool ledges are provided, they shall have a maximum ~~6~~six inch width, shall be located at least ~~3~~three feet below the water level, shall slope away from the pool wall and shall have a slip-resistant surface with a color that contrasts with the pool walls and floor. The pool wall below the ledge shall be constructed in accordance with the requirements of this Section except that the pool wall may slope inward toward the pool at an angle not exceeding 11 degrees from vertical.
 - 3) Underwater seat benches shall be located a maximum of 20 inches below the water level, be visually set apart, have a slip-resistant surface, and be recessed into the pool wall or be installed so that there are no exposed corners or vertical edges in the pool.
 - 4) All junctions between pool walls, and between pool walls and the pool floor, shall be covered with a minimum radius of one inch.
 - 5) Devices for anchoring safety ropes and racing lane divider ropes shall be recessed into the pool wall.
 - 6) An effective handhold shall be provided at or near the water level where the pool depth is 30 inches or greater. The handhold may consist of the rounded lip of a perimeter overflow system or bullnose coping with round, raised handhold not exceeding ~~2½~~two and one-half inches in thickness, or other effective handhold. The handhold shall not protrude more than ~~2~~two inches into or over the pool.
- i) Depth Markers
- 1) The water depth shall be marked at or above the water surface on the wall of the pool and on the edge of the deck next to the pool so as to be readable by persons entering or in the pool. Where depth markers cannot be placed on the walls at or above the water level such that at least 50% of the marking is above water level, they shall be placed on the pool wall as high as practicable and also on the fencing or pool enclosure so as to be plainly visible to persons in the pool. Depth markings shall be provided at the shallow and deep ends of the pool, the transition point, and the point of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

maximum depth, and shall be spaced at not more than 25 foot intervals measured peripherally, except that depth markings are not required at a zero-depth edge.

- 2) Depth markers shall indicate pool depth in either feet, feet and inches, or feet and fractions of a foot, and shall be of a color that contrasts with the background. Numerals indicating depth shall be a minimum of ~~4four~~ inches high.
- 3) In shallow areas, "no diving" markers or symbols at least ~~4four~~ inches high must be located at not more than 25 foot intervals around the pool perimeter except at a zero-depth edge.

j) Walkways and Deck Areas

- 1) Except for plunge pools, wave pools and lazy rivers, pools shall be completely surrounded by a deck that is at least ~~4four~~ feet in width and extends completely around and adjacent to the pool. Except as allowed for wave pools in subsection (u)(3), there shall be no obstructions or interruptions of the pool deck within the ~~4four~~ feet adjacent to the pool other than necessary structural supports, or appurtenances such as diving boards, slides, perimeter overflow systems, or handrails. A clear, unobstructed walkway at least 42 inches in width shall be maintained at such obstructions or interruptions.
- 2) Structural supports located within the minimum required deck width or within ~~4four~~ feet of the swimming pool shall be no closer than 10 feet apart measured parallel to the adjacent perimeter of the pool, with the dimension of any single support in a plane parallel to the adjacent pool perimeter no greater than ~~3three~~ feet and the sum of all such support dimensions no greater than 10 percent of the pool perimeter.
- 3) The deck between two adjacent swimming pools shall be at least ~~8eight~~ feet wide. All decks and walkways shall have an unobstructed overhead clearance of at least ~~7seven~~ feet.
- 4) Deck Coverings. Synthetic material may be installed if it meets the following criteria:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- A) It is non-fibrous and allows drainage such that it will not remain wet or retain moisture;
 - B) It is inert and will not support bacterial or fungal growth;
 - C) It is durable;
 - D) It is cleanable; and
 - E) It provides a slip-resistant finish.
- 5) The deck shall slope at least one inch per ~~10~~^{ten} feet to deck drains or to the surrounding ground surface. The maximum slope of the pool deck shall not exceed one inch per foot.
- 6) Except for linear drains, deck drains shall be located so that not more than 900 square feet of deck area is tributary to each drain, and deck drains shall not be more than 30 feet apart. Deck drains shall be located so that water does not drain more than 15 feet in any one direction. Where deck widths are 15 feet or less, deck drains are not required, provided that the deck drains to the ground surface. The deck drains shall not be connected to the pool water recirculation system. Pools designed to operate where the pool water level is at the deck level, may be allowed to drain the first ~~4~~^{four} feet of deck into the pool perimeter overflow system. Up to 10 feet of the deck adjacent to a zero-depth edge may be drained into the pool.
- 7) The decks and walkways shall have a paved surface. The surface of the pool deck, and other surfaces used for foot contact, such as gratings of perimeter overflow systems, shall be slip-resistant.
- 8) The outer perimeter of the deck for outdoor pools shall be at least ~~4~~^{four} inches higher than the surrounding ground surface except where access is provided to adjacent turf areas.
- 9) Any opening in the deck shall have a locking type cover ~~that~~^{which} is flush with the deck.
- 10) Hose bibbs shall be provided for cleaning all parts of the pool and deck (maximum separation 150 feet).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 11) Except for wave pools, the vertical distance between the surface of the deck, pool curb or pool rim and the water level shall not exceed 10 inches.
 - 12) A pool perimeter curb or raised rim, if provided, shall be at least ~~4~~four inches in height, measured above the adjacent pool deck surface. This requirement does not apply to a handhold provided in accordance with subsection (h)(6).
- k) Ladders, Step-Holes, Steps and Ramps
- 1) Swimming pools shall have at least two means of egress, located near opposite ends. Pools 30 feet or more in width shall have at least four means of egress, ~~which that~~ shall be located near each end and on opposite sides. A means of egress shall consist of a ladder, step-holes and grab rails, stair, ramp, or zero-depth edge. The distance from any point with a depth greater than 30 inches in the swimming pool to a means of egress shall not exceed 50 feet. At least two ladders or sets of step-holes shall be located at the deep area of the swimming pool when more than one diving board is provided.
 - 2) Step-holes shall have a minimum tread depth of ~~5~~five inches. Where step-holes or ladders are provided, there shall be a handrail or grabrail at the top on both sides ~~thatwhich~~ extends to the edge of the pool.
 - 3) Steps shall be of contrasting color or marked to contrast ~~withfrom~~ the pool floor and have uniform size treads of at least 12 inches and a rise of no more than 12 inches. Steps shall be located where the water depth is ~~3½three and one half~~ feet or less and shall have no pointed or sharp edges. One sturdy handrail or grabrail per 12 feet of step width or fraction thereof, extending the length of the steps, shall be provided.
 - 4) All ladders, step-holes, and steps shall have slip-resistant surfaces.
 - 5) Ramps shall slope at no more than one ~~foot~~foot in 12, shall have a slip-resistant surface, shall be no more than ~~4~~four feet wide, and shall have handrails on both sides.
- 1) Drinking Fountains. A drinking fountain shall be provided on the pool deck for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

the use of bathers ~~on the pool deck~~.

m) Diving Area

- 1) Handrails shall be provided at all steps and ladders leading to diving boards, except for those ladders set at 15° or less from the vertical. Platforms and diving boards ~~that which~~ are one meter or higher shall be protected with guard railings. One meter diving board guard rails shall be at least 30 inches above the diving board and extend to the pool water's edge. All platforms or diving boards higher than one meter shall have guard rails ~~that which~~ are at least 36 inches above the diving board or platform and extend to the pool water's edge. Three-meter platforms and boards shall have a side rail barrier.
- 2) The dimensions of the diving area of a pool that has diving boards or platforms of ~~three~~ meters or less in height shall conform to those shown in Appendix A, Illustration C. In such pools, the distance from the plummet to the pool wall ahead shall be at least 34 feet.
- 3) Swimming pools constructed with diving facilities in excess of ~~three~~ meters in height shall comply with dimensions given in Appendix B, Table A and illustrated in Appendix A, Illustration D. If the pool is used for swimming as well as diving and if slope N transitions from the deep to the shallow end, then transition slope N shall not be steeper than one foot in ~~three~~.
- 4) There shall be no obstruction extending from the wall or the floor into the clear area of the diving portion of the pool. There shall be an unobstructed distance of 16 feet above the diving board, measured from the center of the front end of the board, and this clearance shall extend at least ~~eight~~ feet behind, ~~eight~~ feet to each side, and 16 feet ahead of the measuring point.
- 5) A plunge area shall be designated for each diving board or platform. There shall be no overlap from plunge areas of other diving facilities or slides. The plunge area for a diving board of one meter height or less shall extend ~~four~~ feet laterally from the center of the board on either side and for a distance of 28 feet in front of the tip of the board. For diving boards or platforms greater than one meter in height, the plunge area shall extend

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

~~Six~~ feet laterally from the center of a diving board or from the side of a platform on either side and for a distance of at least 34 feet in front of the board or platform.

n) Starting Platforms

- 1) For swimming pools issued a construction permit after May 20, 1999, or starting platforms installed after that date at existing pools, starting platforms shall ~~only~~ be installed only where the water depth is at least 3½ feet.
- 2) The top front edge of the platform shall be no more than 30 inches above the water level for water depths 4 feet or more. For water depths between 3½ and 4 feet, the top front edge of the platform shall not exceed 20 inches above the water level.

o) Electrical Installation – Lighting

- 1) All aspects of the facility shall conform with the ~~2008~~1999 National Electrical Code.
- 2) Artificial lighting shall be provided at all indoor pools and at all outdoor pools that are open for use after sunset in accordance with one of the following:
 - A) Underwater lighting of at least 8.35 lumens or 0.5 watts per square foot of pool water surface area, located to provide illumination of the entire pool floor; plus area lighting of at least 10 lumens or 0.6 watts per square foot of deck area.
 - B) If underwater lights are not provided, at least 33.5 lumens or 2.0 watts per square foot of pool water surface area and deck area.
- 3) Where portable electric vacuum cleaning equipment is used, electrical receptacles with ground-fault circuit interrupter protection shall be provided. Separation between receptacles shall be a maximum of 100 feet. All receptacles installed in the swimming pool area shall have waterproof covers and ground-fault circuit interrupter protection.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 4) Light dimmers ~~shall~~may not be installed on underwater lighting or lights for the pool deck.
- 5) Lighting controls shall not be accessible to the public.
- p) Acoustics. Indoor pools shall receive acoustical treatment.
- q) Ventilation. Indoor pools shall be mechanically ventilated and have humidity control. The ventilation system shall be capable of admitting 0.5 cubic feet per minute of outdoor air per square feet of floor area, including water surface area, in the pool enclosure.
- r) Plumbing. All plumbing shall be in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890).
- s) Emergency Telephone. Every swimming pool shall have a telephone ~~that~~which is accessible within the confines of the pool area or within 300 feet of the pool area, in case of emergencies.
- t) Equipment Rooms
- 1) Equipment for swimming pool water treatment shall be housed in a lighted and ventilated room ~~that~~which affords protection from the weather and prevents unauthorized access.
- 2) The equipment room floor shall slope toward drains and shall have a slip-resistant finish.
- 3) A hose bibb shall be installed in the equipment room.
- 4) Suitable space, if not provided in the equipment room, shall be provided within the premises for storage of chemicals, tools, equipment, supplies and records and shall be weatherproof and protected from unauthorized access.
- 5) Electrical receptacles in the equipment room shall have ground-fault circuit interrupter protection.
- u) Wave Pools. Wave pools shall comply with the following, and, except as

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

specified below, with the requirements of this Section and Sections 820.210 and 820.220 of this Part:

- 1) Overflow gutters, skimmers, and inlets are not required along the deep end wall from which waves are generated.
- 2) Wave-generating equipment ~~shall~~**must** be installed and shall be provided with an emergency shut-off located at lifeguard chairs or stations on each side of the deep end of the pool.
- 3) A deck as specified in subsection (j) of this Section is required, except at the end of the pool where wave-generating equipment is located. Railings or other barriers may be installed on the deck adjacent to the sidewalls of the pool to control entry into the pool from the sides.
- 4) A safety rope will not be required if the pool is to be used only as a wave pool.

(Source: Amended at 34 Ill. Reg. 2698, effective February 3, 2010)

Section 820.210 Swimming ~~Facility~~Pool** Water Treatment System**

- a) General. A water treatment system, consisting of pumps, piping, filters, water conditioning, disinfection equipment and other accessory equipment shall be provided to clarify, chemically balance and disinfect the swimming pool water. The system shall be designed for a recirculation flow rate that will result in a turnover period in each pool not exceeding those specified below. Systems serving pools with skimmers shall be designed for a flow rate of at least 30 gallons per minute for each skimmer.

Type of Pool	Maximum Turnover Period
Diving Pools	8 Hours
Wading Pools, Wading Areas	2 Hours
Plunge Pools and Plunge Areas for Water Slides	2 Hours
Lazy Rivers	2 Hours
Other Pools	6 Hours
<u>Spas</u>	<u>30 Minutes</u>

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Other than equipment for circulating, heating, filtering and chemically treating water, as specified in this Section, or for automation of water quality control, no other type of device may be utilized as part of a pool water treatment system.

b) Pumping Equipment

- 1) The recirculation pump shall deliver the flow necessary to obtain a turnover as specified in subsection (a) of this Section. A valve for regulating the rate of flow shall be provided in the recirculation pump discharge piping.
- 2) The pump shall provide a minimum backwash rate of 15 gallons per minute per square foot of filter area in sand filter systems. The pump shall supply the required recirculation rate at a total dynamic head of at least 50 feet for all vacuum filters, 70 feet for pressure sand or cartridge filters, or 80 feet for pressure diatomaceous earth filters, unless a lower head is shown by the designer to be hydraulically appropriate.
- 3) If the pump operates with static suction lift, it shall be self-priming.
- 4) Where vacuum filters are used, a vacuum limit switch shall be provided on the pump suction line. The vacuum limit switch shall be set for a maximum vacuum of 18 inches of mercury.
- 5) A compound vacuum-pressure gauge shall be installed on the pump suction line as close to the pump as possible. A vacuum gauge may be used for pumps with suction lift. A pressure gauge shall be installed on the pump discharge line adjacent to the pump, with no valves between the pump and the gauge. Gauges shall be installed where they can be easily read.
- 6) Hair and Lint Strainer. A hair and lint strainer shall be installed on the suction side of the pump except on vacuum filter systems. The strainer basket shall be easily removable. Valves shall be installed to allow the flow to be shut off during cleaning, switching baskets, or inspection.

- c) Water Heater. A water heater shall be installed at all indoor pools. Pool water heaters shall be installed in accordance with the manufacturer's recommendations.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) The heater piping system shall be equipped with a valve bypass pipe around the heater, sized for the swimming pool design flow rate. The influent and effluent heater piping shall be valved, and shall conform to material specifications as approved for water distribution applications in the Illinois Plumbing Code.
- 2) A heating coil, pipe or steam hose shall not be installed in a swimming pool.
- 3) Thermometers shall be provided in the piping to check the temperature of the water returning from the pool and the temperature of the blended water returning to the pool.
- 4) The design of the water heating system shall prevent the introduction of water in excess of 115° F. to the pool.
- 5) A pressure relief valve with a maximum pressure rating of 75 pounds per square inch and having a thermal capacity at least equal to the heat input rating of the heater shall be provided, with the discharge piped to within ~~six~~ inches of the floor.
- 6) Venting of gas or other fuel burning water heaters to the outdoors shall be provided.
- 7) Heaters for indoor pools shall be capable of maintaining a minimum pool water temperature of 76° F.
- 8) Combustion and ventilation air shall be provided for fuel burning water heaters as required by the heater manufacturer.
- 9) Heaters for indoor swimming pools shall be sized on a basis of 150 BTU per hour input per square foot of pool water surface area.

(1 kilowatt = 3,412 BTU/hr.)
- 10) Heat exchangers used to heat pool water by use of a toxic transfer fluid, as defined in Section 890.122(a)(4) of the Illinois Plumbing Code, shall be of double-wall construction, with the space between the two walls having a

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

drain open to the atmosphere.

- d) Flowmeter. Flowmeters shall be located so that the rate of recirculation and the backwash rate of sand filters can be read. In a multiple pool system, flowmeters shall be provided for each pool. Separate flowmeters shall be provided to monitor the flow for each area of a pool with a turnover rate that differs from adjacent areas according to subsection (b)(1). Flowmeters shall be provided on inlet supply piping in accordance with subsection (f)(2)(F). Flowmeters shall be installed on a straight length of pipe with no valves, elbows or other sources of turbulence within 10 pipe diameters upstream or five diameters downstream from the flowmeter. (See Appendix A, Illustration G.)
- e) Vacuum Cleaning System
- 1) A vacuum cleaning system capable of reaching all parts of the pool floor shall be provided.
 - 2) When the vacuum cleaning system is an integral part of the pool recirculation system, the wall fitting shall connect to ~~the~~ the suction side of the pump ahead of the hair and lint strainer. Vacuum outlets in pools shall be equipped with covers that automatically close and latch when the vacuum hose is removed. A shut-off valve shall be installed in the piping. The suction outlet fitting shall comply with IAPMO SPS4-2000.
- f) Piping, Skimmer and Overflow System
- 1) Piping.
 - A) The pool recirculation piping shall comply with the Illinois Plumbing Code for water service pipe or water distribution pipe as listed in 77 Ill. Adm. Code 890, Appendix A, Table A.
 - B) The piping shall be designed to carry the required flow at velocities not exceeding five feet per second in suction piping, and 10 feet per second in pressure piping, unless greater velocities can be hydraulically provided. Gravity piping shall be sized so that the head loss in piping, fittings, valves, etc., does not exceed the head available during normal operating conditions.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- C) The following waste lines shall be provided with ~~6-six~~ inch air gaps at their points of discharge to the waste sump or sewer:
- i) Main drain bypass or other connections to waste.
 - ii) Sub-surface drains or deck drains around a pool that discharge to a sanitary or combined sewer.
 - iii) Filter backwash or drain lines and overflow lines.
 - iv) Surge tank drain and overflow lines.
 - v) Pump discharge to waste lines.
 - vi) Gutter bypass to waste lines.
- 2) Inlets.
- A) Inlets for filtered water shall be located and directed to produce uniform circulation of water to facilitate the maintenance of a uniform disinfectant residual throughout the entire pool without the existence of dead spots, and to produce surface flow patterns that effectively assist skimming. In pools with skimmers, inlets installed where the water depth is 18 inches or more shall be installed in the pool wall at a depth of ~~eight~~ inches to 16 inches below the mid-point on the skimmer throat. Each inlet installed in a wall of a pool where skimmers are utilized shall be directional.
 - B) The velocity of flow through any inlet orifice shall be in the range of 5 to 20 feet per second, except ~~that~~ in pools equipped with skimmers it shall be in the range of 10 to 20 feet per second. Velocities for various flows are shown in Appendix B, Table C.
 - C) Inlets installed in pool walls shall be spaced as follows:
 - i) In the shallow end wall, each inlet shall serve a linear distance of no more than ~~eight~~ feet. In the deep end wall, each inlet shall serve a linear distance of not more than 15 feet.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- ii) In pools with a water surface area greater than 1,500 square feet or length in excess of 60 feet, additional inlets shall be provided along side walls at no more than 15 foot intervals.
 - iii) The location of inlets in pools with skimmers may vary from the above requirements to allow locations that will assist in skimming.
- D) At least one inlet shall be located in each recessed stairwell or other space where water circulation might be impaired.
- E) Where floor inlets are used, inlets shall be uniformly spaced at a distance of no greater than 20 feet apart, and rows of inlets shall be within 15 feet of each side wall. Floor inlets shall be flush with the pool floor and shall include a diffuser plate to evenly distribute the flow in all directions.
- F) Floor inlets are required in wading areas that are more than 30 feet in width.
- G) If both wall and floor inlets are utilized in a swimming pool, the wall inlets and the floor inlets shall be supplied by separate piping, with valves and flowmeters installed in each so that the flow can be individually regulated and monitored.
- 3) Outlets.
- A) Each pool shall be provided with a main drain system installed at the deepest point, which shall be connected to the pool recirculation system. For multiple-purpose pools, with a floor consisting of more than one drainage area, at least one drain shall be provided in each basin, so that each portion of the pool floor is sloped to drain.
 - ~~A) All pools shall be provided with a main drain at the deepest point. The main drain shall be connected to the recirculation system. Openings must be covered by grating which cannot be removed by bathers without the use of tools. Openings of the grating shall be~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

~~at least four times the area of the main drain pipe or have an open area so that the maximum velocity of the water passing through the grate does not exceed one and one-half feet per second, or six feet per second when drain grate is of the anti-vortex type. The maximum width of grate openings shall be one-half inch. Main drains and all other suction outlets installed in a pool shall be designed to prevent bather entrapment by one of the following methods:~~

- ~~i) Multiple drains located at least three feet apart, center to center;~~
 - ~~ii) One anti-vortex drain;~~
 - ~~iii) A single drain with a grate of at least 18 inches by 18 inches.~~
- B) ~~Main drains~~Multiple outlets shall be provided where the width of the pool is more than 45 feet. In such cases, outlets shall be spaced not less than ~~3~~three feet apart, nor more than 30 feet apart, nor more than 15 feet from side walls, and shall be connected in parallel.
- C) A hydrostatic relief valve shall be provided for in-ground pools.
- D) Main drain piping shall be sized for removal of the water through it at a rate of at least 100% of the design recirculation flow rate. The piping system shall be valved to permit adjustment of flow through it.
- E) In cases where the pool cannot be drained completely through the main drain, a portable pump ~~that~~which will effect complete pool drainage shall be provided.
- F) Each outlet, including main drains and suction outlets, but not including skimmers, shall be covered with a certified safety cover having openings not exceeding 1/2 inch that is not removable without the use of tools or meets the requirements of subsection (f)(3)(K). The water flow rate through certified safety covers shall

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

not exceed the maximum flow rate recommended by the manufacturer.

- G) Suction outlets shall be equipped with a certified safety cover with dimensions of at least 18 by 23 inches or 29 inches diagonally, or the suction system shall include a minimum of two hydraulically balanced outlets spaced at least 3 feet apart, center to center. In a spa, the two outlets may be installed closer than 3 feet apart if installed on different surfaces, e.g., one outlet in the floor and one in a wall.
- H) For systems with multiple suction outlets, the sum of the maximum flow rates for the covers shall be at least twice the system maximum flow rate. This requirement shall not apply to systems in which each suction outlet is at least 18 inches by 23 inches or 29 inches as measured diagonally.
- I) A suction outlet shall not be installed on a horizontal surface of a stair or seat.
- J) Suction outlets and certified safety covers shall be installed in accordance with the manufacturer's requirements. For suction outlets with field-fabricated sumps or other sumps not specified by the manufacturer of a certified safety cover installed on the outlet, there shall be a spacing of at least 1½ pipe diameters between the outlet pipe or fitting and the bottom of the cover.
- K) Field-fabricated suction outlets that are at least 18 inches by 23 inches in size shall be certified for conformance to ASME Standard A112.19.8-2007 by a professional engineer licensed to practice in Illinois. Documentation of the testing and a certification document shall be issued by the engineer to the property owner. The engineer shall certify a maximum flow rate for each such outlet. Copies of all documentation shall be retained on the swimming facility premises for inspection by the Department.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- L) The following documentation is required to certify a field-fabricated suction outlet for conformance to the ASME/ANSI A112.19.8-2007 standard:
- i) The suction fitting shall not protrude from the installed surface more than 2 inches.
 - ii) The maximum allowable flow through the cover shall be calculated and specified.
 - iii) The maximum system flow rate for the pool pump shall be specified.
 - iv) The design of a field-fabricated suction outlet shall be specified by a licensed engineer to fully address the considerations of cover/grate loadings, durability, hair, finger and limb entrapment issues, cover/grate secondary layer of protection, related sump design and other features specific to the site.
 - v) Field-fabricated suction outlets shall have the following information specified by the licensed engineer: compliance with ASME A112.19.8-2007; statement of single or multiple drain use; maximum certified flow rate; installed life of the fitting in years; installation position of the outlet (wall or floor); and instructions on installation and service for the fitting.
- 4) Perimeter Overflow Systems.
- A) Pools ~~that~~~~which~~ have a width exceeding 30 feet shall have a continuous perimeter overflow system.
 - B) A perimeter overflow system shall:
 - i) ~~Extend~~~~extend~~ completely around the pool except that interruptions not exceeding 25% of the pool perimeter nor 30 feet each may be allowed for steps, water slide entries, and side walls adjacent to zero-depth edges;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- ii) ~~Permit~~permit inspection, cleaning, and repair;
 - iii) ~~Be~~be designed so that no ponding or retention of water occurs;
 - iv) ~~Be~~be designed to prevent the entrapment of bather's arms, legs, and feet;
 - v) ~~Except~~except at a zero-depth edge, have an overflow lip that provides a good handhold and is level to within one eighth of an inch. At a zero-depth edge, a trench drain covered with a slip-resistant grating installed flush with the pool deck and with the pool floor, and level to within ~~1/8 one-eighth~~ inch measured along the pool perimeter, shall be provided;
 - vi) ~~Provide~~provide for the removal of all surface debris skimmed from the pool;
 - vii) ~~Be~~be designed for removal of water from the pool surface at a rate of at least 100% of the design turnover flow rate;
 - viii) ~~Discharge~~discharge to the recirculation system;
 - ix) ~~Be~~be provided with drains and piping ~~that~~which will not allow the overflow channel to become flooded when the pool is in use; and
 - x) ~~Have~~have drain gratings with open area at least equal to two times the area of the outlet pipe and ~~that~~which can be removed for cleaning.
- C) Surge Capacity. Perimeter overflow systems shall be provided with a surge capacity of at least 0.6 gallon per square foot of pool water surface area. Surge capacity shall be provided either in a vacuum filter tank, ~~in the perimeter overflow system, in the pool in conjunction with provision of surge weirs in the perimeter overflow system,~~ in a surge tank, or combination thereof. Valving

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

~~shall be provided to maintain the proper operating water level in the pool. Surge weirs shall pass at least 50 percent of the design recirculation flow rate with the water level at the mid level of the weir. A minimum of one weir shall be provided for each 500 square feet of pool water surface area or fraction thereof. The combined flow rate through all the surge weirs shall not exceed the design recirculation flow rate. Surge weirs shall be uniformly spaced around the pool perimeter. The mid level of the weir opening shall be at least one inch but no more than two inches below the overflow lip of the perimeter overflow system. A flow-regulating device that will maintain a relatively constant flow rate as the water level is varied shall be included. Surge weirs shall not be utilized at a zero depth pool.~~

- 5) Skimmers. Skimmers are permitted on pools where the width does not exceed 30 feet. Where skimmers are provided, the following shall be met:
- A) At least one skimmer shall be provided for each 500 square feet of water surface area or fraction thereof;
 - B) Skimmers shall be located to optimize skimming;
 - C) Each skimmer and piping shall be designed so that it is capable of providing a flow-through rate of not less than 30 gallons per minute;
 - D) Skimmers shall be piped to provide approximately equal flow through each skimmer;
 - E) The surface skimmer piping shall have a valve to permit adjustment of flow through it;
 - F) If an equalizer pipe is installed, the skimmer shall be equipped with a valve~~Each skimmer shall be provided with an equalizer line at least ½ inches in diameter, located at least 1 foot below the lowest overflow level of the skimmer. (See Appendix A, Illustration H) A device~~ that will restrict flow through the equalizer pipe during normal operation of the skimmer. The equalizer pipe shall be connected to the main drain pipe shall be installed, and a

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

~~grate shall be installed at the intake to the equalizer pipe in the pool. The grate shall be a convex grate intended for this purpose or one that complies with subsection (f)(3);~~

- G) The skimmer shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency;
 - H) Skimming devices shall be built into the pool wall;
 - I) A basket ~~that which~~ can be removed without the use of tools, and through which all overflow water must pass, shall be provided;
 - J) The skimmer shall be provided with a floating weir and shall operate at variations in water level over a range of at least 4 inches.
- g) Make-up Water. Make-up water shall be added through a fixed air gap of at least ~~six~~ inches to the pool, surge tank, vacuum filter tank, or other receptacle. When make-up water is added directly to the pool, the fill-spout shall be located under a low diving board or immediately adjacent to a ladder rail, grab rail, or fixed lifeguard chair. There shall be no connection between a therapy pool or associated water treatment system ~~and with~~ a swimming pool or its recirculation system.
- h) Filtration
- 1) Filters shall be certified to comply with NSF Standard 50 and listed as such by an approved certification agency. The design filtration rate in the particular application in which the filter is utilized shall not exceed the maximum design filtration rate for which the filter was certified. An official certification label from the certifying agency shall be permanently affixed to the filter.
 - 2) Pressure gauges that indicate the inlet and outlet pressures of pressure filters shall be installed.
 - 3) For pressure filters, an observable free fall discharge, sight glass or other means of determining the clarity of backwash water shall be provided.
 - 4) Overflow piping shall be connected to vacuum filters if the rim of the filter tank is below the pool water level. Drain piping for vacuum filter

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

tanks shall be provided.

- 5) The backwash rate for sand filters shall be at least 15 gallons per minute per square foot of filter area. A lesser backwash rate may be allowed when air scouring is utilized in accordance with the filter manufacturer's specifications.
 - 6) A filter backwash disposal facility, designed so that flooding, overflowing or excessive splashing does not occur when the filter is backwashed at the required flow rate, shall be provided where filters designed to be backwashed are utilized.
 - 7) A filter precoat pot or funnel shall be installed on the pump suction piping when diatomaceous earth filters are utilized, unless a precoat pot is provided as an integral part of the filter. The filter piping shall allow recycling or disposal of filter effluent during the precoating operation.
 - 8) If continuous feeding of diatomaceous earth is utilized with a vacuum diatomaceous filter in order to permit a design filtration rate higher than would otherwise be allowable, equipment capable of feeding diatomaceous earth at a rate of at least 1.5 ounces per day per square foot of filter area shall be provided.
 - 9) Filter media for sand filters shall be as specified by the filter manufacturer.
 - 10) ~~Prior to disposal, wash~~Wash or backwash water from diatomaceous earth filters shall be passed through a separation tank designed for removal of suspended diatomaceous earth and solids, ~~prior to disposal~~.
- i) Chemical Feeders
 - 1) Equipment Capacity.
 - A) Chlorine. Equipment for supplying chlorine or chlorine compounds shall be of sufficient capacity to feed chlorine at a rate of ~~eight~~ parts per million for outdoor pools and three parts per million for indoor pools, based on the flow rate required by the table in subsection (a). Feed rates for various chlorinators and solutions are shown in Appendix B, Table D.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- B) Bromine. Equipment for supplying bromine shall be capable of delivering at least 15 parts per million for outdoor pools and ~~5~~five parts per million for indoor pools based on a minimum design flow rate as required by the table in subsection (a).
- C) Ozone.
- i) Ozone may be used as a supplement to chlorination or bromination as required in subsection (i)(1). Ozone-generating equipment and its components shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency.
- ii) The ambient air ozone concentration shall be less than 0.10 parts per million (p.p.m.) in the vicinity of the ozonator and at the pool water surface. Ambient ozone monitors shall be installed in the equipment room, in the vicinity of the ozone-generating equipment, and, when the ozonation system is utilized at an indoor swimming pool facility, in the swimming pool enclosure. Audible and visual alarms that are activated by ozone concentrations in excess of .10 parts per million shall be connected to the ozone monitor. The ozone-generating equipment shall automatically shut off when the ozone concentration in the air exceeds 0.30 p.p.m. or when the pool recirculation flow is interrupted.
- iii) All corona discharge systems shall include a method for removing ozone in the water in excess of 0.1 p.p.m. prior to return to the pool.
- 2) Positive Displacement Pumps (Hypochlorinators). ~~Positive~~Where positive displacement pumps ~~that~~ are used to inject the disinfectant solution into the recirculation line, ~~they~~ shall be of variable flow type, ~~shall~~ be of sufficient capacity to feed the amount of disinfectant required by subsection (i)(1), and shall be installed such that feeding of chemicals is interrupted whenever the swimming pool recirculation flow is interrupted. Positive displacement pumps for feeding chlorine compounds or chemicals for control of pH shall be certified by a certified laboratory to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

conform to NSF Standard 50. If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed ~~5~~five percent by weight. The solution container shall have a minimum capacity equal to the volume of solution required per day at the feed rate required in subsection (i)(1).

3) Gas Chlorinators.

- A) The chlorine supply and gas feeding equipment shall be housed in a separate, relatively air-tight room with an out-swinging door. The room shall be provided with an exhaust system ~~that~~which takes its suction not more than ~~8~~eight inches from the floor and discharges outdoors in a direction to minimize exposure to toxic fumes. The fan shall be capable of producing one air change per minute. Means for introducing a fresh air supply to the enclosure through appropriate openings such as filters, grill openings, etc., at a high point opposite the exhaust fan intake shall be provided. The intake to the make-up air supply shall be located where the discharge from the exhaust system will not be drawn back into the room. The room shall have a window with an area of at least 100 sq. inches and shall have artificial lighting. Electrical switches for lighting and ventilation shall be outside and adjacent to the door. Scales for weighing chlorine cylinders in service shall be provided.
- B) The chlorine feeding device shall be designed so that during interruptions of the flow of the water supply, gas feed is automatically terminated. In addition, the release of chlorine shall be terminated when the recirculation pump is shut off. Where other than swimming pool recirculated water is used, the supply line shall be equipped with an electric shutoff valve wired to the recirculation pump and shall be equipped with a suitable backflow preventer. (See Appendix A, Illustrations L and N for methods of installation.)
- C) Chlorinator vent lines shall terminate outdoors. A screen made from a chlorine-resistant material shall be installed where the vent line terminates outdoors in order to exclude insects.
- D) The gas chlorinator shall be the solution feed type capable of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.

- E) The water supply for the gas feeding equipment shall produce the flow rate and pressure required according to the manufacturer's specifications for proper operation of the equipment.
- 4) pH Control Feeders. At pools with a volume greater than 100,000 gallons, or pools utilizing gas chlorine as a disinfectant, a chemical feed system shall be installed to maintain the pH of pool water within the range of 7.2 to 7.6. The system ~~shall~~must be installed so that the feeding of the pH controlling chemical is automatically interrupted whenever the swimming pool recirculation flow is interrupted. A solution tank of at least 15 gallons capacity shall be provided and shall be marked as containing a chemical to control pH. Alternatively, a system incorporating a cylinder of carbon dioxide and injecting mechanism may be employed to lower pH.
- 5) Erosion Type Chemical Chlorine Feeders.
- A) Erosion type chlorine and bromine feeders shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency.
 - B) Only the chemical specified by the feeder manufacturer shall be used as the disinfecting agent.
 - C) Erosion type chemical feeders shall be installed in accordance with the equipment manufacturer's instructions.
- 6) Copper/Silver and Copper Ion Generators. All copper/silver and copper ion generators shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency and may ~~only~~ be used only as a supplement to chlorination or bromination as required in subsection (i)(1).

(Source: Amended at 34 Ill. Reg. 2698, effective February 3, 2010)

Section 820.230 Wading Pools

- a) Floor. The floor shall be slip-resistant and sloped to the main drain. The slope

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

shall not exceed one vertical ~~foot~~ in 12 horizontal. No obstructions such as raised drains or steps on which children may fall or become injured, shall be placed in the wading pool area. Designed play items shall be ~~designed of a design~~ and ~~so~~ located to provide maximum safety to the children.

- b) Material. The floor and walls shall be of light-colored impervious materials. All corners shall be coved.
- c) Walk Area. ~~A There shall be a~~ walkway at least ~~4four~~ feet wide ~~shall extend~~ extending entirely around the pool ~~and shall be~~ sloped to drain away from the pool. The walks shall be constructed of impervious material with a slip-resistant finish. The walks shall slope not less than one inch in 10 feet away from the pool edge. A hose bibb shall be installed in the pool area.
- d) Barrier. A fence or other effective barrier, at least 3½ feet in height, shall totally enclose the wading pool and shall separate the wading pool from other pools. Except with regard to height, the barrier shall comply with Section 820.200(a). Any entrance into the wading pool enclosure shall be equipped with a self-closing and self-latching door or gate.
- e) Inlets. Inlets shall be provided as specified for swimming pools by Section 820.210(f)(2). At least two water inlets shall be installed.
- f) Drains. A minimum of two main drains shall be provided at the low point, located at least ~~3three~~ feet apart center to center and connected to the recirculation system. The drains shall be piped and valved so that water from the wading pool can be drained by bypassing the filter. Drains shall be provided with certified safety covers ~~grates~~ in compliance with Section 820.210(f)(3)(A) ~~and shall be flush with the pool floor.~~
- g) Overflow System. A perimeter overflow system shall be provided along at least ~~1/6one-sixth~~ of the perimeter or a skimmer shall be provided for each 500 square feet of water surface area or fraction thereof. The design of the overflow system shall conform to the requirements listed in Section 820.210, except that, if a skimmer equalizer line is provided, it shall be connected to the main drain line.
- h) Water Treatment. Recirculation and filtration equipment shall be installed and operated at wading pools that cannot be adequately served by an adjacent swimming pool recirculation system or when existing equipment on adjacent

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

swimming pool recirculation systems cannot meet the requirements of Section 820.210. A separate disinfection system shall be installed and operated for the wading pool. The design of water recirculation, filtration, and disinfection systems shall be in conformance with Section 820.210.

(Source: Amended at 34 Ill. Reg. 2698, effective February 3, 2010)

Section 820.250 Slides

a) General Requirements

- 1) Structure. All slides shall be designed and constructed in accordance with the manufacturer's instructions to carry the anticipated load. Plans for water slides shall be signed and sealed by a structural engineer licensed to practice in Illinois.
- 2) Steps. Slide steps shall be slip-resistant and have a minimum tread of ~~2two~~ inches and a minimum length of 12 inches. The riser height of the steps shall not exceed 12 inches. Specific requirements that apply to water slides are included in subsection (b)(1) of this Section.
- 3) Plunge Pools. Plunge pools shall comply with Sections 820.200 and 820.210 except that, for a plunge pool for a water slide, a deck is not required where the slide exits into the pool.

b) Water Slides

- 1) Design and ~~Construction~~construction. All curves, turns, and tunnels on the path of a flume shall be designed and constructed in accordance with the manufacturer's instructions.
- 2) Walkways. Walkways or stairs leading to the top of water slides shall be slip-resistant, rigid, and have a ~~4 feet~~four foot minimum clear width.
- 3) Slide Position.
 - A) A flume shall be perpendicular to the pool wall for a distance of at least 10 feet from the exit end of the slide. The last 10 feet of the flume shall have a slope that is not steeper than one foot in 10.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- B) A flume shall terminate between a depth of ~~6six~~ inches below to ~~2two~~ inches above the pool water surface level.
- C) The plunge area water depth shall be between ~~2½two and one-half~~ and ~~4four~~ feet at the end of the flume and for at least 10 feet beyond. The pool floor slope in the plunge area shall not exceed one foot vertical in 12 feet horizontal.
- 4) Surge Reservoir. A surge storage reservoir shall be provided except where the pool water elevation will not be lowered more than one inch when the water slide pumps are in operation. The surge reservoir shall not be accessible to the public.
- 5) Plunge Area. There shall be a slide plunge area extending at least ~~5five~~ feet on either side of the centerline of the slide terminus and 25 feet in front of the slide. This area shall not infringe on the plunge area for any other slides or diving equipment. Steps shall not infringe on this area. A water slide plunge area in a swimming pool shall be roped off from the rest of the pool when the slide is in operation. A means of egress shall be provided near the side of the plunge area opposite the flume terminus.
- 6) Grates. The intake openings for water pumped from ~~at the pool or~~ beach must be covered by grating that cannot be removed without the use of tools. The grate openings shall be at least four times the area of the intake pipe or have an open area so that the maximum velocity of the water passing through the grate does not exceed ~~1½one and one-half~~ feet per second. The maximum width of the grate openings shall be ~~½one-half~~ inch. Pump suction intakes at a beach shall be located or protected so as to be inaccessible to bathers. ~~Drains shall be designed to prevent bather entrapment as specified in Section 820.210(f)(3)(A).~~
- c) Drop Slides
- 1) Slide Position. ~~A~~ There shall be a slide landing area ~~shall extend~~ extending at least ~~5five~~ feet on either side of the centerline of the slide terminus and 20 feet in front of the slide. This area shall not infringe on the landing area for any other slides or diving equipment. Steps shall not infringe on this area.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 2) Water Depth. The water depth directly below the slide discharge point and for a distance of 12 feet beyond shall comply with the following requirements:

Slide Platform Height above <u>Above</u> Water Level in Feet	Minimum Water Depth in Feet
3.5 to 5	8
5 to 10	10
10 to 12	12

- 3) Platform Height. The drop slide platform shall not exceed 12 feet in height, measured above the water level in the plunge area.

d) Other Slides

- 1) ~~A~~ ~~There shall be a~~ slide plunge area ~~shall extend~~ extending at least ~~3 1/2~~ three feet ~~six inches~~ on either side of the centerline of the slide terminus and 20 feet in front of the slide. This area shall not infringe on the landing area for any other slides, water slides, drop slides, or diving equipment.
- 2) Unless the slide is designed by the manufacturer for safe exits at lesser water depths, the water depth and slide exit height above the water shall be in accordance with the following table. The exit height shall not exceed 48 inches above the water surface.

Exit Height Above Waterline, Inches	Minimum Water Depth in <u>in</u> Feet
0 to 6	2.0
6 to 12	2.5
12 to 18	3.5
18 to 24	5.0
24 to 30	6.0
30 to 42	8.0
42 to 48	10.0

- 3) Slides shall be positioned so that any water flowing off the end of the slide

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

terminus drops into the pool.

- 4) Handrails. Slides shall be equipped with handrails to aid the slider in safely making the transition from the ladder to the runway. Handrails shall begin at a point no more than ~~4~~four feet above the pool deck.

(Source: Amended at 34 Ill. Reg. 2698, effective February 3, 2010)

SUBPART D: OPERATIONAL REQUIREMENTS

Section 820.320 Water Quality

- a) Testing Equipment.
 - 1) Water testing equipment for determining pH and disinfectant level of pool water shall be provided. The equipment for determining pH shall include at least five color standards with a range of pH 6.8 to 8.0, as a minimum.
 - 2) Where chlorine is used as a disinfectant, a DPD-type test kit shall be provided that includes at least four chlorine color standards with a range of 0.5 to 3.0 p.p.m., as a minimum.
 - 3) Where bromine is used as a disinfectant, a colorimetric test kit shall be provided that will determine free bromine residual and pH. The test kit shall include at least five bromine standards covering a range of 1.0 to 5.0 p.p.m.
 - 4) Pools using chlorinated cyanurates for disinfection shall have a test kit to measure cyanuric acid concentration. The cyanuric acid test kit shall permit readings up to 100 p.p.m.
 - 5) Where silver/copper or copper ion generators are used, a test kit to determine the concentration of copper shall be provided.
- b) Disinfectant Residual.
 - 1) Where chlorine is used as a disinfectant, the chlorine residual shall be maintained between 1.0 and 4.0 p.p.m. as free chlorine residual. A free chlorine residual of at least 2.0 p.p.m. shall be maintained when the pool

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

water temperature exceeds 85° F.

- 2) Where bromine is used as a disinfectant, a bromine residual shall be maintained between 2.0 and 8.0 p.p.m. as total bromine. A bromine residual of at least 4.0 p.p.m. shall be maintained when the pool water temperature exceeds 85° F.
 - 3) Where chlorinated cyanurates are used, the cyanuric acid concentration shall not exceed 100 p.p.m.
 - 4) When combined chlorine in excess of 0.5 p.p.m. is detected, the pool shall be superchlorinated to attain a free chlorine concentration of at least 10 times the combined chlorine concentration, or oxidized by other means to eliminate the combined chlorine.
 - 5) Where silver/copper or copper ion generators are used, the concentration of copper shall not exceed 1.3 p.p.m. and the concentration of silver shall not exceed 0.05 p.p.m.
 - 6) Where ozone is used, the ambient air ozone concentration shall be less than 0.1 p.p.m. at all times either in the vicinity of the ozonator or at the pool water surface.
- c) pH. The pH of the pool water shall be maintained between 7.2 and 7.6.
 - d) Turbidity. The pool water shall be sufficiently clear that the entire pool basin~~main drain grate~~ is clearly visible from the pool deck.
 - e) Alkalinity. The alkalinity of the pool water shall not be less than 50 nor more than 200 p.p.m. as calcium carbonate.
 - f) Temperature. The pool water temperature for indoor swimming pools shall not be less than 76° F. nor more than 92° F. Air temperature at an indoor pool shall be higher than the water temperature.

(Source: Amended at 34 Ill. Reg. 2698, effective February 3, 2010)

Section 820.330 Swimming Pool Closing

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

The manager/operator shall immediately close the pool whenever any of the following conditions exist:

- a) The manager/operator determines that conditions at a swimming pool or bathhouse create an immediate danger to health or safety.
- b) Bacteriological results show any of the following:
 - 1) Coliform concentration of 10 per 100 ml in two consecutive samples;
 - 2) Presence of fecal coliform, E coli, beta hemolytic Streptococcus or Pseudomonas in any sample.
- c) Turbidity exceeds the criteria outlined in Section 820.320(d).
- d) A disinfectant residual consisting of a minimum of 0.5 p.p.m. free chlorine or 1.0 p.p.m. bromine is not present or the disinfection system is inoperable.
- e) The total chlorine concentration exceeds 5 p.p.m. or the total bromine concentration exceeds 10 p.p.m.
- f) ~~The~~When the recirculation pumps and/or the filters are inoperable.
- g) ~~The~~When the pH of the pool water is less than 6.8 or greater than 8.0.
- h) ~~A~~When a patron has defecated or vomited in the pool. When this occurs, the manager/operator shall remove visible foreign matter and superchlorinate the affected area of the pool. The pool ~~shall~~must remain closed for a minimum of 30 minutes following superchlorination, or longer if necessary, for the disinfectant residual to return to prescribed levels. When an incident occurs in a pool with a capacity greater than 50,000 gallons, the pool operator may elect to prohibit use of only the affected area ~~only~~ in lieu of closing the pool.
- i) ~~A~~When a suction ~~outlet cover or main drain grate~~ is loose, improperly installed, damaged or missing.
- j) ~~A~~When a written notice to close is issued by the Department, in which case the notice shall be posted by the owner, operator or licensee at the entrance to the pool area. The pool shall remain closed until the Department has authorized the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

reopening of the pool.

- k) ~~Lightning~~When lightning is sighted or thunder is heard at outdoor pool facilities (see Section 820.360).

(Source: Amended at 34 Ill. Reg. 2698, effective February 3, 2010)

Section 820.340 Operation and Maintenance

- a) Pool and Pool Area
- 1) The swimming pool shall be maintained free from sediment, lint, dirt and hair. Cracks and other defects in the pool shall be repaired. The walls, ceilings, floors, equipment and the pool proper shall be maintained so that they are protected from deterioration. All equipment shall be maintained in proper condition, with all required components in place. Equipment required to be NSF Standard 50 certified, including filters, skimmers and chemical feeding equipment, shall not be altered or modified in any way.
 - 2) Pool decks shall be rinsed daily. Indoor pool decks shall be disinfected at least weekly. The walks, overflow gutters, counters, lockers, equipment, furniture, interior partitions and walls shall be kept in good repair, clean, and sanitary. No furniture, plants or other furnishings shall be placed within four feet of the pool. This area shall be kept free of obstructions such as chairs and baby strollers. The deck shall be kept free of tripping hazards, such as deck surface irregularities, hoses, baby strollers, and maintenance equipment. The deck, walkways and floors shall be free of areas with poor drainage that retain water.
 - 3) Floats or tubes not in use ~~shall~~must be removed from the pool.
 - 4) Starting Platforms. Starting blocks shall not be used for any ~~other~~purpose ~~other~~ than competitive swimming activities. Starting blocks shall be securely anchored when in use but removed or prohibited from use when not being used in conjunction with competitive swimming or training. The maximum height of the platform above the water shall be 30 inches where the water depth is 4 feet or greater and 20 inches when the water depth is less than 4 feet.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 5) Safety ropes shall be kept in place except when the swimming pool is being used exclusively for lap swimming or competition.
 - 6) Access to grass areas shall be prevented when bare areas develop, when the grass is not regularly maintained, when debris is allowed to accumulate, or an unsightly condition, offensive odor, or a muddy condition exists.
- b) Perimeter Overflow, Suction Outlet Covers and Skimmers. The perimeter overflow systems, suction outlet covers or automatic surface skimmers shall be clean and free of leaves or other debris ~~that~~~~which~~ would restrict flow. The strainer baskets for skimmers shall be cleaned daily. Broken or missing skimmer weirs shall be replaced. Broken or missing suction outlet covers shall be replaced immediately and installed in accordance with the manufacturer's requirements. The flow through each skimmer shall be adjusted as often as necessary to maintain a vigorous skimming action ~~that~~~~which~~ will remove all floating matter from the surface of the water. The pool water shall be maintained at an elevation such that effective surface skimming is accomplished. A higher water level may be maintained during official swimming competition. For pools with perimeter overflow systems, adequate surge storage capacity shall be maintained so that flooding of the perimeter overflow system does not occur during periods of peak usage. The flow returning from the pool shall be balanced or valved such that the majority of flow is returned through the perimeter overflow or skimmer system.
- c) Inlet Fittings. Inlets shall be checked frequently so that the rate of flow through each inlet establishes a uniform distribution pattern. Inlets in pools with surface skimmers shall be adjusted as necessary to provide vigorous skimming.
- d) Bather Preparation Facilities
- 1) Floors shall be cleaned and disinfected daily.
 - 2) Toilet rooms and fixtures shall be kept clean, free of dirt and debris and in good repair. Floors shall be maintained in a slip-resistant condition. Soap dispensers shall be filled and operable. A supply of toilet paper shall be provided at each toilet at all times.
- e) Foot Baths. Foot baths shall be free of dirt, debris and other floating matter and shall be operated by continuously introducing fresh water and discharging used

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

water to waste.

- f) Security. Doors or gates in the swimming pool enclosure shall be kept closed and locked when the swimming pool is closed.
- g) Bather Loads. The number of persons within a swimming pool enclosure shall not exceed the permissible bather load established by the Department. Additional patrons may be allowed at other recreational features within the pool enclosure, such as sand play areas, turf sun-bathing areas and picnic areas, if additional toilet facilities are provided. However, the number of patrons in swimming pools, wading pools or on the pool deck shall not exceed the bather load. The bather load shall be posted at the pool entrance or at a location where it can be seen by all patrons and shall be enforced by the manager/operator.
- h) Electrical Systems. Electrical systems shall be maintained in accordance with the National Electrical Code.
- i) Diving Equipment. Diving equipment shall be maintained in a safe condition, be securely anchored, and have a slip-resistant surface.
- j) Vacuum Cleaners. Vacuum cleaning shall not be conducted when the pool is in use.
- k) Operation of Mechanical Equipment
 - 1) Manufacturers' instructions for operation and maintenance of mechanical and electrical equipment, as well as pump performance curves, shall be kept available at the pool. All valves and piping in the equipment room ~~shall~~must be permanently identified as to use and direction of flow. A valve operating procedure ~~shall~~must be provided in the equipment room for each operation (e.g., recirculation, filtration, backwashing, ~~etc.~~).
 - 2) Pumps, filters, disinfectant feeders, flow indicators, gauges, and all related components of the pool water recirculation system shall be kept in continuous operation 24 hours a day. A recirculation and filtration flow rate that will result in a turnover period as specified in Section 820.210 shall be maintained at all times, except for wading areas in swimming pools constructed prior to May 20, 1999 where such a flow rate cannot be attained without alteration of the recirculation system, in which case a

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

recirculation flow rate that will result in a turnover period of no more than six hours shall be maintained in the wading area.

- 3) Recirculation Pumps. The pump shall not be throttled on the suction side during normal operation except for necessary regulation of flow through main drain piping. Recirculation pumps shall be kept in good repair and condition. The pump discharge or inlet supply line valve shall be adjusted as necessary to maintain the design flow rate.
- 4) Filtration.
 - A) The filtration flow rate shall not exceed the maximum filtration design flow rate specified by the filter manufacturer for public swimming pool usage in accordance with NSF Standard 50. Where this rate is not known or has not been determined, the flow rate shall not exceed 15 gallons per minute per square foot of filter area for high-rate sand filters, 3 gallons per minute per square foot for other sand filters, 1.5 gallons per minute per square foot for diatomaceous earth filters, or 0.375 gallons per minute per square foot for cartridge filters, except that a filtration flow rate of up to 2.0 gallons per minute per square foot may be allowed where continuous feeding of diatomaceous earth is utilized with a diatomaceous earth filter in accordance with subsection (k)(3)(C)(iii).
 - B) Sand Filters.
 - i) The filter air release valve shall be opened as necessary, to remove air ~~that~~^{which} collects in the filter, and following each backwash.
 - ii) The filter shall be backwashed when the design flow rate can no longer be achieved, or when specified by the filter manufacturer, whichever occurs first.
 - C) Diatomaceous Earth Filters.
 - i) The dosage of diatomaceous earth precoat shall be at least ~~1½ one and one-half~~ ounces per square foot of element

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

surface area. Pressure diatomaceous earth filters shall be backwashed when the design flow rate can no longer be achieved or when specified by the filter manufacturer, whichever occurs first. Whenever the recirculation pump stops or is shut off, the filter shall be thoroughly backwashed and the elements shall be precoated before placing the pump back into operation. Vacuum diatomaceous earth filters shall be washed when the design flow rate can no longer be achieved or when specified by the filter manufacturer, whichever occurs first. Backwashing shall not be performed when the pool is in use.

- ii) During the precoating operation, the initial filter effluent shall be either recirculated through the filter until the filter effluent is clear, or the initial filter effluent shall be discharged to waste until properly clarified water is produced.
- iii) When continuous diatomaceous earth feed is utilized so that a filter may be operated at a filtration rate higher than would otherwise be allowable, it shall be applied at a rate of ~~1/2 one-half~~ to ~~1 1/2 one and one-half~~ ounces per square foot of surface area per day, or as needed to extend filter cycles.

- D) Cartridge Filters. A clean extra set of filter cartridges shall be available at the pool.
- 5) Hair and Lint Strainers. Hair and lint strainers shall be cleaned to prevent clogging of the suction line and cavitation. The pump shall be stopped before the strainer is opened to avoid drawing air into the pump and losing the prime. In the case of diatomaceous earth filters, the hair strainer basket shall be cleaned immediately prior to precoating the filter.
 - 6) Flowmeters. Flowmeters shall be maintained in an accurate operating condition and readable.
 - 7) Vacuum and Pressure Gauges. The lines leading to the gauges shall be bled occasionally to prevent blockage.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 8) Gas Chlorinators.
- A) Gas chlorinators shall be repaired only by a person trained in servicing these units. The manager/operator shall post the telephone numbers of the appropriate emergency personnel to contact in the event of a chlorine gas emergency.
 - B) Chlorine cylinders shall be stored indoors in the area designed for that purpose and away from a direct source of heat. They shall be chained or strapped to a rigid support to prevent accidental tipping. Cylinders shall not be moved unless the protection cap is secured over the valve. A National Institute of Occupational Safety and Health (NIOSH) or Mine Safety and Health Administration (MSHA) approved gas mask, approved for use in a chlorine atmosphere, shall be kept outside the chlorine room in an unlocked container at all times. The gas mask canister shall be replaced regularly as per the manufacturer's recommendations.
 - C) Chlorinators, gas lines, injectors, vent lines and cylinders shall be checked daily for leaks. In case of a chlorine leak, corrective measures shall be undertaken only by trained persons wearing proper safety equipment. All other persons shall leave the dangerous area until conditions are again safe.
- 9) Positive Displacement Feeders.
- A) Positive displacement feeders shall be periodically inspected and serviced.
 - B) When a chemical feeder is used with calcium hypochlorite solution, to minimize sludge accumulation in the unit, the lowest practicable concentration of solution shall be used, and in no case shall this concentration exceed ~~five~~ percent (about 20 pounds of 65% chlorine powder in 50 gallons of water). If liquid chlorine solution is used, the dilution with water is not critical to the operation of the unit. After first thoroughly rinsing with water, a small amount of mild acid solution may be fed through the unit periodically, to dissolve sludge accumulations.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

10) Safety Vacuum Release System and Safety Vent Pipe. Safety vacuum release systems shall be maintained in operable conditions and in accordance with the manufacturer's requirements. Safety vent pipes and atmospheric vents for gravity drainage systems shall be maintained free of blockages.

- l) Chlorinated Cyanurates. The use of chlorinated cyanurates is subject to the following requirements:
- 1) Superchlorination shall be accomplished by using a chlorine product other than a cyanurate; and
 - 2) When the cyanuric acid level exceeds the maximum permissible limit of 100 p.p.m., the pool water must be partially wasted and replenished with fresh water until the cyanuric acid concentration is less than 50 p.p.m.
- m) pH Adjustment
- 1) Soda ash or caustic soda may be used to raise the pool water pH.
 - 2) Caustic soda shall ~~only~~ be used only in accordance with the manufacturer's instructions. Protective equipment and clothing, including rubber gloves and goggles, ~~shall~~must be available for the handling and use of this chemical.
 - 3) Sodium bisulfate, carbon dioxide gas or muriatic acid shall be used to lower pool water pH. Carbon dioxide cylinders shall be securely chained or otherwise restrained in a manner that will prevent tipping.
 - 4) Hydrochloric (muriatic) acid shall only be used in accordance with the manufacturer's instructions. Protective equipment and clothing, including rubber gloves and goggles, ~~shall~~must be available for handling this chemical.
 - 5) The Department shall be consulted in the event of unusual pH problems including corrosion or scaling or wide fluctuations in pH.
- n) Algae Control

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) The development of algae shall be eliminated by superchlorinating to 10 p.p.m. and maintaining this level for several hours. The pool shall not be open for use during this treatment. If this fails to eliminate the algae, the Department shall be consulted for further advice.
 - 2) Treated algae ~~that~~^{which} cling to the floor and sides of the pool ~~shall~~^{must} be brushed loose, and removed by the suction cleaner and filtration system.
- o) Miscellaneous Chemicals
- 1) Chemicals shall be kept covered and stored in the original, labeled container, away from flammables and heat and in a clean, dry, well-ventilated place ~~that~~^{which} prevents unauthorized access to the chemicals.
 - 2) The chemicals used in controlling the quality of water shall be used only in accordance with the manufacturer's instructions.
 - 3) If polyphosphates are used for sequestering iron, the concentration of polyphosphates shall not exceed 10 p.p.m.
- p) Acoustics. If noise is excessive, such that safety instructions cannot be heard, corrective action shall be taken.
- q) Slides
- 1) Water slide equipment shall be maintained in a safe condition and securely anchored.
 - 2) Only one rider at a time shall be allowed to enter a slide except when designed by the manufacturer for two or more riders.
 - 3) For water slides and drop slides, when the plunge area is not visible from the top of the slide, a means of communication shall be provided between the attendant at the top and the lifeguard at the bottom.
 - 4) At the entrance to water slides and drop slides, a sign shall be posted at the top of the slide warning all sliders not to proceed down the slide until

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

instructed to do so by the slide attendant.

(Source: Amended at 34 Ill. Reg. 2698, effective February 3, 2010)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: General Rules, Definitions
- 2) Code Citation: 92 Ill. Adm. Code 1000
- 3) Section Number: 1000.70 Adopted Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/11, 2 and 3
- 5) Effective date of the amendment: February 2, 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 and available for public inspection in Room 197, Howlett Building, Springfield, Illinois 62756.
- 9) Notice of Proposal Published in Illinois Register: October 16, 2009; 33 Ill. Reg. 14296
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposed and final version:

In Section 1000.70 (e)(1), the name of the fund for deposit of fees was corrected from "Road Fund" to "Secretary of State Police Services Fund."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of this Amendment: This rulemaking seeks to conform with current merit practices, regulations of federal and state legislative enactments and technical changes.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

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

Stephan Roth or Linda Green
Office of the Secretary of State
Department of Personnel
Room 197 Howlett Building
Springfield, Illinois 62756

217/782-1750

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1000
GENERAL RULES, DEFINITIONS

Section	
1000.10	Definitions
1000.20	Appointment of Subordinates
1000.30	Reciprocity, Prorate and Forced Registration Review Board (Repealed)
1000.40	Offices of the Secretary of State
1000.41	Voter Registration at Driver Services Facilities
1000.50	Forms
1000.60	Certification of Copies of Records
1000.70	Department of Police
1000.80	Enforcement of the Illinois Vehicle Code (Repealed)
1000.90	Hearings (Repealed)
1000.110	Audits and Collections (Repealed)
1000.120	Audit Costs

AUTHORITY: Implementing Chapters 11, 2 and 3 of the Illinois Vehicle Code [625 ILCS 5/Ch. 11, 2 and 3] and authorized by 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed and effective December 15, 1970; amended at 6 Ill. Reg. 2239, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 7152, effective May 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11067, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amendment at 6 Ill. Reg. 15040, effective December 1, 1982; amended at 7 Ill. Reg. 13677, effective October 14, 1983; amended at 8 Ill. Reg. 5353, effective April 6, 1984; amended at 9 Ill. Reg. 2326, effective February 1, 1985; amended at 13 Ill. Reg. 5185, effective April 1, 1989; amended at 13 Ill. Reg. 11844, effective July 1, 1989; emergency amendment at 24 Ill. Reg. 1681, effective January 14, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6950, effective April 24, 2000; emergency amendment at 25 Ill. Reg. 9376, effective July 1, 2001, for maximum of 150 days; emergency expired November 27, 2001; amended at 26 Ill. Reg. 12040, effective July 19, 2002; amended at 29 Ill. Reg. 1960, effective January 20, 2005; amended at 34 Ill. Reg. 2755, effective February 2, 2010.

Section 1000.70 Department of Police

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- a) The investigators authorized pursuant to Section 2-115 of the Illinois Vehicle Code [625 ILCS 5/2-115] shall be appointed by the Secretary and organized into the Department of Police.
- b) The Department of Police, which is headquartered in Springfield, Illinois, shall have District headquarters throughout Illinois to enable the Department to best distribute its supervisory responsibilities and work load.
- c) The employees of the Department of Police shall be subject to the Secretary of State Merit Employment Code [15 ILCS 310]; the Office of the Secretary of State's rules entitled Department of Personnel (80 Ill. Adm. Code 420) and the Department of Police General Orders. Where there is conflict between the policies of the Office and the General Orders of Police, the Office policies shall prevail. ~~All employees and applicants of the Department of Police shall be subject to a background check conducted by the Department of Police and an interview conducted by the Department of Police to determine if the applicant is qualified to perform the job duties.~~
- d) Sworn personnel
 - 1) Sworn personnel shall mean the peace officers within the Department of Police.
 - 2) The grades of sworn personnel, from lowest to highest, shall be Investigator Trainee, Investigator, Investigator Sergeant, Investigator Lieutenant, and Investigator Commander. Position descriptions for these employees shall be established by the Department of Personnel in accordance with Section 10a of the Secretary of State Merit Employment Code and 80 Ill. Adm. Code 420.210.
 - 3) New sworn personnel shall be hired in accordance with Section 10b of the Secretary of State Merit Employment Code and shall be required to successfully complete certain terms and conditions under the Secretary of State Merit Employment Code that include, but are not limited to, the following: Application and Testing Procedures for Investigators and Investigator Trainees. ~~Any applicant for the position of Investigator or Investigator Trainee must complete or pass successfully each of the following application procedures before proceeding to the next procedure.~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- A) ~~The filing of the standard personnel form application.~~ B) An examination for Investigators or Investigator Trainees as prescribed by the Director of Personnel, Office of the Secretary of State. A written entrance examination developed for police officers with general testing areas including, but not limited to, mathematics, logic, reading comprehension, scoring the highest score among the potential applicants.
- BE) A physical ability test, consistent with the physical ability standards set forth by the Illinois Law Enforcement Training and Standards Board (20 Ill. Adm. Code 1720.20.Appendix A) prior to the entrance into any of the Illinois certified basic police academies.
- CE) A background investigation conducted by the Department of Police to determine if the applicant has any criminal convictions and to verify that all information contained in the applicant's application is true and accurate.
- DE) A medical and a psychological examination using standard criteria.
- F) ~~An oral interview conducted by a panel of sworn officers of the Department in the grade of at least Investigator Sergeant to determine the applicant's qualifications and suitability for employment in the Department of Police.~~
- 4) ~~Veterans preference points in accordance with 80 Ill. Adm. Code 420.300 will be given to persons who are honorably discharged from any armed force of the United States or any state National Guard.~~
- 5) ~~Each person newly hired into the Department as an Investigator Trainee shall have a 9 month training period (80 Ill. Adm. Code 420.320). Upon successful completion of the training period, that person shall be promoted to an Investigator position and shall serve a 3 month probationary period (80 Ill. Adm. Code 420.360).~~
- 6) ~~Applicants may submit their applications for consideration whenever a vacancy occurs.~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 7) ~~Each person newly hired into the Department as an Investigator shall have a 6 months probationary period as defined in 80 Ill. Adm. Code 420.130.~~
- 4)8) Application and Testing Procedures for Investigator Sergeants. Any applicant for the position of Investigator Sergeant must complete or successfully pass the following application procedure:
- A) The filing of the standard personnel application form with the Department of Personnel with a copy to the Department of Police.
 - B) ~~An~~ A written examination for Investigator Sergeant as prescribed by the Director of Personnel, Office of the Secretary of State ~~Sergeants~~.
 - C) An oral interview conducted by a panel of sworn officers of the Department in the grade of at least Investigator Sergeant, appointed by the Director to determine the applicant's qualifications and suitability for promotion to the rank of Investigator Sergeant.
- e) Miscellaneous provisions pertaining to the Department of Police
- 1) The Department of Police shall collect a storage fee in the amount of \$5.00 per day from any person or entity owning a vehicle which is stored on Secretary of State property for any reason. ~~Fees~~ Such fees shall be deposited in the Secretary of State Police Services ~~Road~~ Fund.
 - 2) The Department of Police, to implement Section 3-308 of the Illinois Vehicle Code, shall operate inspection stations at various locations throughout Illinois as the workload of inspecting rebuilt and salvage vehicles requires.

(Source: Amended at 34 Ill. Reg. 2755, effective February 2, 2010)

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Advance Deposit Wagering (ADW)
- 2) Code Citation: 11 Ill. Adm. Code 325
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
325.60	Repeal of Emergency Amendment
325.70	Repeal of Emergency Amendment
- 4) Statutory Authority: Section 26(g) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/26(g)]
- 5) Effective Date of Amendments: February 3, 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: Not Applicable
- 7) Date filed with the Index Department: February 3, 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: The emergency amendments that established a simulcast commission fee for advance deposit wagering (ADW), not to exceed 8% and prohibited any ADW licensee from receiving a signal from any racetrack if it finds that another Illinois ADW licensee has been unreasonably denied the same signal, were effective January 1, 2010. This emergency repeal is necessary because certain language was inadvertently omitted from the January 1 emergency amendment. Emergency repeal of the emergency amendment, along with the related filing of a new emergency amendment, effective February 3, 2010, will avoid any conflict between the two emergency rulemakings and allow for the immediate implementation of a corrected rulemaking.
- 10) A Complete Description of the Subjects and Issues Involved: The agency's administrative rules at 11 Ill. Adm. Code 325.60 and 325.70 concerning ADW simulcast fees and content were amended by emergency action, effective January 1, 2010. The amendments mandate that an organization licensee must provide its live signal to ADW licensees for a simulcast fee not to exceed 8% and prohibits any ADW licensee from receiving a signal if another ADW licensee has been unreasonably denied the same signal. However, certain language was inadvertently omitted from the January 1, 2010 emergency rulemaking. Because of this, the earlier emergency amendment that became

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

effective January 1, 2010 is being repealed by this emergency rulemaking. A corrected rulemaking will be implemented by emergency action on the same date as this emergency repeal. Prior to establishing these emergency rules, the Board solicited testimony from all interested parties including ADW licensees, racetracks and horsemen's groups.

- 11) Are there any proposed amendments to this Part pending: No
- 12) Statement of Statewide Policy Objectives: This emergency amendment neither creates nor expands any State mandate affecting units of local government.
- 13) Information and questions regarding this emergency rulemaking shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 7-701
Chicago, Illinois 60601

312/814-5017

The full text of the Emergency Repeal of Emergency Amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 325
ADVANCE DEPOSIT WAGERING (ADW)

Section

325.10	Definitions
325.20	License to Conduct Advance Deposit Wagering
325.30	Advance Deposit Wagering Rules
325.40	Requirements to Establish an Advance Deposit Wagering Account
325.50	Powers of the Board
325.60	Fees (Repealed)
EMERGENCY	
325.70	Content (Repealed)
EMERGENCY	

AUTHORITY: Implementing and authorized by Section 26(g) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/26(g)].

SOURCE: Emergency rule adopted at 33 Ill. Reg. 12860, effective September 2, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 539, effective January 1, 2010; emergency amendment at 34 Ill. Reg. 581, effective January 1, 2010, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 34 Ill. Reg. 2761, effective February 3, 2010, for a maximum of 150 days.

Section 325.60 Fees (Repealed)
EMERGENCY

No organization licensee shall provide their live signal to any advance deposit wagering licensee for a simulcast commission fee not to exceed 8% in accordance with Section 26(g) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/26(g)].

(Source: Emergency amendment repealed by emergency rulemaking at 34 Ill. Reg. 2761, effective February 3, 2010, for a maximum of 150 days)

Section 325.70 Content (Repealed)

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

EMERGENCY

The Board may prohibit any advance deposit wagering licensee from receiving a signal from any racetrack if it finds that another Illinois advance deposit wagering licensee has been unreasonably denied the same signal.

(Source: Emergency amendment repealed by emergency rulemaking at 34 Ill. Reg. 2761, effective February 3, 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 February 2, 2010 through February 8, 2010 and have been scheduled for review by the Committee at its March 9, 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>
3/18/10	<u>Department of Agriculture</u> , Insect Pest and Plant Disease Act (8 Ill. Adm. Code 240)	11/20/09 33 Ill. Reg. 15926	3/9/10
3/18/10	<u>Illinois Gaming Board</u> , Riverboat Gambling (86 Ill. Adm. Code 3000)	9/18/09 33 Ill. Reg. 12635	3/9/10
3/18/10	<u>Illinois Gaming Board</u> , Riverboat Gambling (86 Ill. Adm. Code 3000)	9/25/09 33 Ill. Reg. 13222	3/9/10
3/19/10	<u>Department of Healthcare and Family Services</u> , Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)	10/16/09 33 Ill. Reg. 14272	3/9/10
3/19/10	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	10/16/09 33 Ill. Reg. 14269	3/9/10
3/20/10	<u>Health Facilities and Services Review Board</u> , Narrative and Planning Policies (77 Ill. Adm. Code 1100)	6/26/09 33 Ill. Reg. 8825	3/9/10
3/20/10	<u>Health Facilities and Services Review Board</u> , Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110)	5/1/09 33 Ill. Reg. 6171	3/9/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

3/20/10	<u>Health Facilities and Services Review Board,</u> Health Facilities Planning Financial and Economic Feasibility Review (77 Ill. Adm. Code 1120)	5/1/09 33 Ill. Reg. 6192	3/9/10
3/20/09	<u>Department of Financial and Professional</u> <u>Regulation, Pre-Licensing and Continuing</u> Education (50 Ill. Adm. Code 3119)	4/10/09 33 Ill. Reg. 5161	3/9/10
3/20/09	<u>Department of Insurance, IRS Qualification</u> Status Requirements for Article 3 Police Pension Funds (50 Ill. Adm. Code 4440)	10/9/09 33 Ill. Reg. 14067	3/9/10
3/20/10	<u>Department of Insurance, IRS Qualification</u> Status Requirements for Article 4 Firefighter Pension Funds (50 Ill. Adm. Code 4445)	10/9/09 33 Ill. Reg. 14089	3/9/10

ILLINOIS RACING BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Advance Deposit Wagering (ADW)
- 2) Code Citation: 11 Ill. Adm. Code 325
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
325.60	Withdraw
325.70	Withdraw
- 4) Date Notice of Proposed Amendment Published in the Illinois Register: 34 Ill. Reg. 484;
January 8, 2010
- 5) Reason for the Withdrawal: The Board has decided to withdraw the rulemaking, revise the language, and re-submit the proposed rulemaking at a later date.

GUBERNATORIAL PROCLAMATION

**2010-20
GUBERNATORIAL PROCLAMATION**

The Federal Government has stressed that the H1N1 vaccination campaign must continue. This is in recognition that the H1N1 pandemic is still a threat. The flu season continues until the end of March or early April. Pharmacies provide a valuable resource by administering vaccinations to the community at large, including children down to the age of 9 years old. Paramedics augment the local health departments which need the support due to staff shortages. The need to continue vaccinating the citizens of the State of Illinois is imperative.

Therefore, in the interest of aiding the citizens of Illinois, medical facilities, and the State agencies and local governments responsible for ensuring public health and safety, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I hereby proclaim that a public health emergency exists in the State of Illinois.

This gubernatorial proclamation will assist the Illinois Emergency Management Agency and the Illinois Department of Public Health in coordinating State efforts in accordance with the State emergency response plans. This proclamation will allow for modification of scopes of practice for occupations with training to give vaccinations as well as assist with patient treatment.

Issued: February 5, 2010

Filed: February 5, 2010

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 34, Issue 8 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

35 - 186	.....	2603
35 - 325	.....	2608
89 - 120	.....	2631
89 - 140	.....	2646
11 - 325	.....	2672
11 - 455	.....	2676
92 - 1065	.....	2680
11 - 325	.....	2767

ADOPTED RULES

77 - 820	2/3/2010	2698
92 - 1000	2/2/2010	2755

EMERGENCY RULES

11 - 325	2/3/2010	2761
----------	----------------	------

**EXECUTIVE ORDERS AND
PROCLAMATIONS**

10 - 20	2/5/2010	2768
---------	----------------	------

ORDER FORM

<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (2009 Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2003 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 2003 - 2006 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

--	--

Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$2.00 processing fee for credit card purchases.)
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 557-8919

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com