

2011

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2011

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
3	January 3, 2011	January 14, 2011
4	January 10, 2011	January 21, 2011
5	January 18, 2011	January 28, 2011
6	January 24, 2011	February 4, 2011
7	January 31, 2011	February 14, 2011
8	February 7, 2011	February 18, 2011
9	February 15, 2011	February 25, 2011
10	February 22, 2011	March 4, 2011
11	February 28, 2011	March 11, 2011
12	March 7, 2011	March 18, 2011
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14	March 21, 2011	April 1, 2011
15	March 28, 2011	April 8, 2011
16	April 4, 2011	April 15, 2011
17	April 11, 2011	April 22, 2011
18	April 18, 2011	April 29, 2011
19	April 25, 2011	May 6, 2011
20	May 2, 2011	May 13, 2011
21	May 9, 2011	May 20, 2011
22	May 16, 2011	May 27, 2011
23	May 23, 2011	June 3, 2011

24	May 31, 2011	June 10, 2011
25	June 6, 2011	June 17, 2011
26	June 13, 2011	June 24, 2011
27	June 20, 2011	July 1, 2011
28	June 27, 2011	July 8, 2011
29	July 5, 2011	July 15, 2011
30	July 11, 2011	July 22, 2011
31	July 18, 2011	July 29, 2011
32	July 25, 2011	August 5, 2011
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38	September 6, 2011	September 16, 2011
39	September 12, 2011	September 23, 2011
40	September 19, 2011	September 30, 2011
41	September 26, 2011	October 7, 2011
42	October 3, 2011	October 14, 2011
43	October 11, 2011	October 21, 2011
44	October 17, 2011	October 28, 2011
45	October 24, 2011	November 4, 2011
46	October 31, 2011	November 14, 2011
47	November 7, 2011	November 18, 2011
48	November 14, 2011	November 28, 2011
49	November 21, 2011	December 2, 2011
50	November 28, 2011	December 9, 2011
51	December 5, 2011	December 16, 2011
52	December 12, 2011	December 27, 2011
53	December 19, 2011	December 30, 2011

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 2, to July 1, 2011.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985
- 2) Code Citation: 68 Ill. Adm. Code 1175
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1175.100	Amendment
1175.230	Amendment
1175.420	Amendment
1175.805	Amendment
1175.810	Amendment
1175.1210	Amendment
1175.1300	Amendment
1175.1400	New Section
1175.1405	New Section
1175.1410	New Section
1175.1420	New Section
1175.1430	New Section
1175.1435	New Section
1175.1500	New Section
1175.1505	New Section
1175.1510	New Section
1175.1515	New Section
1175.1520	New Section
1175.1525	New Section
1175.1530	New Section
1175.1535	New Section
1175.1540	New Section
1175.1545	New Section
1175.1550	New Section
1175.1555	New Section
1175.1560	New Section
1175.1565	New Section
1175.1570	New Section
1175.1575	New Section
- 4) Statutory Authority: Implementing the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 [225 ILCS 410] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 5) A complete description of the subjects and issues involved: Public Act 96-1246, effective January 1, 2011, amended the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 to add Hair Braiding to the title of the Act. PA 96-1246 defined "hair braiding" and "hair braiding teacher" and set licensing requirements and qualifications. This proposed rulemaking codifies the requirements in PA 96-1246 for applicants for licensure for hair braiders and hair braiding teachers, sets renewal dates, fees, and restoration requirements.

The proposed amendments also provide requirements and procedures for the establishment of hair braiding schools and cosmetology schools approved to teach hair braiding by setting standards for space, equipment, sanitation, enrollment agreements and refund policies as well as setting curriculum and examination requirements. Provisions regulating advertising, record keeping, and change of ownership, location, name, and expansion for hair braiding schools are also included.

Section 1175.420, in accordance with PA 96-1246, is also being amended regarding endorsement applications of cosmetologists and cosmetology teachers to simplify requirements for those licensed in other states. Requirements for esthetics schools are also being updated.

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

Craig Cellini, Rules Coordinator

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Those providing the services of barbers, cosmetologists, nail technicians, esthetics, and hair braiding.
 - B) Reporting, bookkeeping, or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Barber, cosmetology, nail technician, esthetics, and hair braiding skills are required.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1175

THE BARBER, COSMETOLOGY, ESTHETICS, HAIR BRAIDING,
AND NAIL TECHNOLOGY ACT OF 1985

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1175.110	Granting Variances
1175.115	Sanitary Standards

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Section

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1175.205	Examination – Barber Teacher
1175.210	Examination Requirements
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Section

1175.300	School Approval Application
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1175.340	Final Examination
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1175.365	Discontinuance of Program
1175.370	Withdrawal of Approval

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1175.400	Examination – Cosmetology
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1175.415	Application for Licensure
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1175.510	Enrollment Agreements and Refund Policies
1175.515	Advertising
1175.520	Recordkeeping – Transcripts
1175.525	Recordkeeping – Hours Earned
1175.530	Curriculum Requirements – Cosmetology
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1175.540	Final Examination
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NOTICE OF PROPOSED AMENDMENTS

SUBPART F: CONTINUING EDUCATION –
COSMETOLOGY/COSMETOLOGY TEACHER

Section

1175.600	Sponsor Approval (Repealed)
1175.605	Department Supervision (Repealed)
1175.610	Credit Hours (Repealed)
1175.615	Waiver of Continuing Education Requirements (Repealed)

SUBPART G: ESTHETICS

Section

1175.700	Examination – Esthetics
1175.705	Examination – Esthetics Teacher
1175.710	Examination Requirements
1175.715	Application for Licensure
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1175.730	Restoration – Esthetics
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1175.800	Esthetics School Application
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1175.815	Enrollment Agreements and Refund Policy
1175.820	Advertising
1175.825	Recordkeeping – Transcripts
1175.830	Recordkeeping – Hours Earned
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1175.840	Curriculum Requirements – Esthetics Teacher
1175.841	Curriculum Requirements – Esthetics Clinic Teacher
1175.845	Final Examination
1175.850	Change of Ownership
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1175.860	Change of Name

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- 1175.865 Expansion
- 1175.870 Discontinuance of Program
- 1175.875 Withdrawal of Approval

SUBPART I: CONTINUING EDUCATION – ESTHETICIAN/ESTHETICS TEACHER

Section

- 1175.900 Sponsor Approval (Repealed)
- 1175.905 Department Supervision (Repealed)
- 1175.910 Credit Hours (Repealed)
- 1175.915 Waiver of Continuing Education Requirements (Repealed)

SUBPART J: NAIL TECHNOLOGY

Section

- 1175.1000 Application for Licensure under Sections 3C-4 and 3C-5 of the Act (Grandfather) (Repealed)
- 1175.1001 Examination – Nail Technician
- 1175.1005 Examination – Nail Technology Teacher
- 1175.1010 Examination
- 1175.1015 Application for Licensure
- 1175.1020 Endorsement
- 1175.1025 Renewals
- 1175.1030 Restoration – Nail Technician
- 1175.1035 Restoration – Nail Technology Teacher

SUBPART K: NAIL TECHNOLOGY SCHOOLS

Section

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- 1175.1105 Cosmetology Schools Approved to Teach Nail Technology
- 1175.1110 Physical Site Requirements
- 1175.1115 Enrollment Agreements and Refund Policies
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- 1175.1135 Curriculum Requirements – Nail Technology
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Section

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<u>1175.1400</u>	<u>Requirements for Licensure under Article III E of the Act (Grandfather)</u>
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<u>1175.1410</u>	<u>Application for Licensure – Hair Braiding Teacher</u>
<u>1175.1420</u>	<u>Renewals</u>
<u>1175.1430</u>	<u>Restoration – Hair Braider</u>
<u>1175.1435</u>	<u>Restoration – Hair Braiding Teacher</u>

SUBPART O: HAIR BRAIDING SCHOOLSSection

<u>1175.1500</u>	<u>Hair Braiding School Application</u>
<u>1175.1505</u>	<u>Cosmetology Schools Approved to Teach Hair Braiding</u>
<u>1175.1510</u>	<u>Physical Site Requirements</u>
<u>1175.1515</u>	<u>Enrollment Agreements and Refund Policies</u>

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1175.1520	Advertising
1175.1525	Recordkeeping – Transcripts
1175.1530	Recordkeeping – Hours Earned
1175.1535	Curriculum Requirements – Hair Braiding
1175.1540	Curriculum Requirements – Hair Braiding Teacher
1175.1545	Final Examination
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1175.1555	Change of Location
1175.1560	Change of Name
1175.1565	Expansion
1175.1570	Discontinuance of Program
1175.1575	Withdrawal of Approval

AUTHORITY: Implementing the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 [225 ILCS 410] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 12 Ill. Reg. 20488, effective November 29, 1988; emergency amendments at 13 Ill. Reg. 6810, effective April 10, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15034, effective September 7, 1989; amended at 14 Ill. Reg. 14090, effective August 20, 1990; amended at 16 Ill. Reg. 13276, effective August 18, 1992; amended at 18 Ill. Reg. 4856, effective March 14, 1994; amended at 21 Ill. Reg. 7277, effective May 29, 1997; amended at 23 Ill. Reg. 5749, effective April 30, 1999; amended at 27 Ill. Reg. 19293, effective December 11, 2003; amended at 30 Ill. Reg. 9503, effective May 10, 2006; amended at 35 Ill. Reg. 1888, effective January 20, 2011; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 1175.100 Fees

- a) Licensure fees for cosmetologists, barbers, estheticians, [hair braiders](#), nail technicians, cosmetology teachers, cosmetology clinic teachers, barber teachers, esthetics teachers, esthetics clinic teachers, [hair braiding teachers](#), nail technology teachers and nail technology clinic teachers are:
- 1) License. The fee for a license is \$30 and is to be submitted with the application.
 - 2) Examination. Applicants for any examination shall be required to pay,

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either to the Department of Financial and Professional Regulation – Division of Professional Regulation (Division) or to the designated testing service, a fee covering the cost of providing the examination.

- 3) Renewal. The fee for renewal of a license shall be calculated at the rate of \$25 per year.
 - 4) Restoration. The fee for restoration of a license is \$50 plus payment of all lapsed renewal fees.
 - 5) Restoration From Inactive Status. The fee for restoration of a license from inactive status is the current renewal fee.
 - 6) Endorsement. The fee for a license for a cosmetologist, barber, esthetician, hair braider, nail technician, cosmetology teacher, barber teacher, esthetics teacher, hair braiding teacher, or nail technology teacher licensed under the laws of another jurisdiction is \$45.
- b) Licensure fees for cosmetology schools, barber schools, esthetics schools, hair braiding schools or nail technology schools are:
- 1) License. The fee for a license is \$150 plus the cost of inspection (\$50).
 - 2) Change of Ownership. The fee for a license resulting from a change of ownership is \$150 plus the cost of inspection (\$50).
 - 3) Change of Location. The fee for a license resulting from a change of location is \$150 plus the cost of inspection (\$50).
 - 4) Change of Name. The fee for a license resulting from a change of name is \$20.
 - 5) Renewal. The fee for renewal of a license shall be calculated at \$100 per year.
 - 6) Expansion. The fee for on-site and off-site expansion is \$50.
 - 7) Cosmetology School Approval to Teach Esthetics. The fee for approval to upgrade to teach esthetics shall be the cost of the inspection (\$50).

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- 8) Cosmetology School Approval to Teach Nail Technology. The fee for approval to upgrade to teach nail technology shall be the cost of the inspection (\$50).
 - 9) Cosmetology School Approval to Teach Hair Braiding. The fee for approval to upgrade to teach hair braiding shall be the cost of the inspection (\$50).
- c) Salon Fees
- 1) Registration. The fee for registration of a barber shop or cosmetology, nail technician, hair braiding or esthetics salon (salon) is \$40.
 - 2) Change of Name. The fee for changing the name or address of a registered barber shop or salon is \$20.
 - 3) Renewal. The fee for renewal of a registration for a barber shop or salon is calculated at \$20 per year.
- d) Sponsor Fees
- 1) Registration. The fee for registration as a continuing education sponsor shall be \$500.
 - 2) Renewal. The fee for renewal as a continuing education sponsor shall be \$250 every two years. If a sponsor allows the registration to lapse, he/she will be required to submit \$500 to restore the registration.
 - 3) State agencies, State colleges and State universities in Illinois who are approved as continuing education sponsors shall be exempt from registration and renewal fees.
- e) General Fees
- 1) Duplicate/Replacement. The fee for the issuance of a duplicate or replacement license is \$20.
 - 2) Change of Name or Address. The fee for issuance of a license with a

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change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Division records when no license is issued.

- 3) Certification of Record. The fee for certification of a licensee's record for any purpose is \$20.
- 4) Wall Certificate. The fee for a wall certificate showing licensure is the actual cost of producing such a certificate.
- 5) Roster. The fee for a roster of persons licensed as cosmetologists, cosmetology teachers, cosmetology clinic teachers, barbers, barber teachers, estheticians, esthetics teachers, esthetics clinic teachers, nail technicians, nail technology teachers, nail technology clinic teachers, [hair braiders](#), [hair braiding teachers](#), cosmetology schools, esthetics schools, nail technology schools, [hair braiding schools](#), barber schools, and shops and salons is the actual cost of producing such a roster.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: BARBER

Section 1175.230 Restoration – Barber

- a) A person applying for restoration of his/her license as a barber that has been expired for less than 5 years shall submit an application on forms provided by the Division and ~~the required fee \$10 plus payment of lapsed renewal fees as~~ set forth in Section 1175.100(a)(4). If restoring after active military service, the applicant shall submit a copy of the applicant's Honorable Discharge form (DD-214) and the current renewal fee.
- b) A person applying for restoration of his/her license as a barber that has been expired for 5 years or more shall submit an application on forms provided by the Division along with:
 - 1) Verification of employment as a barber in another jurisdiction within the 5 years preceding application for restoration;
 - 2) Certification of licensure from the licensing authority in the jurisdiction of

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

employment;

- 3) A completed Restoration Questionnaire;
 - 4) The required fee set forth in Section 1175.100; or
 - 5) If restoring from active military service, a copy of the applicant's DD-214 and the current renewal fee.
- c) An applicant for restoration who has not maintained a practice in another jurisdiction shall also submit official transcripts showing successful completion of a 250 hour refresher course from a licensed barber or cosmetology school or successful completion of the examination set forth in Section 1175.210 within 2 years before application for restoration.
- d) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART D: COSMETOLOGY

Section 1175.420 Endorsement

- a) An applicant who is currently registered or licensed as a cosmetologist in a foreign country or province~~another jurisdiction~~ and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that shall include:
- 1) An official~~A~~ certification ~~from the state of~~ original licensure ~~from the Government Board or Council in the applicant's jurisdiction of original licensure~~ stating the applicant's legal name, the cosmetologist license number, the original issuance date, the expiration date, a~~A)A~~ brief description of any licensure examination taken to qualify for the license and the grades received; and whether~~B)Whether~~ the applicant's file contains any record of disciplinary actions taken or pending;
 - 2) An official transcript~~Official transcripts~~ from the school or schools attended by the applicant showing the individual subject areas~~programs~~

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completed and the hours ~~completed by the applicant~~received with the school seal affixed or ~~an official certification~~a verification from the Government Board or Council showing the individual subject areas completed and licensing authority of the number of hours completed by required for licensure at the time the applicant with the Board or Council seal affixed was originally licensed;

- 3) An official certification~~Certification~~ of ~~current~~ licensure from the state or country in which the applicant is currently licensed and practicing, if other than the original, stating the applicant's legal name, the cosmetologist license number, the original issuance date, the expiration date, a brief description of any licensure examination taken to qualify for the license and the grades received, and whether the applicant's file contains any record of disciplinary actions taken or pending~~licensure;~~
- 4) Evidence that the applicant has practiced cosmetology in another jurisdiction for at least 3 years after completing the requirements to qualify for registration or licensure in that particular jurisdiction. This may be in the form of affidavits from at least 3 clients or business owners who can verify the applicant's practice as a cosmetologist;~~Two completed Verification of Employment forms showing at least 3 years of lawful practice in another jurisdiction if: A)The jurisdiction of original licensure does not require a licensing examination or has not provided an examination score; or B)The applicant is applying under Section 3-8 of the Act;~~
- 5) Any document submitted in a foreign language must be accompanied by an original, notarized English translation. The translator must certify on the translation that he or she is fluent in English and the language of the document. The translator must certify to the accuracy of the translation;
- ~~6)5)~~ Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on submitted documents; and
- ~~7)6)~~ The required fee set forth in Section 1175.100 ~~;~~ and
- ~~7)~~ A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Division in the

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~~application review. The Division will make such a request if the application materials are incomplete.~~

- b) An applicant who is currently licensed as a cosmetologist in another state or territory of the United States and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that shall include:
- 1) An official certification of licensure from the state board in the applicant's jurisdiction of original licensure and the state in which the applicant is currently licensed and practicing, if other than the original, stating the applicant's legal name, the cosmetologist license number, the original issuance date, the expiration date, a brief description of any licensure examination taken to qualify for the license and the grades received, and whether the applicant's file contains any record of disciplinary actions taken or pending;
 - 2) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on submitted documents; and
 - 3) The required fee set forth in Section 1175.100.
- c) An applicant who is currently registered or licensed as a cosmetology teacher ~~or cosmetology clinic teacher~~ in a foreign country or province~~another jurisdiction~~ and who is seeking licensure as a cosmetology teacher ~~or cosmetology clinic teacher~~ in Illinois by endorsement shall file an application, on forms provided by the Division, which shall include:
- 1) An official~~A~~ certification ~~from the state~~ of original licensure from the Government Board or Council in the applicant's jurisdiction of original licensure stating the applicant's legal name, the cosmetology teacher license number, the original issuance date, the expiration date, a~~A~~ brief description of any licensure examination taken to qualify for the license and the grades received; and whether~~B)Whether~~ the applicant's file contains any record of disciplinary action taken or pending;
 - 2) An official transcript~~Official transcripts~~ from the school or schools attended by the applicant showing the individual subject areas~~programs~~

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completed and the hours ~~completed by the applicant received~~ with the school seal affixed or ~~an official certification a verification~~ from the ~~Government Board or Council showing the individual subject areas completed and~~ licensing authority of the number of hours completed by required for licensure at the time the applicant with the Board or Council seal affixed was originally licensed;

- 3) ~~An official certification~~ Certification of current licensure from the state or country in which the applicant is currently licensed and practicing, if other than the original, stating the applicant's legal name, the cosmetologist license number, the original issuance date, the expiration date, a brief description of any licensure examination taken to qualify for the license and the grades received, and whether the applicant's file contains any record of disciplinary actions taken or pending licensure;
- 4) ~~Evidence that the applicant has practiced as a cosmetology teacher in another jurisdiction for at least 3 years after completing the requirements to qualify for registration or licensure in that particular jurisdiction. This may be in the form of affidavits from at least 3 clients or business owners who can verify the applicant's practice as a cosmetology teacher~~ One of the Following: A) Two Verification of Employment forms submitted by an applicant who completed a program of at least 500 hours of teacher training. A cosmetology teacher applicant shall verify 2 years of lawful practice as a cosmetologist; or B) Two Verification of Employment forms submitted by an applicant who completed a program of at least 250 hours of clinic teacher training. A cosmetology clinic teacher applicant shall verify 2 years of lawful practice as a cosmetologist; or C) Two completed Verification of Employment forms showing at least 3 years of lawful practice as a cosmetology teacher or cosmetology clinic teacher submitted by an applicant who is applying as a cosmetology teacher or cosmetology clinic teacher on the basis of 3 years of lawful practice;
- 5) Any document submitted in a foreign language must be accompanied by an original, notarized English translation. The translator must certify on the translation that he or she is fluent in English and the language of the document. The translator must certify to the accuracy of the translation;
- 6) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents

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submitted; and

~~7)6)~~ The required fee set forth in Section 1175.100. ~~and~~

~~7)~~ ~~A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Division in the application review. The Division will make such a request if the application materials are incomplete.~~

d) An applicant who is currently licensed as a cosmetology teacher in another state or territory of the United States and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that shall include:

1) An official certification of licensure from the state board in the applicant's jurisdiction of original licensure and the state in which the applicant is currently licensed and practicing, if other than the original, stating the applicant's legal name, the cosmetology teacher license number, the original issuance date, the expiration date, a brief description of any licensure examination taken to qualify for the license and the grades received, and whether the applicant's file contains any record of disciplinary actions taken or pending;

2) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on submitted documents; and

3) The required fee set forth in Section 1175.100.

e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or training is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:

1) Provide information as may be necessary;

2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts

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in information; and/or

3) Pass an examination pursuant to Section 3-8 of the Act or complete a 250 hour refresher course at a licensed cosmetology or barber school.

f)e) An applicant for licensure as a cosmetologist who is licensed in another jurisdiction shall be given 300 hours of educational credit for every 12 month period during which he/she was lawfully employed as a cosmetologist. To obtain credit for work experience, the applicant must submit verification of employment on forms provided by the Division in support of the work experience. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.

g)d) An applicant applying for licensure as a cosmetologist or cosmetology teacher ~~or cosmetology clinic teacher~~ on the basis of endorsement who has previously failed the licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination and fulfills the requirements set forth in Section 1175.410(c). The successful completion of the substantially equivalent examination and fulfillment of applicable requalification requirements must occur after the most recently failed examination attempt in Illinois.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART H: ESTHETICS SCHOOLS

Section 1175.805 Cosmetology Schools Approved to Teach Esthetics

- a) Existing cosmetology schools that wish to provide esthetics instruction shall:
- 1) provide 200 square feet of space to accommodate 5 work stations and a maximum of 10 students. If attendance exceeds 10 on the clinic floor at any time, an additional 40 square feet is required for each additional work station required by subsection (a)(4)(B) of this Section. The use of this space shall not reduce the square footage for the conduct of an approved cosmetology school below the minimum requirements set forth in this Part.

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- 2) File an application with the Division, on forms provided by the Division, which shall include:
 - A) A detailed floor plan;
 - B) A signed copy of fire inspection report from the local fire authority within 6 months prior to application giving approval for use of the site as a school;
 - C) A ~~financial~~ statement prepared by a ~~licensed~~ certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act who is not an employee of the school, showing that the owner has indicating sufficient ~~current~~ finances ~~exist~~ to operate the school for at least 3 months;
 - D) A copy of the enrollment agreement to be used by the school;
 - E) A copy of the esthetics curriculum;
 - F) A listing of all esthetics and cosmetology teachers, including their teacher license numbers, who will be in the school's employ;
 - G) A copy of the school's official transcript; and
 - H) The required fee set forth in Section 1175.100.
- 3) When the items listed in subsection (a)(2) have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance.
- 4) In addition, the school shall have the following:
 - A) ~~At least one facial chair for every 2 students enrolled. B)~~ At least one work station or position for every 2 students. Every work station shall include 1 facial chair, 1 steamer, 1 magnification lamp and 1 wood lamp.
 - ~~B)C)~~ Every ~~school work station~~ shall also have 1 set of facial equipment to include manual, mechanical, or electrical apparatus as follows:

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- i) ~~Steamer~~ ii) Brushing
- ~~ii)iii)~~ Vacuum/spray machine
- ~~iii)iv)~~ Glass electrode or high frequency current; and
- ~~iv)v)~~ Disencrustation machine.
- vi) ~~One magnification lamp~~
- vii) ~~Woods lamp.~~

D) Provide an esthetics curriculum in accordance with Sections 1175.835 and 1175.840.

- b) Cosmetology schools approved to teach esthetics shall be required to comply with all provisions in this Part except for Section 1175.810(a) and (b).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1175.810 Physical Site Requirements

- a) Space Requirements
- 1) A school shall have a minimum of 1,800 square feet for a maximum of 20 students. An additional 40 square feet is required for each additional student if attendance exceeds 20 on the clinic floor at any given time.
 - 2) The school shall be partitioned to provide for the following areas:
 - A) Dispensary
 - B) ~~Student Spa~~ Laboratory
 - C) Classrooms
 - D) Separate restrooms for males and females

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- E) Cloak space
 - F) Public waiting area separated from the work area
 - G) Student lounge area
 - H) Storage space
 - I) Locker space
 - J) Conference room
 - K) Other areas for school administration
 - L) Work stations.
- 3) All areas of the school shall be ventilated and lighted.
- b) Equipment Requirements – All equipment shall be in working condition and sufficient for the number of students enrolled. Minimum requirements for school equipment are:
- 1) An entrance sign designating the name of the school;
 - 2) A school seal;
 - 3) A time clock or other equipment necessary for verification of attendance and hours earned;
 - 4) ~~A minimum of 10 facial chairs. For enrollment over 20, one facial chair per 2 students;~~ ~~5) A minimum of 510 work stations. Every work station shall include 1 facial chair, 1 steamer, 1 magnification lamp and 1 wood lamp~~ ~~For enrollment over 20, 1 work station or position per 2 students;~~
 - 5) ~~6) Every school station shall also have 1 set of facial equipment to include manual, mechanical, or electrical apparatus as follows:~~
 - A) ~~Steamer~~ B) Brushing;

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~~B)C)~~ Vacuum/spray machine;

~~C)D)~~ Glass electrode or high frequency current; and

~~D)E)~~ Disencrustation machine;

~~F)~~ ~~Magnification lamp~~

~~G)~~ ~~Wood lamp~~;

~~6)7)~~ Trays for facial supplies;

~~7)8)~~ One dry sterilizer per 2 work stations;

~~8)9)~~ One facial supply cabinet containing astringents, lotions, creams, makeup and other necessary supplies for facials;

~~9)10)~~ Desk/table space and a chair for each student in the classroom;

~~10)11)~~ Adequate covered disposal cans placed at convenient locations;

~~11)12)~~ One covered container for soiled towels for each 10 students in clinical work area;

~~12)13)~~ Closed cabinets equipped for storing towels; and

~~13)14)~~ One head form or chart per class.

c) Sanitary Regulations

- 1) Clean outer garments must be worn at all times. No open toed shoes shall be worn by students.
- 2) All instruments shall be sanitized before and after use on each patron.
- 3) Clean towels shall be used for each patron.
- 4) Hands must be cleansed before and after serving each patron.

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- 5) After each patron is served, electrical equipment must be sanitized according to manufacturer's specifications. All other equipment should be washed in water and sanitized before use.
 - 6) The head rests of any chair shall be protected with a disposable cover and changed after each patron.
 - 7) Non-disposable head coverings must be laundered and sanitized after each separate use.
 - 8) All powders, lotions, creams, and other cosmetics shall be kept in clean, closed containers. All cosmetics shall be applied by sanitary applicators and removed from the container with a sanitary spatula.
 - 9) No owner, manager, teacher or school administrator shall knowingly permit any person suffering from a serious communicable disease as defined in 77 Ill. Adm. Code 690 to work on the premises, or knowingly permit a student to serve a patron with a serious communicable disease.
 - 10) No animals or pets, except animal assistants for the physically impaired, shall be permitted on school premises.
 - 11) The floors, walls and furniture shall be kept clean at all times.
 - 12) An adequate supply of hot and cold running water shall be available for school operation.
- d) Textbooks/Teaching Materials – Textbooks shall be provided for each student in attendance.
 - e) Teachers – The student/teacher ratio during clinical instruction shall not exceed a 25 to 1 ratio.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART L: CONTINUING EDUCATION

Section 1175.1210 Credit Hours

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- a) With the exception of program hours earned under subsection (e) of this Section, an approved CE program hour shall include at a minimum 50 minutes of actual class time, exclusive of time devoted by participants to pre-class or post-class preparation.
- b) Participants completing courses at a university or college shall receive 15 CE credit hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
- c) A licensee who serves as an instructor, speaker or discussion leader of an approved course shall be allowed CE credit for actual presentation time. For preparation time, 1 hour of credit will be awarded for each 2 hours of actual presentation time. Preparation time for repetitious presentations shall not receive credit. No more than 10 hours can be earned under this subsection during any renewal period.
- d) Credit shall be awarded for successful completion of courses taken pursuant to continuing education requirements in another state. Credit hours shall be awarded as stated in subsections (a), (b) and (c).
- e) Renewal applicants may earn a maximum of 50% of the total hours required for each renewal through completion of individual study courses (see Section 1175.1200(c)(6)).
- f) Continuing Education Earned in Other States. If a licensee has earned CE hours in another state or territory for which he/she will be claiming credit toward full compliance in Illinois, the applicant shall submit an out of state CE approval form along with a \$10 processing fee within 90 days after completion of the course. The Committee shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
- g) For the first renewal of the license, a licensee who obtained a hair braider or hair braiding teacher license under Section 1175.1400 (grandfather) shall successfully complete at least 65 hours of relevant training in health, safety, hygiene and business management.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART M: SALON OR SHOP REGISTRATION

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Section 1175.1300 Application for a Barber Shop or Cosmetology, Nail Technology, Hair Braiding or Esthetics Salon Certificate of Registration

- a) Pursuant to Article IIID of the Act, all cosmetology, nail technology, hair braiding or esthetics salons and barber shops shall obtain a certificate of registration from the Division in order to operate in Illinois. The owner shall file an application with the Division, on forms supplied the Division. The application shall include the following:
- 1) If the application is for a change of ownership, the salon or shop registration number of previous owner, a signed, dated statement from previous owner, and original salon or shop certificate registration;
 - 2) Ownership structure: individual/sole proprietorship, corporation, limited liability company (LLC) or partnership;
 - 3) Name, address and telephone number of owner. If a corporation, LLC, or partnership, the name, address and telephone number of chief executive officer (CEO) or managing partner;
 - 4) Federal employer identification number (FEIN) of owner ;
 - 5) Name, address and telephone number of salon or shop;
 - 6) Franchise disclosure;
 - 7) Name and license number of any owner, managing partner or CEO holding an Illinois license in any profession regulated under the Act;
 - 8) If an Illinois corporation, a copy of the entire Articles of Incorporation as filed with the Illinois Secretary of State;
 - 9) If a foreign corporation, a copy of the entire Articles of Incorporation as filed with the jurisdiction where the corporation is registered and a copy of the certificate of authority to transact business in Illinois as filed with the Illinois Secretary of State;

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- 10) If an LLC, a copy of the entire Articles of Organization as filed with the Illinois Secretary of State;
- 11) If a foreign LLC, a copy of the entire Articles of Organization as filed with the jurisdiction where the LLC is organized and a copy of the certificate of authority to transact business in Illinois as filed with the Illinois Secretary of State;
- 12) If a partnership, a copy of the signed and dated partnership agreement including the name of the partnership, business address and name of each partner;
- 13) If a franchise, a copy of the signed and dated franchise agreement showing that franchisee has been granted the right to use trade name, trademark, service name, service mark or any other right to the exclusive use of names or symbols;
- 14) If using an assumed name, a certificate from the county clerk's office where the assumed name is filed or a certificate from the Illinois Secretary of State showing authorization to transact business under the assumed name;

15) [The required fee set forth in Section 1175.100.](#)

- b) **Registration Requirements.** The requirement to obtain a certificate of registration from the Division is only applicable to salons or shops offering cosmetology, esthetics, nail technology, hair braiding or barbering services. A separate certificate of registration is required for each salon or shop location. A separate application, fee and supporting documents shall be submitted to the Division. The Division may reject any application including a business name that states or implies a service that cannot be legally offered by the business, which is misleading to consumers, or is otherwise inconsistent with the purposes of the Act.
- c) **Change of Location.** The owner shall file written notice with the Division at least 30 days in advance of the change of location of a salon or shop. The notice shall include the owner's name and signature, date, FEIN, name of salon or shop, previous address of salon or shop, new address of salon or shop and effective date of change. The notice shall be accompanied by the original certificate of

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registration and a \$20 reprint fee. The Division shall reprint the certificate of registration with the new salon or shop address.

- d) Change of Ownership. When the ownership of a salon or shop changes, the new owner shall, within 5 working days after the date of sale, file with the Division an affidavit stating that the sale is contingent on a certificate of registration being issued to the new owner. If this is not provided, the salon or shop must close and remain closed until a certificate of registration is issued to the new owner. The new owner shall obtain a certificate of registration from the Division as set forth in subsection (a) of this Section.
- e) Change of Name. The owner shall file written notice with the Division at least 30 days in advance of the change of name of a salon or shop. The notice shall include the owner's name and signature, date, FEIN, previous name of salon or shop, address of salon or shop, new name of salon or shop and effective date of change. The notice shall be accompanied by the original certificate of registration, a \$20 reprint fee, and if using an assumed name, a certificate from the county clerk's office where the assumed name is filed or a certificate from the Illinois Secretary of State showing authorization to transact business under the assumed name.
- f) Renewal. All certificates of registration shall expire on November 30 of even numbered years. A salon or shop may renew the certificate of registration during the 2 months preceding the expiration date by paying the required fee.
- g) Restoration. An owner seeking restoration of a certificate of registration that has expired or been placed on inactive status shall file written notice with the Division. The notice shall include the owner's name and signature, date, FEIN, name of salon or shop, previous address of salon or shop, current address of salon or shop, and \$40 fee. If using an assumed name, the notice shall also include a certificate from the county clerk's office where the assumed name is filed or a certificate from the Illinois Secretary of State showing authorization to transact business under the assumed name.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART N: HAIR BRAIDING

Section 1175.1400 Requirements for Licensure under Article III E of the Act (Grandfather)

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- a) An applicant for licensure as a hair braider under the grandfather provision shall file an application with the Division postmarked no later than December 31, 2012, together with:
- 1) Proof that the applicant has practiced hair braiding for at least 2 consecutive years immediately prior to the date of his or her application. This may be in the form of affidavits from at least 3 clients or business owners who can verify the applicant's practice as a hair braider. The applicant may provide tax records in lieu of one of the required affidavits; and
 - 2) The required fee set forth is Section 1175.100.
- b) An applicant for licensure as a hair braiding teacher under the grandfather provision shall file an application with the Division postmarked no later than December 31, 2012, together with:
- 1) Proof that the applicant has practiced hair braiding for at least 2 consecutive years immediately prior to the date of his or her application. This may be in the form of affidavits from at least 3 clients or business owners who can verify the applicant's practice as a hair braider. The applicant may provide tax records in lieu of one of the required affidavits; and
 - 2) The required fee set forth in Section 1175.100.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the work experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Added at 35 Ill. Reg. _____, effective _____)

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Section 1175.1405 Application for Licensure – Hair Braider

- a) An applicant for hair braider licensure who does not meet the requirements of Section 1175.1400 (grandfather) shall file an application on forms provided by the Division, together with:
- 1) An official transcript showing successful completion of the required training outlined in Section 3E-2(a)(3) of the Act and Section 1175.1535 of this Part and a passing grade on the final examination administered by the school as set forth in Section 1175.1545 of this Part; and
 - 2) The required fee set forth in Section 1175.100.
- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1410 Application for Licensure – Hair Braiding Teacher

- a) An applicant for hair braiding teacher licensure who does not meet the requirements of Section 1175.1400 (grandfather) shall file an application on forms provided by the Division, together with:
- 1) An official transcript showing successful completion of the required training outlined in Section 3E-3 of the Act and Section 1175.1540 of this Part and a passing grade on the final examination administered by the school as set forth in Section 1175.1545 of this Part; and
 - 2) The required fee set forth in Section 1175.100.

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- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1420 Renewals

- a) The first hair braider, hair braiding teacher and hair braiding school licenses issued under the Act shall expire on October 31, 2014. Thereafter, every license issued under the Act shall expire on October 31 of each even numbered year. The holder of a license may renew the license during the month preceding its expiration date.
- b) First and Subsequent Renewal
- 1) For the first renewal of the license, a licensee who obtained a hair braider or hair braiding teacher license under Section 1175.1400 (grandfather) shall:
 - A) Return a completed renewal application;
 - B) Certify on the renewal application that he or she has successfully completed at least 65 hours of relevant training in health, safety, hygiene and business management in accordance with the requirements of Section 1175.1210(g);
 - C) Submit the required fee set forth in Section 1175.100.
 - 2) Subsequent renewals must comply with the renewal requirements set forth in subsection (c).

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- c) Applicants for renewal shall:
- 1) Return a completed renewal application.
 - 2) Hair Braider. Certify on the renewal application that they have successfully completed a minimum of 10 hours of continuing education from a sponsor registered with the Division, in accordance with Section 1175.1200, within the 2 years prior to the expiration date of the license.
 - 3) Hair Braiding Teacher. Certify on the renewal application that they have successfully completed a minimum of 20 hours of continuing education from a sponsor registered with the Division, in accordance with Section 1175.1200, within the 2 years prior to the expiration date of the license. Ten of the 20 hours shall be in the following areas:
 - A) Teaching Methodology;
 - B) Educational Psychology;
 - C) Classroom Management; or
 - D) Other teaching related courses.
 - 4) Submit the required fee set forth in Section 1175.100.
- d) A renewal applicant is not required to comply with continuing education requirements for the first renewal after issuance of the original license except for licensees who obtained a hair braider or hair braiding teacher license under Section 1175.1400 (grandfather).
- e) The Division may require additional evidence demonstrating compliance with the continuing education requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance. The evidence shall be required in the context of the Division's random audit.

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- f) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to renew a license.
- g) Practicing or operating on a license that has expired shall be consider unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1430 Restoration – Hair Braider

- a) Application for Restoration
 - 1) A person applying for restoration of a license as a hair braider that has expired or been on inactive status for less than 5 years shall submit an application on forms provided by the Division and:
 - A) Pay the required fee set forth in Section 1175.100; and
 - B) Provide evidence of successful completion of 10 hours of continuing education from a sponsor registered with the Division, in accordance with Section 1175.1200, within the 2 years prior to the application for restoration.
 - 2) If restoring after active military service, the applicant shall submit a copy of the applicant's Honorable Discharge form (DD-214) and the current renewal fee.
- b) A person applying for restoration of a license as a hair braider that has been expired or been on inactive status for 5 years or more shall submit an application on forms provided by the Division along with either:
 - 1) All of the following:
 - A) Verification of lawful employment as a hair braider in another jurisdiction within the 5 years preceding application for restoration;

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- B) Certification of licensure from the licensing authority in the jurisdiction of employment stating that the practice was authorized;
 - C) A completed Restoration Questionnaire;
 - D) Evidence of successful completion of 10 hours of continuing education from a sponsor registered with the Division, in accordance with Section 1175.1200 of this Part, within the 2 years prior to the application for restoration; and
 - E) The required fee set forth in Section 1175.100; or
- 2) A copy of the applicant's DD-214 form and the current renewal fee, if restoring from active military service.
- c) A person applying for restoration under subsection (b) who has not maintained lawful employment as a hair braider in another jurisdiction shall also submit evidence of successful completion of at least 65 hours of relevant training in health, safety, hygiene and business management, in accordance with the requirements of Section 3E-2 of the Act, within the 2 years prior to the application for restoration.
- d) Practicing or operating on a license that has expired shall be consider unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1435 Restoration – Hair Braiding Teacher

- a) Application for Restoration
- 1) A person applying for restoration of a license as a hair braiding teacher that has expired or been on inactive status for less than 5 years shall submit an application on forms provided by the Division and:
- A) Pay the required fee set forth in Section 1175.100; and
 - B) Provide evidence of successful completion of 20 hours of continuing education from a sponsor registered with the Division,

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in accordance with Section 1175.1200, within the 2 years prior to the application for restoration.

- 2) If restoring after active military service, the applicant shall submit a copy of the applicant's Honorable Discharge form (DD-214) and the current renewal fee.
- b) A person applying for restoration of a license as a hair braiding teacher that has been expired or been on inactive status for 5 years or more shall submit an application on forms provided by the Division along with either:
 - 1) All of the following:
 - A) Verification of lawful employment as a hair braiding teacher in another jurisdiction within the 5 years preceding application for restoration;
 - B) Certification of licensure from the licensing authority in the jurisdiction of employment stating that the practice was authorized;
 - C) A completed Restoration Questionnaire;
 - D) Evidence of successful completion of 20 hours of continuing education from a sponsor registered with the Division, in accordance with Section 1175.1200, within the 2 years prior to the application for restoration; and
 - E) The required fee set forth in Section 1175.100; or
 - 2) A copy of the applicant's DD-214 form and the current renewal fee, if restoring from active military service.
- c) A person applying for restoration under subsection (b) who has not maintained lawful employment as a hair braiding teacher in another jurisdiction shall also submit evidence of successful completion of at least 65 hours of relevant training in health, safety, hygiene and business management, in accordance with the requirements of Section 3E-2 of the Act, within the 2 years prior to the application for restoration.

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- d) Practicing or operating on a license that has expired shall be consider unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.

(Source: Added at 35 Ill. Reg. _____, effective _____)

SUBPART O: HAIR BRAIDING SCHOOLSSection 1175.1500 Hair Braiding School Application

- a) An applicant for a hair braiding school license shall submit a completed application to the Division with the following information and documentation:
- 1) Name, address and telephone number of the person, corporation or other entity that owns the school;
 - 2) If the school is owned by a legal entity other than an individual, the name, address and telephone number of the chief executive officer of the corporation or other legal entity that owns the school;
 - 3) Name, address and telephone number of the school;
 - 4) Name, address and telephone number of the chief managing employee;
 - 5) If the school is owned by a legal entity formed in Illinois (domestic), a copy of the required business filing with the Illinois Secretary of State;
 - 6) If the school is owned by a legal entity formed outside of Illinois (foreign), a copy of the required filing from that jurisdiction and a copy of the certificate of authority to transact business in Illinois as filed with the Illinois Secretary of State;
 - 7) If the school is owned by a partnership, a copy of the signed and dated partnership agreement including the name of the partnership and the name, address and telephone number of each partner;
 - 8) If the school name is different from the owner's full legal name, a certificate from the Illinois Secretary of State showing authorization to transact business under an assumed name or certificate from the county clerk's office where the assumed name is filed;

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- 9) A Commitment Statement from each officer of a corporation, each manager or member of a limited liability company or each member of partnership;
- 10) A listing of all teachers who will be in the school's employ, showing a sufficient number of qualified teachers who are holders of a current hair braiding teacher license or cosmetology teacher license issued by the Division;
- 11) A detailed floor plan consistent with the requirements of Section 1175.1510. Floor plan must be drawn to a scale specified on the floor plan and show each detail of the school site;
- 12) A copy of a lease showing at least a 1 year commitment to the use of the school site or certification of ownership of the school site;
- 13) A signed fire inspection report from the local fire inspection authority, conducted in the 6 months immediately preceding application, giving approval for use of the site as a school;
- 14) A statement prepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act who is not an employee of the school, showing that the owner has sufficient finances to operate the school for at least 3 months after the school license is approved;
- 15) A copy of the official student contract to be used by the school, which shall be consistent with the requirements of Section 1175.1515;
- 16) A copy of the curricula to be used by the school, which shall be consistent with the requirements of this Part;
- 17) A copy of the transcript to be used by the school, which shall be consistent with the requirements of Section 1175.1525;
- 18) A copy of the final examination to be used by the school, which shall be consistent with the requirements of Section 1175.1545;

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- 19) A sample of the school seal to be used by the school;
 - 20) A photograph of the school sign to be used by the school; and
 - 21) The required fee set forth in Section 1175.100.
- b) When the items listed in subsection (a) have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance with this Subpart. School operations shall not begin nor shall the school in any way solicit student enrollment until the school has received notice of approval from the Division. Approval shall be granted if all the requirements of this Subpart O have been met.
- c) Hair braiding schools shall only offer instruction in hair braiding and hair braiding teacher education.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1505 Cosmetology Schools Approved to Teach Hair Braiding

- a) Existing cosmetology schools that wish to provide a course of instruction in hair braiding shall:
- 1) Provide at least 200 square feet of work space to accommodate 5 work stations. If attendance exceeds 10 in the work space at any time, an additional 40 square feet is required for each additional work station required by subsection (a)(4)(E). The use of this space shall not reduce the square footage for the conduct of an approved cosmetology school below the minimum requirements set forth in this Part.
 - 2) File an application with the Division, on forms provided by the Division, that shall include:
 - A) A detailed floor plan consistent with the requirements of this Section. The floor plan must be drawn to a scale specified on the floor plan and show each detail of the school site;

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- B) A signed fire inspection report from the local fire inspection authority, conducted in the 6 months immediately preceding application, giving approval for use of the site as a school;
 - C) A statement prepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act who is not an employee of the school, showing that the owner has sufficient finances to operate the school for at least 3 months after the school license is approved;
 - D) A copy of the official student contract to be used by the school, which shall be consistent with the requirements of Section 1175.1515;
 - E) A copy of the curricula to be used by the school, which shall be consistent with the requirements of this Part;
 - F) A listing of all teachers who will be in the school's employ, showing a sufficient number of qualified teachers who are holders of a current hair braiding teacher license or cosmetology teacher license issued by the Division;
 - G) A copy of the transcript to be used by the school, which shall be consistent with the requirements of Section 1175.1525; and
 - H) The required fee set forth in Section 1175.100.
- 3) When the items listed in subsection (a)(2) have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance with this Subpart. The school shall not solicit student enrollment for the hair braiding program until the school has received notice of approval from the Division. Approval shall be granted if all the requirements of this Section have been met.
- 4) In addition, the school shall have the following:
- A) Desk/table space and chairs suitable for demonstrating hair braiding practices for each licensed teacher in the classroom.

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- B) 1 mannequin practice table to accommodate at least 5 students.
 - C) 1 shampoo bowl and chair with adequate hot and cold running water.
 - D) 1 dryer and chair.
 - E) At least 1 work station, including a styling chair for every 2 students in attendance.
 - F) 1 mannequin for each student in attendance.
 - G) Sufficient hair braiding tools, devices and supplies for each student in attendance.
 - H) 1 cape for each student in attendance.
- b) Cosmetology schools approved to teach hair braiding shall be required to comply with all provisions in this Part except Section 1175.1510(a) and (b).

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1510 Physical Site Requirements

- a) Space Requirements
 - 1) A hair braiding school shall have a minimum of 650 square feet of work space for a maximum of 10 students. If attendance exceeds 10 in the work space at any time, an additional 40 square feet is required for each additional work station required by subsection (b)(10).
 - 2) Work space shall include only the dispensary and laboratory area.
 - 3) A hair braiding school shall have at least 1 classroom of no less than 150 square feet for a maximum of 10 students. If attendance exceeds 10 in the classroom at any time, an additional 30 square feet of classroom space is required for each additional student.

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- 4) Classroom shall be equipped with desk/table space and chairs suitable for classroom work and demonstrating hair braiding practices.
 - 5) Locker space shall be provided for the number of students in attendance at any time.
 - 6) A student lounge area shall be provided that is separated from the work space.
 - 7) Separate restrooms for males and females shall be provided.
 - 8) A public waiting area shall be provided that is separated from the work space.
 - 9) Cloak space shall be provided that may be used both by students and the public. Cloak space must be separated from the work space.
 - 10) All areas of the school shall be lighted and ventilated.
- b) Equipment Requirements – All equipment shall be in working condition and sufficient for the number of students enrolled. Minimum requirements for school equipment are:
- 1) An entrance sign designating the name of the school.
 - 2) A school seal.
 - 3) A time clock or other equipment necessary for verification of attendance and hours earned.
 - 4) Desk/table space and a chair suitable for classroom work for each student in the classroom.
 - 5) Desk/table space and chairs suitable for demonstrating hair braiding practices for each licensed teacher in the classroom.
 - 6) Locker space for each student in attendance.
 - 7) 1 mannequin practice table to accommodate at least 5 students.

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- 8) 1 shampoo bowl and chair with adequate hot and cold running water.
 - 9) 1 dryer and chair.
 - 10) 5 work stations with styling chairs. If attendance exceeds 10 in the work space at any time, at least 1 additional work station with a styling chair for every 2 students.
 - 11) One mannequin for each student in attendance.
 - 12) Sufficient hair braiding tools, devices and supplies for each student in attendance.
 - 13) One cape for each student in attendance.
 - 14) Storage drawers for hair braiding tools, devices and supplies.
 - 15) Adequate covered waste disposal containers placed at convenient locations.
 - 16) Closed or covered space equipped for storing clean towels. Space shall be large and sturdy enough to store 5 dozen towels per 10 students in the work area.
 - 17) One covered container for soiled towels for each 10 students in the work area. Containers shall be large and sturdy enough to store soiled towels.
 - 18) Adequate lighting and ventilation shall be provided as required by the city, county or municipality.
- c) Sanitary Regulations
- 1) Clean outer garments must be worn at all times. No open toed shoes shall be worn by students.
 - 2) New or cleaned and disinfected tools and devices shall be used for each patron.

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- 3) After each patron is served, combs, brushes and scissors must be cleaned, then immersed in a disinfectant as specified by the manufacturer's instructions, then rinsed in water and dried. They shall be kept in a closed container separately from all others.
- 4) Clean towels shall be used for each patron.
- 5) A neck strip or towel shall be placed around the patron's neck, and changed after each use, to prevent direct contact between a common use hair cloth or cape and the patron's skin.
- 6) The head rests of each styling chair shall be protected with a head cover or a cleaned and disinfected towel. Disposable head covers shall be changed after each patron. Non-disposable head covers shall be cleaned and disinfected before use on a patron. Towels shall be cleaned and disinfected before use on a patron.
- 7) Teachers and students shall observe and follow thorough hand washing with soap and water or any equally effective cleansing solution or waterless hand sanitizer before and after serving each patron.
- 8) Shampoo bowls and sinks shall be clean and free of hair and residue after each use.
- 9) All disinfecting agents shall be kept at adequate strengths to maintain effectiveness, be free of residue and be available for immediate use at all times the school is open for business.
- 10) Oils and other items used within the field of practice that are subject to cross-contamination shall be kept in clean, closed containers. They shall be dispensed from containers to prevent contamination of the unused portion.
- 11) All clean towels shall be kept in a closed or covered space separately from all others that is equipped for storing towels.
- 12) All soiled towels shall be kept in a covered container. Containers shall be large and sturdy enough to store soiled towels after use.

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- 13) Storage drawers for clean tools, devices and supplies shall be kept clean and free of residue and used only for clean tools, devices and supplies.
 - 14) Storage cabinets, work stations and vanities shall be kept clean and free of residue.
 - 15) Floor surfaces shall be kept clean, orderly and in good repair.
 - 16) Walls, doors, windows and ceilings shall be clean and free of excessive spots, mildew, condensation or peeling paint.
 - 17) Equipment, mirrors, lights and similar closures, furnishings, attached equipment, decorative materials and fixtures shall be kept clean and in good repair.
 - 18) Outer surfaces of waste disposal containers shall be kept clean.
 - 19) All schools shall provide adequate ventilation as required by the city, county or municipality to keep the school free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes.
 - 20) All schools shall provide a safe and adequate supply of continuous hot and cold running water from an approved source. Sinks located in the restroom do not qualify as a water source.
 - 21) No owner, manager, teacher or school administrator shall knowingly permit any person suffering from a serious communicable disease, as defined in 77 Ill. Adm. Code 690, to work on the premises, or knowingly permit a student to serve a patron with a serious communicable disease.
 - 22) Pets or other animals shall not be permitted in a school at any time. This prohibition does not apply to an animal assistant for the physically impaired.
- d) Textbooks/Teaching Materials – Textbooks shall be provided for each student in attendance.
 - e) Teachers – The student/teacher ratio during clinical instruction shall not exceed a 25 to 1 ratio.

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(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1515 Enrollment Agreements and Refund Policies

- a) All licensed hair braiding schools shall have enrollment agreements that meet the requirements of Section 3B-12 of the Act.
- b) All licensed hair braiding schools shall implement refund policies pursuant to Section 3B-13 of the Act and this Part.
 - 1) When notice of cancellation is given within 5 days after the date of enrollment, all application and registration fees, tuition and any other charges shall be refunded to the student.
 - 2) When notice of cancellation is given after the fifth day following enrollment but before the completion of the student's first day of class attendance, the school may retain the application and registration fee, not to exceed \$100 and the cost of any books or materials that have been provided by the school and retained by the student (Section 3B-13(b) of the Act).
 - 3) When notice of cancellation is given after the student's completion of the first day of class attendance but prior to the student's completion of 5% of the course of instruction, the school may retain the application and registration fee, not to exceed \$100, 10% of the tuition, other instructional charges or \$300, whichever is less, and the cost of any books or materials that have been provided by the school and retained by the student.
 - 4) When a student has completed 5% or more of the course of instruction, the school may retain the application fee and registration fee, not to exceed \$100 and the cost of any books or materials provided by the school, but shall refund a part of the tuition and other instructional charges in accordance with the requirements of the school's regional or national accrediting agency, if any, or in accordance with subsection (c) of this Section.
- c) For students who enroll in and begin classes, the following schedule of tuition adjustment will be considered to meet the Division standards for refunds:

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<u>PERCENTAGE OF A SCHEDULED COURSE COMPLETED</u>	<u>AMOUNT OF TUITION OWED TO THE SCHOOL</u>
<u>0.01% to 4.9%</u>	<u>10%</u>
<u>5% to 9.9%</u>	<u>30%</u>
<u>10% to 14.9%</u>	<u>40%</u>
<u>15% to 24.9%</u>	<u>45%</u>
<u>25% to 49.9%</u>	<u>70%</u>
<u>50% and over</u>	<u>100%</u>

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1520 Advertising

All school advertising for patrons must contain the words "Work Done Exclusively by Students" or "All Work Done by Students" displayed in a conspicuous manner.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1525 Recordkeeping – Transcripts

- a) Each hair braiding school shall provide an official transcript showing the entire program work of each student. The official transcript shall contain the following information:
- 1) School name and address;
 - 2) School seal;
 - 3) School license number;
 - 4) Signature of the owner, registrar or director of the school;
 - 5) Student's name, address and social security number;
 - 6) Actual dates student attended;

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- 7) Subject areas, hours earned and grades received;
 - 8) Any transfer hours citing the name and address of the school transferred from, subject areas, hours earned and grades received;
 - 9) Final examination grades; and
 - 10) Graduation date.
- b) The official transcript and school records for each student who completed the program shall be permanently maintained by the school in the following manner:
- 1) If maintained on the school premises, they shall be maintained in a locked, fire-resistant cabinet. If official transcripts are maintained on a computer system, history tapes or discs of all official records must be stored in a locked, fire-resistant cabinet.
 - 2) If records cannot be maintained on the premises in locked fire-resistant cabinets, duplicate student records, including the official transcripts, shall be maintained at a separate location that shall be made known to the Division. The records shall be accessible to Division officials for inspection.
- c) An official transcript and school records for students who withdrew or dropped out of a program shall be maintained by the school for 7 years from the student's first day of attendance at the school.
- d) A copy of the transcript shall be given to the student upon graduation or other permanent exit from the school, provided the student has met all financial obligations set forth in the enrollment agreement set forth in Section 3B-12 of the Act.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1530 Recordkeeping – Hours Earned

- a) Student Hours. A licensed hair braiding school shall have a written, published attendance policy.

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- 1) When determining student hours, a school may define its attendance requirements to include 100% attendance for the program length or may allow excused absences for not more than 10% of the program for satisfactory completion. Satisfactory completion is defined as completion of all theory and practical work as outlined in the school's curricula.
 - 2) Student attendance policies shall be written and applied uniformly and fairly.
 - 3) The school must maintain documentation of excused absences for a period of not less than 5 years.
 - 4) The school must maintain attendance records for each student to verify that the minimum attendance standard set forth by the school is being met.
- b) A complete and accurate record of hours of attendance for each student must be recorded and maintained by the school.
 - c) If a time clock is used, each student shall punch his/her own time card. No student, teacher or any other person shall punch the time card of another student. If a time clock is not used, there shall be another verifiable method used by the school to record student hours. The records must be in a form that allows the student to receive a written report of hours earned. This report of hours earned shall be provided to the student on a monthly basis.
 - d) Credit for hours earned away from the school premises shall be awarded only if students are supervised by a qualified teacher who is the holder of a current hair braiding teacher license or cosmetology teacher license issued by the Division or by a licensed cosmetologist or a licensed hair braider in the case of an internship. Credit hours for outside study may include workshops, educational programs, films, demonstrations and internship training in a registered salon.
 - e) Hours earned away from the school premises shall be recorded on school time forms. These forms shall include the school seal, name of student, event or program attended, date attended, signature of student, signature of supervising licensed teacher.

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- f) A qualified teacher who is the holder of a current hair braiding teacher license or cosmetology teacher license issued by the Division shall review the hours earned by each student monthly. Each month the teacher shall issue a signed monthly report to the student showing the actual number of hours earned by the student.
- g) Time cards may be destroyed after two years from the student's permanent exit from the school and after all hours earned are recorded on the official transcript.
- h) An hour is 60 minutes of instruction but not less than 50 minutes.
- i) A qualified teacher who is the holder of a current hair braiding teacher license or cosmetology teacher license issued by the Division shall supervise all classroom and practical instruction. No credit shall be given for unsupervised study.
- j) A student enrolled in the 300-hour hair braiding program may practice on the public only after completing 35 hours of general theory, practical application, and technical application instruction as specified in Section 3E-2 of the Act.
- k) A student enrolled in the 600-hour or 500-hour hair braiding teacher program may practice student teaching only after completing 20 hours of Educational Psychology and 20 hours of Teaching Methods as specified in Section 1175.1540.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1535 Curriculum Requirements – Hair Braiding

Each licensed hair braiding school shall provide a program consisting of a minimum of 300 clock hours or a 10 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:

- a) Basic Training – 35 hours of classroom instruction in general theory, practical application and technical application shall be provided in the following subject areas:
 - 1) history of hair braiding
 - 2) disinfection and sanitation
 - 3) bacteriology

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- 4) disorders and diseases of the hair and scalp
 - 5) OSHA standards relating to material safety data sheets (MSDS) on chemicals, hair analysis and scalp care, and technical procedures
 - 6) personal hygiene and public health
 - 7) professional ethics
- b) Related Concepts – 35 hours of classroom instruction shall be provided in the following subject areas:
- 1) tools and equipment
 - 2) basic styling knowledge
 - 3) client consultation and face shapes
 - 4) growth patterns
 - 5) braid removal and scalp care
 - 6) styles and sectioning
 - 7) client education, pre-care, post-care, home care and follow-up services
- c) Practices and Procedures – 200 hours of instruction, which shall be a combination of classroom instruction and clinical instruction, shall be provided in the following subject areas:
- 1) single braids with and without extensions
 - 2) cornrows with and without extensions
 - 3) twists and knots
 - 4) multiple strands

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- 5) hair locking
 - 6) weaving/sewn-in
 - 7) other procedures as they relate to hair-braiding
 - 8) product knowledge as it relates to hair braiding
- d) Business Practices – 30 hours of classroom instruction shall be provided in the following subject areas:
- 1) Illinois Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 and rules
 - 2) salon management
 - 3) human relations and salesmanship
 - 4) Workers' Compensation Act
- e) A student may practice on the public only after completing 35 hours of general theory, practical application, and technical application instruction as specified in Section 3E-2 of the Act.
- f) Internship program is an optional part of the curriculum. Each licensed hair braiding school may choose to set up an internship program and shall adhere to the following guidelines:
- 1) An internship program:
 - A) May be substituted for 30 hours of the 300 hours required by this Section.
 - B) May be part of the curriculum of a licensed hair braiding school and shall be an organized pre-planned training program designed to allow a student to learn hair braiding under the direct supervision of a licensed cosmetologist or licensed hair braider in a registered salon.

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- 2) A student in the internship program:
 - A) May participate in an internship program only after completing 150 hours of training with a minimum average grade of 80 out of 100. A school may, however, set the average grade higher and set other standards that a student must meet to participate in the internship program.
 - B) May not spend more than 30 hours in an internship program.
 - C) May not be paid while participating in this internship program as it is a part of the hair braiding curriculum of the school.
 - D) May work a maximum of 8 hours a day and shall be required to spend 1 day a week at the school.
 - E) Shall be under the direct, on-site supervision of a licensed cosmetologist or licensed hair braider. Only 1 student shall be supervised by 1 licensed cosmetologist or 1 licensed hair braider at any given time.
- 3) A licensed hair braiding school shall state clearly in the student contract that the school offers an internship program.
- 4) The licensed hair braiding school shall enter into a written internship contract with the student, the registered salon, and the licensed cosmetologist or licensed hair braider. The contract shall contain all the provisions set forth in subsection (f)(2) and any other requirements of the internship established by the school. The contract shall be signed by the student, an authorized representative of the school, and the licensed cosmetologist or licensed hair braider who will supervise the student. Any party to the contract may terminate the contract at any time.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1540 Curriculum Requirements – Hair Braiding Teacher

- a) An approved hair braiding school that intends to provide hair braiding teacher training must utilize a teacher program that includes a minimum of 600 clock

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hours or a 20 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:

- 1) 100 hours of Post-Graduate School Training that includes subjects in the basic curriculum in Section 1175.1535, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education.
- 2) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.
- 3) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom management, student motivation and classroom climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods-Secondary Level at an accredited college or university.
- 4) 150 hours of Application of Teaching Methods that include preparation and organization of subject matter to be presented on a unit by unit basis and presentation of subject matter through application of varied methods (lecture, demonstration, testing and assignments). Presentations must provide teaching objectives to be accomplished and correlate theoretical with practical application.
- 5) 50 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 and this Part.
- 6) 260 hours of Student Teaching under the on-site supervision of a qualified teacher who is the holder of a current teacher's license issued by the Division. The student teacher shall present theoretical and practical demonstrations to students in the basic curriculum.

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- b) A student may practice student teaching only after completing 20 hours of Educational Psychology and 20 hours of Teaching Methods as specified in subsections (a)(2) and (a)(3).
- c) The approved program for a 500-hour Teacher Training Course shall be based on 2 years of practical experience as a hair braider and shall consist of the teacher training curriculum outlined in subsection (a) with the exception of the 100 hours of post-graduate training.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1545 Final Examination

- a) A hair braiding school shall require each candidate for graduation to pass a final examination that shall test the student's theoretical and practical knowledge of the curriculum studied.
- b) The practical examination shall test the candidate's skills in the following areas:
 - 1) Client Preparation, Analysis and Consultation
 - 2) Single Braids With and Without Extensions
 - 3) Cornrows With and Without Extensions
 - 4) Double Strand Twisting
 - 5) Knots
 - 6) Locking
 - 7) Weaving and Styling
 - 8) Safety and Sanitation Procedures
- c) The examination shall be administered by the uniform application of standard performance criteria established by the school for each skill area. The standard

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performance criteria for each skill area shall be delineated in the examination records as specified in subsection (g).

- d) A passing score of 75 or greater shall be required on both the theoretical and practical portions of the final examination.
- e) The school shall allow each candidate for graduation at least 3 attempts to pass the final examination.
- f) The Division may monitor the administration of the final examination:
 - 1) As a result of a complaint received;
 - 2) For random sampling; and/or
 - 3) To collect data.
- g) The school shall maintain records of the final examination for a period of no less than 5 years in the manner prescribed in Section 1175.1525(b). These records shall include:
 - 1) A copy of the final examination administered; and
 - 2) Each student's examination grades.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1550 Change of Ownership

- a) When the ownership of a licensed hair braiding school changes, the new owner shall, within 5 working days from the date the title to the school is transferred, file with the Division an affidavit stating that the sale is contingent on a license being issued to the new owner. If this is not provided, the school must close on the date of the transfer and remain closed until a hair braiding school license is issued to the new owner. The new owner shall file an application with the Division, on forms supplied by the Division, with the following information and documentation:

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- 1) Name, address and telephone number of the person, corporation or other entity that owns the school;
- 2) If the school is owned by a legal entity other than an individual, the name, address and telephone number of the chief executive officer of the corporation or other legal entity that owns the school;
- 3) Name, address and telephone number of the school;
- 4) Name, address and telephone number of the chief managing employee;
- 5) If the school is owned by a legal entity formed in Illinois (domestic), a copy of the required business filing with the Illinois Secretary of State;
- 6) If the school is owned by a legal entity formed outside of Illinois (foreign), a copy of the required filing from that jurisdiction and a copy of the certificate of authority to transact business in Illinois as filed with the Illinois Secretary of State;
- 7) If the school is owned by a partnership, a copy of the signed and dated partnership agreement including the name of the partnership and the name, address and telephone number of each partner;
- 8) If the school name is different from the owner's full legal name, a certificate from the Illinois Secretary of State showing authorization to transact business under an assumed name or certificate from the county clerk's office where the assumed name is filed;
- 9) A Commitment Statement from each officer of the corporation, each manager or member of the limited liability company or each member of the partnership;
- 10) A listing of all teachers who will be in the school's employ, showing a sufficient number of qualified teachers who are holders of a current hair braiding teacher license or cosmetology teacher license issued by the Division;

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- 11) A detailed floor plan consistent with the requirements of Section 1175.1510. The floor plan must be drawn to a scale specified on the floor plan and show each detail of the school site;
 - 12) A copy of a lease showing at least a 1 year commitment to the use of the school site or certification of ownership of the school site;
 - 13) A signed fire inspection report from the local fire inspection authority, conducted in the 6 months immediately preceding application, giving approval for use of the site as a school;
 - 14) A statement prepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act who is not an employee of the school, showing that the owner has sufficient finances to operate the school for at least 3 months after the school license is approved;
 - 15) A copy of the official student contract to be used by the school, which shall be consistent with the requirements of Section 1175.1515;
 - 16) A copy of the curricula to be used by the school, which shall be consistent with the requirements of this Part;
 - 17) A copy of the transcript to be used by the school, which shall be consistent with the requirements of Section 1175.1525;
 - 18) A copy of the final examination to be used by the school, which shall be consistent with the requirements of Section 1175.1545;
 - 19) A sample of the school seal to be used by the school;
 - 20) A photograph of the school sign to be used by the school; and
 - 21) The required fee set forth in Section 1175.100.
- b) When the items listed in subsection (a) have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance with this Subpart. Approval shall be granted if all the requirements of this Subpart O have been met.

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- c) Hair braiding schools shall only offer instruction in hair braiding and hair braiding teacher education.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1555 Change of Location

- a) When the location of a licensed hair braiding school changes, the school owner shall, at least 30 days prior to the change in school site, submit to the Division the following:
- 1) Written notice to the Division that the licensed hair braiding school is changing location;
 - 2) A signed and completed school application;
 - 3) A detailed floor plan of the new school site consistent with the requirements of Section 1175.1510. The floor plan must be drawn to a scale specified on the floor plan and show each detail of the new site;
 - 4) A copy of a lease showing at least a 1 year commitment to the use of the school site or certification of ownership of the school site;
 - 5) A signed fire inspection report from the local fire inspection authority, conducted in the 6 months immediately preceding application, giving approval for use of the site as a school; and
 - 6) The required fee set forth in Section 1175.100.
- b) Once the items listed in subsection (a) have been received, the Division shall inspect the premises to determine compliance with this Part. School operations shall not commence at the new location nor may the school in any way solicit student enrollment at the new location until the owners have received notice of approval from the Division. Approval will be granted if all of the requirements of this Subpart O have been met.
- c) If the change of location is due to natural destruction of the original premises, a temporary site may be used to teach theory classes only.

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- 1) The temporary site must be inspected prior to its use and must possess light and ventilation and tables and chairs for the number of students in a classroom, and must be clean.
- 2) The temporary site may be used for a period of 2 months. The 2 month period can be extended for good cause. Good cause includes, but is not limited to, unexpected delays in construction, delays in lease arrangements, or delays in equipment delivery.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1560 Change of Name

- a) When the name of a licensed hair braiding school changes, the school owner shall, at least 30 days prior to the change in school name, submit to the Division the following:
 - 1) Written notice to the Division that the licensed hair braiding school name is changing. Notice shall include the owner's name, school license number, previous name of school, address of school, new name of school and effective date of change;
 - 2) If the school name is different from the owner's full legal name, a certificate from the Illinois Secretary of State showing authorization to transact business under an assumed name or certificate from the county clerk's office where the assumed name is filed; and
 - 3) The required fee set forth in Section 1175.100.
- b) Once the items listed in subsection (a) have been received and processed, the Division shall issue a new certificate. All identifying signs and materials must conform to the new school name.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1565 Expansion

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- a) Written notice shall be given to the Division 30 days prior to any expansion of a licensed hair braiding school.
- b) When an on-site expansion is to accommodate an increased enrollment, a completed school application shall be submitted along with:
 - 1) A statement from the school owner outlining the purpose of the expansion;
 - 2) A detailed floor plan of the school site consistent with the requirements of Section 1175.1510. The floor plan must be drawn to a scale specified on the floor plan and show each detail of the existing school site and expansion;
 - 3) A listing of any additional teachers who will be added to the teaching staff as a result of the expansion; and
 - 4) The required inspection fee set forth in Section 1175.100.
- c) Off-Site Locations
 - 1) An off-site classroom location is defined as a separate classroom that is located within 5 miles of the main school site that serves to provide adequate space in which to train an overflow of students. A clinic may not be operated at an off-site classroom location. A school may establish only one off-site classroom location. All identifying signs and materials must reflect the name of the main school.
 - 2) When the expansion will result in an off-site classroom location, a completed school application shall be submitted along with:
 - A) A statement from the school owner outlining the purpose of the off-site classroom location;
 - B) A detailed floor plan of the off-site classroom location;
 - C) A copy of a lease showing at least a 1 year commitment to the use of the off-site classroom location or certification of ownership of the off-site classroom location;

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- D) A signed fire inspection report from the local fire inspection authority, conducted in the 6 months immediately preceding application, giving approval for use of the site as an off-site classroom location;
 - E) A listing of any additional teachers who will be added to the teaching staff as a result of the expansion; and
 - F) The required fee set forth in Section 1175.100.
- d) Upon receipt of the items listed in subsections (b) and (c), the Division shall inspect the expansion site to determine compliance with this Part. The expansion site shall not be used until the inspection has occurred and the owner has received notice of approval from the Division. Approval will be granted if all of the requirements of this Subpart O have been met.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1175.1570 Discontinuance of Program

- a) The Division shall receive a minimum of 30 days written notice of a school's intent to discontinue its program. The notice shall include the exact location where the student records are to be stored.
- b) The school owner shall notify the Division in writing of the actual closing date of the school.
- c) All school records shall be maintained after the school closes.
- d) The school must continue to meet the requirements of the Act and this Part until the actual closing date.
- e) Each student enrolled at the time of discontinuation must be provided an official transcript of all hours earned while enrolled in the program.
- f) All refunds shall be given to students in accordance with the refund provisions set forth in the enrollment agreement.

(Source: Added at 35 Ill. Reg. _____, effective _____)

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Section 1175.1575 Withdrawal of Approval

The Division may withdraw, suspend or place on probation, pursuant to 68 Ill. Adm. Code 1110, the approval of a of licensed hair braiding school when the quality of the program has been affected by any of the following:

- a) Gross or repeated violations of any provisions of the Act or this Part;
- b) Fraud or dishonesty in furnishing transcripts or documentation for evaluation of the school;
- c) Failure to meet the criteria for school approval specified in this Part;
- d) Failure to administer the final examination specified in this Part;
- e) Failure to maintain final examination grades for each student and a master of the examination administered by the school, as specified in this Part;
- f) Fraud or dishonesty in providing transcripts to students who have fulfilled all obligations under Section 1175.1515;
- g) Failure to provide transcripts to students;
- h) A finding by the U.S. Office of Education or Illinois Student Assistance Commission that a school has misappropriated or misused grant or loan monies or has aided in obtaining monies by providing fraudulent or untruthful information; and
- i) Any other violations of the Act or this Part.

(Source: Added at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004
- 2) Code Citation: 68 Ill. Adm. Code 1240
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1240.500	Amendment
1240.520	Amendment
1240.530	Amendment
1240.535	Amendment
1240.550	Amendment
1240.570	Amendment
1240.600	New Section
1240.610	New Section
1240.620	New Section
1240.630	New Section
- 4) Statutory Authority: Implementing the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447] and authorized by Section 2105-15(7) and 2105-100 (b) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7) and 2105-100(b)]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 95-613 amended the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 to provide for the licensure of fingerprint vendors; this proposed rulemaking implements its provisions. Subpart G: Fingerprint Vendor, which is being added to this Part, includes Sections for fingerprint vendor and fingerprint vendor agency licensure, standards, and training. Section 1240.620 encompasses the guidelines for standards of practice and details unethical, unauthorized and unprofessional conduct. The rule changes being made include some clean-up references, but primarily identify the specific information needed for licensing and regulation of the fingerprint vendor profession including agency licensure.

The Division will work closely with the Illinois State Police-Joliet, since the machines used for fingerprinting will be approved for use by the ISP and fingerprint vendor training will be conducted by the ISP as well.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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- 7) Will this rulemaking replace emergency rulemakings 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 Objective (if applicable): This rulemaking has no impact on local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Private detectives, security contractors, alarm contractors, locksmiths, and agencies and employees regulated under the Act will be affected.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Training and/or experience in various security or other related areas are necessary for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1240

PRIVATE DETECTIVE, PRIVATE ALARM,

PRIVATE SECURITY, [FINGERPRINT VENDOR](#), AND LOCKSMITH ACT OF 2004

SUBPART A: PRIVATE DETECTIVE

Section

1240.10 Application for Examination and Licensure – Private Detective

SUBPART B: PRIVATE ALARM

Section

1240.100 Application for Examination and Licensure – Private Alarm Contractor

SUBPART C: PRIVATE SECURITY

Section

1240.200 Application for Examination and Licensure – Private Security Contractor

SUBPART D: LOCKSMITH

Section

1240.300 Application for Examination and Licensure – Locksmith

1240.310 20-Hour Basic Training Course – Locksmith

1240.320 Recordkeeping Requirements – Locksmith

SUBPART E: PROPRIETARY SECURITY FORCE

Section

1240.400 Registration of Proprietary Security Force

SUBPART F: GENERAL

Section

1240.500 Definitions

1240.505 20-Hour Basic Training Course – Private Detective, Private Alarm Contractor and Private Security Contractor

1240.510 Firearm Training Course

1240.515 Approval of Firearm Training Programs and Firearm Instructors

1240.520 Permanent Employee Registration Card

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- 1240.525 Refusal to Issue Employee Registration Card or Firearm Authorization Card Due to Criminal History Record Information
- 1240.530 Firearm Authorization Cards
- 1240.535 Recordkeeping Requirements
- 1240.540 Reporting Requirements
- 1240.550 Renewals
- 1240.555 Endorsement
- 1240.560 Restoration
- 1240.561 Inactive Status
- 1240.565 Requests for Duplicate Certificates
- 1240.570 Fees
- 1240.575 Conduct of Hearings
- 1240.580 Investigation by the Division
- 1240.585 Granting Variances

SUBPART G: FINGERPRINT VENDOR

- 1240.600 Application for Licensure – Fingerprint Vendor
- 1240.610 Licensure – Fingerprint Vendor Agency
- 1240.620 Fingerprint Vendor – Standards, Unethical, Unauthorized, or Unprofessional Conduct
- 1240.630 Fingerprint Vendor – Training

AUTHORITY: Implementing the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447] and authorized by Section 2105-15(7) and 2105-100 (b) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7) and 2105-100(b)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Detective Act, effective October 7, 1975; amended at 4 Ill. Reg. 22, p. 251, effective May 15, 1980; codified at 5 Ill. Reg. 11032; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8208, effective July 15, 1982; emergency amendment at 8 Ill. Reg. 903, effective January 6, 1984, for a maximum of 150 days; Part repealed and new Part adopted at 9 Ill. Reg. 18512, effective November 15, 1985; transferred from Chapter I, 68 Ill. Adm. Code 240 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1240 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2967; amended at 12 Ill. Reg. 20143, effective November 18, 1988; amended at 15 Ill. Reg. 3051, effective February 11, 1991; amended at 17 Ill. Reg. 1579, effective January 26, 1993;

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amended at 19 Ill. Reg. 954, effective January 17, 1995; amended at 19 Ill. Reg. 11473, effective July 28, 1995; emergency amendment at 19 Ill. Reg. 13460, effective September 8, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 3191, effective February 2, 1996; emergency amendment at 20 Ill. Reg. 14924, effective October 31, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3135, effective March 4, 1997; amended at 24 Ill. Reg. 587, effective December 31, 1999; emergency amendment at 27 Ill. Reg. 1307, effective January 13, 2003, for a maximum of 150 days; emergency expired June 11, 2003; amended at 27 Ill. Reg. 9587, effective June 13, 2003; old Part repealed, new Part adopted at 28 Ill. Reg. 16209, effective December 2, 2004; amended at 35 Ill. Reg. _____, effective _____.

SUBPART F: GENERAL

Section 1240.500 Definitions

"Act" means Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447].

"Board" means the Private Detective, Private Alarm, Private Security, Fingerprint Vendor and Locksmith Board.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"ISP" means the Illinois State Police.

"Participation in agency affairs" – Participation in agency affairs includes but is not limited to responsibility for delivery of professional services and compliance with the Act, including employee recordkeeping, training, activities and conduct, and the review and approval of contracts and proposals. Participation in agency affairs also includes responsibility of the licensee-in-charge for maintaining at a location within Illinois all files subject to audit or inspection pursuant to Section 35-10 of the Act. The address of the location where files are maintained shall be on file with the Division. If an agency does not maintain an office or jobsite within Illinois or the licensee-in-charge resides outside of the State, it may seek a

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variance from the requirement of this Part pursuant to Section 1240.585. In determining whether a licensee-in-charge participates in agency affairs, the Division may consider those responsibilities identified in this Section, the number of employees under the direct supervision of the licensee-in-charge, and the employment relationship between the licensee-in-charge and the agency, including the existence of a contract for employment and any other relevant fact or circumstance.

"Qualified Instructor" – An individual employed or retained by a licensed agency under the Act who can provide the basic training as outlined in the Act. This shall include:

A licensed private detective, private alarm contractor, private security contractor or locksmith active and in good standing;

A registered employee, retained or employed by a licensed agency, who has a minimum of 5 years experience in the discipline being taught and has been conducting training classes in at least 3 of the past 5 years;

Registered employees of licensed agencies with a least 3 years full-time supervisory experience in the area in which the individual will conduct training;

Full time or part-time faculty employed by an institution under the jurisdiction of the Illinois Board of Higher Education or the Illinois Community College Board to teach firearms training courses or security training courses.

A registered employee, retained or employed by a licensed agency, who has a baccalaureate degree in education, business, law enforcement or other related degree to provide training in the discipline to be taught or has 3 years previous experience as a corporate trainer or equivalent in another industry.

For private alarm contractors, a qualified instructor may also include factory trained and certified personnel on the types of systems or work being trained; National Institute of Certification in Engineering Technologies (NICET) certified personnel; or a Certified Protection Professional (CPP) as designated by the American Society for Industrial Security.

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"Related to" – The immediate family living in the same household.

"Restored" – A court has declared an individual to be competent, as referenced in Section 35-30 of the Act.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Traffic Offense" – As used in Section 35-30(1)(C) of the Act, does not include a misdemeanor or felony conviction related to vehicle usage.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1240.520 Permanent Employee Registration Card

- a) Any person seeking employee registration under Section 35-30 of the Act shall file an application with the Division, on forms provided by the Division, along with the following:
- 1) One of the following:
 - A) Copy of the verification of~~Verification of electronic~~ fingerprint processing from ~~the ISP~~Illinois Department of State Police or from one of the ISP live scan~~Illinois State Police approved~~ vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division.~~Applicants shall contact one of the approved vendors for fingerprint processing;~~
 - B) Out-of-state residents unable to utilize the ISP electronic~~Illinois State Police~~ fingerprint process may submit to ~~one of the~~ ISP~~Illinois State Police approved vendors~~ one fingerprint card issued by ~~the ISP~~Illinois State Police, accompanied by the fee specified by ~~the ISP~~vendor; or
 - C) Verification, on forms provided by the Division, of proof of retirement as a peace officer as defined in subsection (g) within 12 months prior to application in lieu of fingerprints. Such verification shall be signed by the applicant's employer;

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- 2) The required registration fee specified in Section 1240.570, made payable to the Division of Professional Regulation.
- b) An agency may employ an applicant in a temporary capacity in accordance with Section 35-30(k) of the Act by:
- 1) submitting the required application in accordance with subsection (a) on behalf of the person or verifying with the Division that an application has been submitted for the individual;
 - 2) verifying on the Division's website (www.idfpr.com) that the applicant has no criminal conviction pursuant to the [ISP Illinois Division of State Police](#) criminal history check;
 - 3) maintaining a separate roster of the names of all employees whose applications are pending; and
 - 4) meeting any other requirements set forth in this Part or the Act.
- c) If no record is found relating to the fingerprints and the applicant is otherwise qualified under the Act, the Division shall issue to the applicant a permanent employee registration card that shall be valid for the period specified on the face of the card and shall be renewable upon the conditions set forth in Section 1240.550 of this Part.
- d) A valid permanent employee registration card shall serve as proof to an employer that the bearer is eligible for employment.
- e) Exempt employees are as follows:
- 1) Private Detective. Persons who have no access to confidential or detective related information and who otherwise do not provide traditional detective related services are exempt from employee registration. Examples of exempt employees include reception personnel. Confidential or detective related information is that which pertains to employee files, scheduling, client contracts or technical data.

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- 2) Private Alarm Contractor. Persons who have no access to confidential or alarm related information and who otherwise do not provide traditional alarm related services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical alarm data.
- 3) Private Security Contractor. Persons who have no access to confidential or security information and who otherwise do not provide traditional security services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of ticket takers, cashiers, drivers, ushers and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical security data.
- 4) Locksmith. *Persons who have no access to confidential or security information and who otherwise do not provide traditional locksmith services, as defined in this Act, are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of key cutters, cashiers, drivers, and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts, master key charts, access codes, or technical security and alarm data.* (Section 30-5(10) of the Act)
- 5) [Fingerprint Vendor](#)
 - A) [Persons who have no access to confidential or security information and who otherwise do not provide or operate fingerprint equipment or other equipment designed to obtain fingerprint images for the purpose of providing fingerprint images and associated demographic data to ISP are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of cashiers, ushers and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical security data.](#)

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B) *No registered employee of a licensed fingerprint vendor agency may operate live scan fingerprint equipment or other equipment designed to obtain fingerprint images for the purpose of providing fingerprint images and associated demographic data to ISP. (Section 31-20(d) of the Act)*

6) Individuals who are currently employed as peace officers in good standing are not required to obtain permanent employee registration cards. If the individual ceases to be employed as a peace officer, then the agency is required to obtain a permanent employee registration card in accordance with this Section.

7)6) *A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act)*

8)7) All employees of any agency licensed under the Act who reside outside of Illinois and who perform no duties in Illinois.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1240.530 Firearm Authorization Cards

- a) Each employer shall make a request to the Division, on forms supplied by the Division, for the issuance of a firearm authorization card for each employee whose duties include the use, carrying or possession of a firearm. Each employee shall have an active permanent employee registration card issued in accordance with Section 1240.520 prior to applying for a firearm authorization card unless employed by a proprietary security force in accordance with Section 1240.400.
- b) Upon verification by the Division that the individual employees have completed the required firearm training course within the 2 years preceding the request for a firearm authorization card, and meet all the requirements of the Act for issuance of a firearm authorization card, the Division shall issue a card to the employer for each employee. If the employee's firearm training was completed more than 2

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years before the request for a firearm authorization card, the employer shall submit evidence that the employee has requalified on the firing range within one year preceding the request.

- c) The firearm authorization card shall be retained by the employee for the term of employment. Upon termination of employment, the card shall be returned to the Division by the employer. In the event an employee fails to return a firearm authorization card to the employer, the employer shall notify the Division in writing of the failure and the reason why the card was not returned.
- d) No employee may carry a firearm until the requirements of this Section have been satisfied.
- e) If an employee is employed by more than one agency, regardless of whether the agencies are owned or operated by the same person or different persons, that employee must possess a separate firearm authorization card for each agency.
- f) Individuals who are employed as peace officers in good standing are not required to obtain firearm authorization cards. If the individual ceases to be employed as a peace officer, then the individual is required to obtain a firearm authorization card in accordance with this Section.
- g) *A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act)*
- h) A person licensed as a fingerprint vendor or any employee of a licensed fingerprint vendor agency may not possess or carry a firearm in the course of providing fingerprinting services. This subsection shall not apply to an active duty sworn peace officer acting within the scope of his or her duties.
- i) The Division shall not grant or authorize the issuance of a firearm control card to a fingerprint vendor or any employee of a licensed fingerprint vendor agency unless:

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- 1) the individual is licensed as a private detective, private alarm contractor or private security contractor; or
- 2) the individual is employed by a private detective agency, private alarm contractor agency or private security agency licensed under the Act who carries a weapon while engaged in the performance of his or her official duties providing detective, private security contracting or alarm contractor services within the course and scope of his or her employment during the hours and times the employee is scheduled to work or is commuting between his or her home or place of employment, provided that commuting is accomplished within one hour from departure from home or place of employment and the individual is not providing fingerprinting services while possessing or carrying a firearm; or
- 3) the person is employed by an armed proprietary security force registered under this Act who carries a weapon while engaged in the performance of his or her official duties within the course and scope of his or her employment during the hours and times the employee is scheduled to work or is commuting between his or her home or place of employment, provided that commuting is accomplished within one hour from departure from home or place of employment and the individual is not providing fingerprinting services.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1240.535 Recordkeeping Requirements

- a) Each employer licensed under the Act shall maintain a file on each employee pursuant to Section 35-30 of the Act. The employee file shall be maintained by the agency for 5 years after termination of the employee, shall be accessible to duly authorized representatives of the Division with 24 hours prior notice (72 hours notice for files more than 2 years old), and shall contain the following information:
 - 1) A photograph of the employee taken within 10 days after the date the employee commences employment. The photo shall be replaced every 3 calendar years;
 - 2) The employee's statement required in Section 35-30(b) of the Act;

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- 3) All correspondence or documents related to the character and integrity of the employee received by the employer from an official source or law enforcement;
- 4) The employee identification card of a terminated employee pursuant to Section 35-30(h);
- 5) A copy of the weapons discharge report, if applicable, during the course of the employee's duties or activities;
- 6) Application for employment;
- 7) Certification of Completion of Basic and/or Refresher Training as provided in Section 1240.505 of this Part;
- 8) Certificate of Firearm Training, if applicable (or notarized copy as provided in Section 1240.510 of this Part) verified by the licensee in charge;
- 9) Copy of employee's permanent employee registration card and firearm authorization card and active Firearm Owner's Identification Card (FOID), if applicable;
- 10) Certification or certified copy of requalification (Section 1240.510);
- 11) Copy of the verification of fingerprint processing from ~~the~~ [ISP Illinois Department of State Police](#) or from one of the [ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division](#) ~~Illinois State Police designated agents~~;
- 12) A copy of the Division's webpage (www.idfpr.com) showing that an applicant has no criminal conviction pursuant to the [ISP Illinois Department of State Police](#) criminal history check for individuals employed prior to issuance of the permanent employee registration card; and
- 13) For active peace officers, the agency employee file shall include a copy of the current police identification card and, within 14 days after employment

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a signed letter from the peace officer's chief of police or his/her designee (or Division verification of employment form) indicating current status as a peace officer, as well as items set forth in subsections (a)(1), (4), (5) and (6). The agency shall annually re-verify and maintain proof of the employee's qualifications for the peace officer exemption.

- b) Private alarm contractors who provide monitoring services shall maintain a separate roster of the names of all licensed agencies and/or individuals, including license number, from whom they accept monitoring contracts or assignments. The roster shall be made available to the Division upon 24 hours notice. It shall be considered unprofessional conduct, subject to discipline by the Division, for a licensed alarm contractor or agency to accept monitoring contracts or assignments from an unlicensed entity.

c) Fingerprint Vendors Records

- 1) A fingerprint vendor or fingerprint vendor agency shall document in the form of a work order the date, time and location where each and every fingerprint service is provided;
- 2) The fingerprint vendor shall require each individual seeking to be fingerprinted to present a Primary, Secondary or Requesting Agency authorized form of identification in order to be fingerprinted by the fingerprint vendor. The work order shall describe the form of identification presented by the individual seeking to be fingerprinted.
 - A) Primary Identification – The work order shall include the name, address, date of birth, social security number or documentation of legal status, aliases, telephone number and driver's license number or Secretary of State issued State identification number of the person requesting to be fingerprinted, the signature of that person, and the Transaction Control Number (TCN) for that fingerprint request.
 - B) Secondary Identification – The work order shall include all of the information set forth in subsection (c)(2)(A). In the absence of a driver's license or State identification number, the work order shall contain written verification that the individual seeking to be fingerprinted provided at least two forms of identity verification

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described within the Identity Verification Program Guide developed and available from the National Crime Prevention and Privacy Compact Council. A copy of the documentation used to establish identity verification shall be attached as part of the work order.

C) Requesting Agency Authorized Identification – The work order shall include all of the information set forth in subsection (c)(2)(A). If the individual is unable to provide a driver's license, Secretary of State issued State identification or any identity verification set forth in subsection (c)(2)(B), the agency requesting the individual to be fingerprinted must authorize an alternative form of identification to be used to verify the identity of the individual seeking to be fingerprinted. The work order must contain documentation confirming that the requesting agency authorized the use of an alternative form of identification in the absence of a Primary or Secondary form of identity verification. A copy of the requesting agency authorized identity verification documentation shall be attached as part of the work order;

- 3) All work orders shall contain the name and license number of the licensed fingerprint vendor who performed the services;
- 4) If a licensee is employed by more than one fingerprint vendor agency, the employer that the licensed employee is providing fingerprint services for must be identified on the work order by the agency license number;
- 5) All work orders, including fee applicant submissions, shall be maintained for a minimum of two years from the date of printing. The records may be maintained in an electronic format so long as the records cannot be altered. Corrections may be made but must be noted in the record;
- 6) Each fee applicant submission shall contain the originating identifier (ORI) number of the agency requesting the fingerprints;
- 7) All fee applicant submissions must contain a photograph of the individual who was fingerprinted. The photos shall be maintained in an electronic format and shall be forwarded to ISP along with any request for criminal history record information or other information;

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- 8) All work orders that are requesting a re-print of a previously fingerprinted individual shall contain the reason for the re-print request;
- 9) A copy of those items used to establish the identity of the individual being printed shall be provided;
- 10) A licensed fingerprint vendor must develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying identifiers and other biometric information when the initial purpose for collecting or obtaining the identifiers or information has been satisfied or after 3 years from the individual's last interaction with the licensed fingerprint vendor, whichever occurs first. Absent a valid warrant or subpoena issued by a court of competent jurisdiction, a private entity in possession of biometric identifiers or biometric information must comply with its established retention schedule and destruction guidelines;
- 11) Work order forms, including fee applicant submissions, required to be kept under this Section shall be available for inspection by the Division or by ISP at the discretion of the Division or ISP, respectively. The Division shall have the right to audit records of a licensed fingerprint vendor to ensure compliance with the Act and this Part;
- 12) A licensed fingerprint vendor shall provide and obtain a signed consent form from the applicant prior to the fingerprinting of any individual fingerprinted for all civil submissions. The privacy statement within the consent form must be pre-approved by ISP.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1240.550 Renewals

- a) Beginning with the May 1999 renewal, every individual license issued under the Act shall expire on May 31 every 3 years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee set forth in Section 1240.570 and providing proof of liability insurance as evidenced by a certificate of insurance from the insurer.

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- b) Beginning with the May 1999 renewal, every certificate of registration for an agency and every branch office and proprietary security force certificate issued under the Act shall expire on August 31 every 3 years. The holder of a certificate of registration may renew such certificate during the month preceding the expiration date by paying the required fee.
- c) Beginning with the May 2000 renewal, every employee registration card issued under the Act shall expire on May 31 every 3 years. The holder of the card may renew the card during the month preceding the expiration date by submitting the required fee to the Division.
- d) It is the responsibility of each licensee and employee registration card holder to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to renew one's license or employee registration card or to pay the renewal fee. Practicing on an expired license or employee registration card is unlicensed practice and subject to discipline under Section 45-10 of the Act.
- e) Every firearm authorization card shall expire on the date specified on the face of the card. The card shall be renewed upon proof that:
- 1) The employee has been requalified on the firing range within one year preceding the renewal date; and
 - 2) The employee continues to be employed by the agency to which the card was issued.
- f) No employer shall, after the expiration of a firearm authorization card, employ the holder of the card in an armed capacity.
- g) In addition to the other requirements of this Section, fingerprint vendor licensees shall provide the following in order to renew:
- 1) verification that the applicant's fingerprinting equipment and software meets all specifications outlined in Section 1240.600 and that the equipment has been scheduled for recertification if required by ISP, or the licensee has received notice from ISP that recertification is not required at the time of renewal. The licensed vendor shall maintain all correspondence or notices related to recertification of equipment that have

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been received from ISP for a period of 6 years since the last renewal of the vendor's license. The correspondence or notices shall be made available to the Division upon request. Current certification with ISP is a continuing requirement of licensure;

- 2) verification that the licensee currently maintains insurance in the type and amounts required in Section 1240.600. Insurance in the type and amounts required in Section 1240.600 shall be a continuing requirement for licensure;
- 3) the licensee shall provide proof, acceptable to the Division, that the requirements of subsections (g)(1) and (2) have been met.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1240.570 Fees

The following fees shall be paid to the Division and are not refundable:

- a) Application Fees
 - 1) The fee for application for a license as a private detective, security contractor, alarm contractor, fingerprint vendor, or locksmith is \$500. In addition, applicants for an examination shall be required to pay, either to the Division or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The fee for application for an agency certificate is \$500.
 - 3) The fee for application for a branch office certificate is \$200.
 - 4) The fee for issuance of a permanent employee registration card is \$55.
 - 5) The fee for issuance of a firearm authorization card is \$55.

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- 6) The fee for issuance of an armed proprietary security force registration is \$20.
 - 7) [The fee for the ISP fingerprint training course is the fee charged by ISP.](#)
 - 8) [The fee for ISP equipment certification or recertification is the fee charged by ISP.](#)
- b) Renewal Fees
- 1) The fee for the renewal of a license shall be calculated at the rate of \$150 per year.
 - 2) The fee for the renewal of an agency certificate is \$450 for the renewal period (see Section 1240.550(b)).
 - 3) The fee for the renewal of a branch office certificate is \$200 for the renewal period (see Section 1240.550(b)).
 - 4) The fee for the renewal of a permanent employee registration card is \$45 for the renewal period (see Section 1240.550(c)).
 - 5) The fee for the renewal of a firearm authorization card is \$45 for the renewal period (see Section 1240.550(c)).
 - 6) The fee for the renewal of an armed proprietary security force registration is \$20 for the renewal period (see Section 1240.550(b)).
- c) General Fees
- 1) The fee for the restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees; the fee for restoration from inactive status is the current renewal fee.
 - 2) The fee for the issuance of a duplicate/replacement license, agency certificate of registration, permanent employee registration card, Certification of Firearm Training, firearm authorization card, or a certificate issued for a change of name or address, other than during the

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renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.

- 3) The fee for reissuance of a firearm authorization card to an agency that has changed its name is \$10.
- 4) The fee for electronic fingerprint processing by one of the designated vendors is the cost of processing that shall be made payable to the vendor.
- 5) The fee for a certification of a licensee's record for any purpose is \$20.
- 6) The fee to have the scoring of an examination administered by the Division reviewed and verified is \$20, plus any fee charged by the testing service.
- 7) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 8) The fee for a roster of licensees or registrants shall be the actual cost of producing the roster.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART G: FINGERPRINT VENDOR

Section 1240.600 Application for Licensure – Fingerprint Vendor

- a) An applicant for licensure as a fingerprint vendor shall submit an application, on forms supplied by the Division, that shall include the following:
 - 1) verification that the applicant is at least 18 years of age.
 - 2) one of the following:
 - A) Copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division. Applicants shall not take fingerprints of themselves for

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processing nor shall the applicant be fingerprinted by any individual or entity by which the applicant is employed;

- B) Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP; or
- C) In lieu of fingerprints, verification, on forms provided by the Division, of proof of retirement as a peace officer within 12 months prior to application. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act) The verification shall be signed by the applicant's employer.
- 3) certification issued by ISP that the applicant has successfully completed a fingerprint vendor training course conducted or authorized by ISP.
- 4) proof of at least \$1,000,000 of general liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer. A fingerprint vendor employed by a licensed fingerprint vendor agency may provide proof that his or her actions as a fingerprint vendor are covered by the liability insurance of his or her employer.
- 5) the required fees specified in Section 1240.570.
- 6) certification issued by ISP that the applicant's fingerprinting equipment and software meets all specifications of ISP. Compliance with the ISP fingerprinting equipment and software specifications is a continuing requirement for licensure and shall be provided to Division personnel upon request.
- 7) proof that the applicant maintains an office location in Illinois and attestation that the applicant will operate from that location when

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providing fingerprint services unless authorized to provide services from a location other than the stated office location.

8) all other information the Division deems relevant to determine the applicant's qualifications under the Act and this Part.

b) Failure to maintain general liability insurance and failure to provide the Division with written proof of the insurance, upon request, shall result in cancellation of the license without a hearing.

c) In addition to any other requirements, an applicant for licensure shall meet the following:

1) Has not been convicted of any felony in any jurisdiction or at least 10 years have elapsed since the time of full discharge from a sentence imposed for a felony conviction;

2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;

3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared him or her to be competent;

4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;

5) Has not been dishonorably discharged from the armed forces of the United States;

6) Submits his or her fingerprints, in accordance with the provisions of the Act and this Part, including but not limited to the payment of any required fees;

7) Has not violated any provision of the Act or this Part;

8) Pays all required licensure fees.

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- d) A person licensed as a fingerprint vendor or any employee of a licensed fingerprint vendor agency may not possess or carry a firearm in the course of providing fingerprinting services. This subsection shall not apply to an active duty sworn peace officer acting within the scope of his or her duties.
- e) The Division shall not grant or authorize the issuance of a firearm control card to a fingerprint vendor or any employee of a licensed fingerprint vendor agency unless the person is authorized to carry a firearm under the Act or authorized in accordance with Section 1240.530(i).

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1240.610 Licensure – Fingerprint Vendor Agency

- a) An applicant for licensure as a fingerprint vendor agency shall, in accordance with Section 31-15 of the Act, file an application with the Division, on forms provided by the Division, together with the following:
- 1) Business name and registered address where services are provided, if different, of the fingerprint vendor agency;
 - 2) Anyone doing business as (d/b/a) names used by the fingerprint vendor agency and proof of legal authorization to use that name;
 - 3) The type of business (sole proprietorship, partnership, corporation, etc.):
 - A) If a partnership, a listing of all partners and their addresses;
 - B) If a corporation, a copy of the Articles of Incorporation and a listing of all members of the board of directors. If the corporation is a foreign corporation, a copy of the authorization to conduct business in Illinois and a list of all members of the board of directors shall be submitted;
 - C) If a limited liability company, a copy of the Articles of Organization and a listing of all members of the board of directors;

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- 4) The name of the licensed fingerprint vendor who is and who shall remain responsible for the daily activities of the fingerprint vendor agency.
- b) The device identification number (ID number) of all fingerprinting machines utilized by the fingerprint vendor agency and their locations;
- c) An applicant for a fingerprint vendor agency shall name at least one officer or executive employee who is a licensed fingerprint vendor under the Act who is responsible for the daily activities of the fingerprint vendor agency, and any unlicensed officers or directors of the corporation or limited liability company who have been determined by the Division to be persons of good moral character. Maintaining at least one officer or executive employee who is a licensed fingerprint vendor under the Act who shall be responsible for the daily activities of the fingerprint vendor agency shall be a continuing requirement of licensure.
- d) When the accuracy, relevance or sufficiency of any submitted documentation or information is questioned by the Division because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the accuracy, relevance or sufficiency of any submitted documentation or information or lack of information, discrepancies or conflicts in information given.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1240.620 Fingerprint Vendor – Standards, Unethical, Unauthorized, or Unprofessional Conduct

- a) The Division may deny issuance, refuse to renew, or restore or may reprimand, place on probation, suspend, revoke, or take other disciplinary or non-disciplinary action against any license, registration, or permanent employee registration card, and may impose a fine, based on a finding of unethical, unauthorized or unprofessional conduct, which shall include, but is not limited to, the following acts or practices:

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- 1) Errors and omissions in work orders submitted for print verification or other information, including but not limited to ORI number errors;
- 2) Errors and omissions in work orders submitted for print verification or other information and not meeting the following standards or levels of performance:
 - A) Demographic field errors shall not exceed the acceptable accuracy rate established by ISP of those records audited by ISP or its designee during any analyzed audit timeframe;
 - B) Fingerprint quality rejects shall not exceed the acceptable error rate established by ISP of those records audited by ISP or its designee during any analyzed audit timeframe;
 - C) Fingerprint visual quality errors shall not exceed the acceptable review rate established by ISP of those records audited by ISP or its designee during any analyzed audit timeframe;
- 3) Failing to have a clause in all software agreements that a fingerprint vendor licensee enters into to obtain, repair, update and/or maintain fingerprint machines that require a software vendor to maintain the confidentiality of information that may be exposed to the software vendor in obtaining, repairing, updating and/or maintaining a fingerprint machine;
- 4) Unlicensed practice by any person employed by, authorized by, assisted by in any manner, or permitted by a licensed fingerprint vendor or licensed fingerprint vendor agency that provides fingerprinting services, including, but not limited to, rolling a print or any other activity defined as unlicensed practice;
- 5) Practicing or offering to practice on an expired or inactive license, constituting unlicensed or unauthorized practice;
- 6) Failure to maintain a record, for at least 3 years, listing the identification number of the machine used to fingerprint each individual and the location where the individual was fingerprinted;

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- 7) A determination and notice from ISP that a licensee is in noncompliance with ISP procedures, policies or practices, causing ISP to terminate or otherwise limit that licensee's ability to submit fingerprints to ISP;
- 8) Failure by a licensee to obtain the required consent of any person being printed prior to providing any fingerprint services;
- 9) Providing, selling or offering to sell or provide any information for a fee or any other valuable consideration any information that has been obtained from a person for whom the licensee is providing or has provided fingerprint services;
- 10) Sending or providing fingerprint or other criminal history record information to any party other than to the designated authorized party. "Authorized party" is any party that is authorized by law to request a criminal history record check and receive the results; however, the authorized party shall not be the licensee nor shall fingerprint or other criminal history record information be returned to the licensee;
- 11) Providing or offering to provide services or using techniques for which one is not qualified by education, training and experience or providing or offering to provide services as a fingerprint vendor without proper licensure;
- 12) Revealing facts, data or information relating to a client or examinee without the expressed consent of the person to whom fingerprinting services are being offered or are being provided or as allowed by law. The release of information with "the expressed consent of the client" shall mean that the licensee, prior to the release of the information, has obtained written consent and made certain that the client understood the possible uses or distributions of the information;
- 13) Making gross or deliberate misrepresentations or misleading claims as to his/her qualifications;
- 14) Refusing to divulge to the Division, upon request, all information, records, techniques or procedures used in his/her activities or practice;

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- 15) Directly or indirectly giving to or receiving from any person, firm or corporation any fee, commission, rebate or other form of compensation for any professional services not actually rendered;
 - 16) Impersonating another person holding a license or allowing another person to use his/her license to provide fingerprint vendor services;
 - 17) Submission to a third party of fraudulent information relating to any individual;
 - 18) Providing or offering to provide fingerprint services when the licensee has a conflict of interest with the person to whom services are offered or provided. "Conflict of Interest" shall include but is not limited to those situations in which a licensee currently has or may have had a social, business or other relationship of a nature that might impair, or give the appearance of impairing, the impartiality or independence of the licensee. The licensee may only continue to provide or offer to provide fingerprint services to the person after the licensee makes full disclosure of the potential conflict on the work order and explains the conflict of interest to the person to whom fingerprinting services are being offered or provided.
- b) Any licensee who leases, subcontracts or uses any other similar type of arrangement to provide fingerprint scanning equipment or services to an individual or entity shall remain responsible for the actions of the lessee if the licensee maintains any role in the offering or providing of fingerprint services to the public beyond the mere lease of the equipment, including, but not be limited to, receiving criminal history record information or other personal information from or on behalf of a lessee, transferring fingerprints to ISP on behalf of a lessee, scheduling appointments for printing services for a lessee, or training the lessee's employees to provide or offer to provide fingerprinting services.
 - c) ISP shall not accept or process fingerprint requests from any licensee who the Division has revoked, suspended or otherwise disciplined in a manner prohibiting the licensee from taking fingerprints or providing fingerprint services. The Division shall provide to ISP notice of disciplinary measures taken.
 - d) A licensee shall conduct all fingerprint services in accordance with applicable local, State and federal law regarding privacy, confidentiality and information

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release, including but not limited to the Illinois Biometric Information Privacy Act [740 ILCS 14].

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1240.630 Fingerprint Vendor – Training

- a) Every person employed as a registered employee of a fingerprint vendor agency licensed under the Act shall complete, within 30 days after beginning employment, a course of basic training provided by the employing agency.
- b) The training shall consist of a minimum of 20 hours related to the individual's employment. The training shall include, at a minimum, the following subject areas:
- 1) the agency's retention policy required by Section 1240.535(c);
 - 2) the agency's confidentiality policy required by Section 1240.620(d);
 - 3) responsibilities and duties required by the Act and this Part;
 - 4) general information regarding a Personal Employee Registration Card (PERC), including but not limited to:
 - A) cause for revoking the card;
 - B) disciplinary sanctions;
 - C) renewal; and
 - 5) the basic operation of a Livescan Machine.
- c) Upon successful completion of the training prescribed in subsection (b), the employer shall issue to the trainee a Certification of Completion of Basic and/or Refresher Training Course, which shall be signed by the instructor teaching the course.
- d) The Certification shall be the permanent record of training and shall be retained by the individual. During the term of the individual's employment with a licensed

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agency, the Certification or a certified copy shall be filed by the employer with the employee statement required by Section 35-30(b) of the Act and shall remain in the employee's file during the term of employment. Upon termination of employment, the original Certification shall be returned to the employee.

- e) In the case of an employee who is employed by more than one employer, each employer shall require the employee to complete 20 hours training as required in this Section that is specific to that employer.
- f) Training materials shall be made available to the Division, upon request, to allow the Divisions to verify that course content complies with this Section.

(Source: Added at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Real Estate Timeshare Act of 1999
- 2) Code Citation: 68 Ill. Adm. Code 1451
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1451.10	Amendment
1451.20	Amendment
1451.30	Amendment
1451.40	Amendment
1451.50	Amendment
1451.57	New Section
1451.58	New Section
1451.60	Amendment
1451.70	Amendment
1451.80	Amendment
1451.90	Amendment
1451.95	Amendment
1451.96	New Section
1451.97	New Section
1451.100	Amendment
1451.200	Amendment
1451.210	Amendment
1451.300	Amendment
- 4) Statutory Authority: Implementing and authorized by the Real Estate Time Share Act [765 ILCS 101]
- 5) A Complete Description of the Subjects and Issues Involved: These amendments will implement various provisions of Public Act 96-0738. The major statutory change creates Section 10-45. Managing entity lien; Section 10-50. Non-judicial foreclosure against timeshare estates; and Section 10-55. Foreclosure of lien or security on a timeshare use, all of which were requested by the industry. In addition to the statutory changes we will implement with these amendments, obsolete language will be removed, and technical and non-substantive changes will be made, including updating the entire Part to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None

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- 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 Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Interested persons may submit written comments to:

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These rules will not affect any small municipalities or not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Filing Requirements

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- C) Types of professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER [VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION](#)
~~VIII: OFFICE OF BANKS AND REAL ESTATE~~

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1451

REAL ESTATE TIMESHARE ACT OF 1999

SUBPART A: ADDITIONAL DEFINITIONS

Section
1451.10 Definitions

SUBPART B: ADDITIONAL REGISTRATION INFORMATION

Section
1451.20 Comprehensive Registration
1451.30 Abbreviated Registration
1451.40 Alternative Registration
1451.50 Resale Agent [Duties](#)[Registration](#)
[1451.57 Listing Agreements](#)
[1451.58 Resale Agent Maintenance of Records](#)
1451.60 Exchange Company Registration
1451.70 Preliminary Permit
1451.80 Multi-Site Timeshare Plan Disclosure Requirements
1451.90 Public Offering Statement
1451.95 Fees

SUBPART C: ADDITIONAL INFORMATION TO BE SUBMITTED
TO THE [DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION](#)
~~OFFICE OF BANKS AND REAL ESTATE~~

Section
[1451.96 Renewal of Registration for Developer, Managing Entity, Acquisition Agent and Sales Agent](#)
[1451.97 Renewal of Registration for Exchange Company](#)
1451.100 Amendment of Registration

SUBPART D: ADVERTISING AND PROMOTIONAL MATERIALS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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Section

- 1451.200 Submission of Advertising and Promotional Materials
1451.210 Guidelines for Advertising and Promotional Materials
1451.220 Exempt Communications
1451.230 National Publication or Electronic Media

SUBPART E: ADMINISTRATION AND TRANSITION INFORMATION

Section

- 1451.300 ~~Registrations Under Previous Act;~~ Extension; Expiration

AUTHORITY: Implementing and authorized by the Real Estate Time Share Act [765 ILCS 101].

SOURCE: Emergency rules adopted at 24 Ill. Reg. 850, effective January 1, 2000, for a maximum of 150 days; emergency expired May 29, 2000; adopted at 24 Ill. Reg. 8842, effective June 13, 2000; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: ADDITIONAL DEFINITIONS

Section 1451.10 Definitions

Unless otherwise defined or clarified in this Part, definitions set forth in the Act also apply for purposes of this Part.

"Act" shall mean the Real Estate Timeshare Act of 1999 [765 ILCS 101].

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-
Division of Professional Regulation.

"Secretary" means the Secretary of the Department of Financial and Professional
Regulation.

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~~"OBRE" shall mean the Office of Banks and Real Estate.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: ADDITIONAL REGISTRATION INFORMATION

Section 1451.20 Comprehensive Registration

A comprehensive registration as set forth in Section 5-15(d) of the Act shall include but not be limited to:

- a) certificate of authority to transact business in Illinois, if applicable;
- b) certified financial statements;
- c) consent to service of process;
- d) consent to [examine and](#) audit special accounts;
- e) a completed timeshare plan application/[questionnaire](#), including the following exhibits:
 - 1) general location map;
 - 2) scaled, drafted plot map;
 - 3) floor plans for each type of unit;
 - 4) copy of plat or survey of record;
 - 5) evidence of title;
 - 6) legal description of property;
 - 7) encumbrances;
 - 8) covenants;
 - 9) certificate of occupancy, if available;

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- 10) certification of promised improvements;
 - 11) public offering statement;
 - 12) contract and conveyance documents;
 - 13) exchange company documents; and
- f) the required filing fee.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1451.30 Abbreviated Registration

An abbreviated registration as set forth in Section 5-15(e) of the Act shall include but not be limited to:

- a) certificate of authority to transact business in Illinois, if applicable;
- b) consent to service of process;
- c) consent to [examine and](#) audit special accounts;
- d) a completed timeshare plan application/~~questionnaire~~;
- e) a certificate of registration or other evidence of registration from any jurisdiction in which the timeshare plan is approved or accepted and is in good standing with that jurisdiction;
- f) copies of any disclosure documents required to be given to purchasers or required to be filed with the jurisdiction in which the timeshare plan is approved; and
- g) the required filing fee.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1451.40 Alternative Registration

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- a) An alternative registration as set forth in Section 5-15(g) shall include but not be limited to:
- 1) certificate of authority to transact business in Illinois, if applicable;
 - 2) consent to service of process;
 - 3) consent to [examine and](#) audit special accounts;
 - 4) a completed timeshare plan application/~~questionnaire~~;
 - 5) copies of any disclosure documents required to be given to purchasers or required to be filed with the jurisdiction in which the timeshare plan is approved;
 - 6) an acceptable assurance in the amount of \$1,000,000, which may include an irrevocable letter of credit drawn on a federal or state chartered financial institution, or such other financial assurance acceptable to [the Department](#)~~OBRE~~; and
 - 7) the required filing fee.
- b) Claims by any Illinois purchaser pursuant to Section 5-15(g) of the Act shall be subject to the following procedures:
- 1) the Illinois purchaser must first obtain a final judgment in any court of competent jurisdiction against the developer or his or her agents or employees, on the grounds of conduct as determined by [the Department](#)~~OBRE~~, that constitutes a violation of the Real Estate Timeshare Act of 1999 or this Part;
 - 2) the Illinois purchaser must submit an affidavit to [the Department](#)~~OBRE~~ along with a copy of the final judgment stating that the developer has failed to satisfy the judgment within 180 days after all appeals have been exhausted; and
 - 3) upon receipt by [the Department](#)~~OBRE~~ of the information required by 68 Ill. Adm. Code [1451.40\(b\)\(1\) and \(2\)](#), ~~the Department~~[1450.20\(b\)](#), ~~OBRE~~ shall cause satisfaction of the judgment ~~that~~~~which~~ constitutes actual

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monetary loss to the Illinois purchaser from the acceptable assurance.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1451.50 Resale Agent DutiesRegistration

Any person or entity that ~~functions~~registers as a resale agent as defined in Section 1-15 of pursuant to the Act must comply with Section 5-40 of the Act and shall ~~be required to~~ provide information to the Department upon request. The information, which may include, but not be limited to, a certification of licensure by the proper licensing authority of the jurisdiction in which the timeshare interest is located, if the resale agent is required to maintain a license in that jurisdiction; a copy of the listing agreement; a copy of the escrow disbursement form; and the Illinois license number of the real estate broker.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1451.57 Listing Agreements

All listing agreements between a resale agent and the owner of a timeshare interest shall comply with the requirements of Section 5-40(a) of the Act and the Real Estate License Act of 2000 [225 ILCS 454] and 68 Ill Adm. Code 1450.195.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1451.58 Resale Agent Maintenance of Records

A resale agent shall maintain records for at least five years after each transaction involving the resale of a timeshare interest, including all listing agreements, copies of disbursement authorizations in accordance with Section 5-40(c) of the Act, transfer agreements and resale purchase agreements.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1451.60 Exchange Company Registration

- a) Any exchange company and an internal exchange program as set forth in Section 5-30 of the Act must register ~~required to register~~ with the Department at least 20 calendar days prior to offering an exchange program to purchasers in this State. An applicant ~~OBRE~~ may satisfy the registration and disclosure requirements by

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filing an application form approved by the Department, a disclosure-a registration submittal filed with another state, so long as the disclosure-registration submittal substantially complies with the requirements set forth in Section 5-30 of the Act, including the filing fee required by Section 1451.95 of this Part. The Department shall issue a list of deficiencies to the applicant within 60 calendar days after receipt specified in the Real Estate Timeshare Act of 1999.

- b) An exchange company or program shall file with the Department an annual report that includes the audited statistics for the preceding calendar year as outlined in Section 5-30(b)(17) of the Act. This report must be filed with the Department on August 1 and no later than August 31.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1451.70 Preliminary Permit

~~AOBRE may issue a~~ preliminary permit, as set forth in Section 5-15(f) of the Act, shall include but is not limited to:-

- a) certificate of authority to transact business in Illinois, if applicable;
- b) consent to service of process;
- c) consent to examine and audit special accounts;
- d) a completed timeshare plan application;
- e) contract and conveyance document;
- f) public offering statement; and
- g) the required filing fee.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1451.80 Multi-Site Timeshare Plan Disclosure Requirements

- a) If the timeshare plan is a multi-site plan, the developer shall provide additional information to the Department~~AOBRE~~, including, but not limited to:

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- 1) whether the purchaser of such multi-site plan will receive a specific timeshare interest; or
 - 2) whether the purchaser of such multi-site plan will receive a non-specific timeshare interest.
- b) A developer of a multi-site timeshare plan with one or more component sites ~~which are~~ made available through a reservation system shall make the following true and correct disclosures to ~~the Department~~OBRE, upon initial registration, and to the purchaser of a timeshare interest:
- 1) name and address of each component site;
 - 2) number of accommodations and use periods expressed in periods of seven-day use availability and available for use by purchasers;
 - 3) each type of accommodation in terms of the number of bedrooms, bathrooms, sleeping capacity, and whether the accommodation contains a full kitchen;
 - 4) a description of facilities available for use by the purchaser at each component site;
 - 5) a description of the reservation system and the rules and regulations governing reservations;
 - 6) a summary of restrictions, if any, to be imposed on a purchaser concerning the use of each component site; and
 - 7) a description of any priority reservation rights at any component site that may affect the purchaser's odds of obtaining a reservation at that component site.
- c) ~~Additionally, a~~ developer of a multi-site timeshare plan ~~offering with~~ a non-specific interest, pursuant to subsection (a)(2), shall disclose the following information to ~~the Department~~OBRE upon initial registration and shall provide any change in information to ~~the Department~~within 30 days after the ~~change~~OBRE annually at the renewal:

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- 1) certification that a one-to-one purchaser-to- accommodation ratio, pursuant to Section 1-30 of the Act, is maintained;
- 2) the location of all accommodations;
- 3) the number of timeshare intervals available at each location or component site;
- 4) the number of purchasers eligible to use the accommodations of a timeshare plan; and
- 5) a statement of evidence of title for each component site for which a non-specific timeshare interest is being offered in Illinois has been filed with [the Department](#), ~~OBRE~~ together with a brief description for each component site of:
 - A) the type of interest for each accommodation (fee simple, leasehold, in trust);
 - B) the duration of ~~thesuch~~ interest (perpetual, number of years); and
 - C) any liens, defects, or encumbrances on or affecting the title to the timeshare interest.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1451.90 Public Offering Statement

- a) Each public offering statement shall:
 - 1) contain the information required by Section 5-25 of the Act;
 - 2) be provided in writing or electronic means to [the Department](#), ~~OBRE~~ and purchasers; and
 - 3) provide for a document certifying receipt of the public offering statement by the purchaser.

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- b) The public offering statement shall be submitted to [the DepartmentOBRE](#) in the English language and any reference in an approval letter of [the DepartmentOBRE](#) to the documents comprising the public offering statement shall be to ~~those~~ documents in the English language.
- 1) A developer may use non-English versions of the documents if:
- A1) any such document is an accurate translation of the English version that has been approved by [the DepartmentOBRE](#); and
- B2) the developer has identified each translated document in a completed, executed statement using the form prescribed by [the DepartmentOBRE](#).
- 2) Upon request by [the DepartmentOBRE](#), a developer shall promptly deliver to OBRE a copy of any translated document that has been or is being used in an offering.
- c) Approval by [the DepartmentOBRE](#) of a public offering statement shall not be promoted to the public as an endorsement by [the DepartmentOBRE](#) of the developer or the timeshare plan or be used to induce the purchase of an interest in a timeshare plan.
- d) In the case of a timeshare plan with accommodations located outside the State of Illinois, [the DepartmentOBRE](#) may accept the public offering statement or similar disclosure document utilized in any other state in which the timeshare plan is registered; provided, however, that ~~thesuch~~ public offering statement or disclosure document contains information substantially equivalent to or greater than the information required by the Real Estate Timeshare Act of 1999 and is accompanied by an acknowledgement of receipt approved by the Department.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1451.95 Fees

- a) Initial ~~ApplicationRegistration Fees~~
- 1) ~~Timeshare PlansDeveloper Registration Fee:~~

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	Single-Site Timeshare Plan	\$1,500
	Multi-Site Timeshare Plan that offers <u>includes</u> a Specific Timeshare Interest	
	– EachFor each component site offered in Illinois	\$1,500
	– EachFor each component site not offered in Illinois (maximum \$1,500).....	\$50
	Multi-Site Timeshare Plan that includes a Non-Specific Timeshare Interest	\$3,000
	– EachFor each component site included in the Multi-Site Timeshare Plan (maximum \$15,000).....	\$500
	Preliminary Permit.....	\$500
2)	Acquisition Agent Registration Fee (one time initial registration per developer <u>entity</u>).....	\$500
3)	Sales Agent Registration Fee (one time initial registration per developer <u>entity</u>).....	\$500
4)	Managing Entity Registration Fee (one time initial registration per entity).....	\$500
5)	Exchange Company Registration Fee	\$250
6)	Resale Agent Registration Fee	\$500
b)	Annual <u>Registration</u> Renewal Fees	
1)	Timeshare Plans <u>Developer Registration Fee</u> :	
	Single-Site Timeshare Plan	\$1,000
	Multi-Site Timeshare Plan that offers <u>includes</u> a Specific Timeshare Interest	
	– EachFor each component site offered in Illinois	\$1,000
	– EachFor each component site not offered in Illinois (maximum \$1,000).....	\$25
	Multi-Site Timeshare Plan that offers <u>includes</u> a Non-Specific Timeshare Interest.....	\$2,000
	– EachFor each component site included in the Multi-Site Timeshare Plan (maximum \$10,000).....	\$250

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- 2) Acquisition Agent ~~Registration Fee~~ (one time initial registration per developer entity) \$100
- 3) Sales Agent ~~Registration Fee~~ (one time initial registration per developer entity) \$100
- 4) Managing Entity ~~Registration Fee~~ (one time initial registration per developer entity) \$100
- 5) Exchange Company ~~Registration Fee~~ \$100
- 6) Late Renewal Resale Agent Registration Fee \$~~50~~250

c) Amendment Fees

1) Timeshare Plans:

Single-Site Timeshare Plan:

- ~~Add~~Adding accommodations or units \$1,000
- 2) Multi-Site Timeshare Plan that offers~~includes~~ a Specific Timeshare Interest:
 - ~~Add~~Adding units to a component site to be offered in Illinois .. \$1,000
 - ~~Add~~Adding a new component site to be offered in Illinois..... \$1,000
 - ~~Add~~Adding a new component site not offered in Illinois (maximum \$1,500)..... \$50
- 3) Multi-Site Timeshare Plan that includes a Non-Specific Timeshare Interest:
 - ~~Add~~Adding units to a component site \$1,000
 - ~~Add~~Adding a new component site..... \$1,000

2) Exchange Company \$250

3) All other amendments to an existing registration..... \$250

d) Roster of Registrants \$10

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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SUBPART C: ADDITIONAL INFORMATION TO BE SUBMITTED TO
THE DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION OFFICE OF
BANKS AND REAL ESTATE**Section 1451.96 Renewal of Registration for Developer, Managing Entity, Acquisition Agent and Sales Agent**

- a) A renewal of registration for a developer, managing entity, acquisition agent or sales agent, as set forth in Section 5-60(c) of the Act, shall include:
- 1) Name, address of principal office, telephone number and FEIN or Social Security Number (with indication whether any information is new since last renewal).
 - 2) Illinois registration number.
 - 3) Name, address and telephone number of responsible person to whom correspondence should be directed.
 - 4) For developers only, the most recent audited financial statement of the developer, or its parent if the developer's audit is not performed separately, prior to the date of the renewal application and certified by the chief financial officer of the developer.
 - 5) For developers that filed an abbreviated registration, indicate the state in which the developer's timeshare plan is registered and provide:
 - A) A certificate of registration in good standing of the timeshare plan, or other evidence of a current registration for the timeshare plan, from that jurisdiction;
 - B) A certificate of authority to transact business in Illinois for that registered developer, if applicable; and
 - C) The required renewal fee.
- b) A late fee of \$50 will be assessed for renewals received after the due date.

(Source: Added at 35 Ill. Reg. _____, effective _____)

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Section 1451.97 Renewal of Registration for Exchange Company

- a) A renewal of registration for an exchange company, as set forth in Section 5-60(c) of the Act shall include:
- 1) The information required by Section 5-30(b)(1) through (16) of the Act.
 - 2) The audit required by Section 5-30(b)(17) of the Act for the immediately preceding calendar year.
 - 3) The required renewal fee.
- b) A late fee of \$50 will be assessed for renewals received after the due date.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1451.100 Amendment of Registration

The developer shall amend or supplement its registration to report any material change in the information required by the Real Estate Timeshare Act of 1999. ~~The Such~~ amendment or supplementation shall be made within ~~30~~~~20~~ days after the occurrence of the material change. "Material change" means any change ~~thatwhich~~ alters the meaning or effect of an instrument or information, or any change ~~thatwhich~~ affects the rights or liabilities of any timeshare owner or any potential timeshare purchaser. The amendment shall be on a form approved by the Department and shall include an amendment fee as set forth in Section 1451.95(c).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART D: ADVERTISING AND PROMOTIONAL MATERIALS

Section 1451.200 Submission of Advertising and Promotional Materials

The Department~~OBRE~~ may request advertising and promotional materials at any time.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1451.210 Guidelines for Advertising and Promotional Materials

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Any advertising ~~materials~~material relating to a timeshare plan, including prizes, discounted vacations~~prize~~ and gift promotional offers, must be in full compliance with Section 10-25 of the Act and the guidelines set forth in this Section.

- a) A seller or other person using an advertisement or promotion in connection with the offering of a timeshare plan shall clearly disclose:
 - 1) that any person whose name or address is obtained during the promotion may be solicited to purchase a timeshare interest and attendance at a sales presentation may be required;
 - 2) the name of each seller or other person trying to sell a timeshare interest through the promotion and the name of each person paying for the promotion;
 - 3) the complete rules of the promotion;
 - 4) the method of awarding prizes, gifts, discounted vacations or other benefits under the promotion; a complete and fully detailed description, including approximate retail value of all prizes, gifts, discounted vacations or benefits under the promotion; any required deposits or additional fees; the quantity, if limited, of each prize, gift or benefit that will be awarded or conferred; and the date by which each prize, gift or benefit will be awarded or conferred;
 - 5) that the purpose of the promotion is to sell timeshare interests, which shall appear in bold face or other conspicuous type, and may be satisfied by each piece of advertising or promotional piece shall contain the following disclosure statement in bold face, 10 point type: "THIS ADVERTISING MATERIAL IS BEING USED FOR THE PURPOSE OF SOLICITING THE SALE OF TIMESHARE INTERESTS" or substantially similar language and format acceptable to the Department~~OBRE~~.
- b) A seller or other person using an advertisement or promotion in connection with the offering of a timeshare plan shall provide the disclosures required by subsection (a) in writing or electronically to a prospective purchaser at least once before the earlier of:
 - 1) A reasonable period before the scheduled sales presentation to ensure that

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the prospective purchaser receives the disclosures before leaving to attend the sales presentation; or

2) The payment of any nonrefundable monies by the prospective purchaser in regard to the advertisement or promotion.

c) A seller or other person operating an exhibit booth, kiosk, or any other type of stand-alone display in Illinois must prominently disclose on the signage, in at least 2" typed letters, the name of the seller and/or person paying for the promotion.

de) If a seller or other person represents that a prize, gift, or benefit will be awarded in connection with a promotion, the prize, gift or benefit must be awarded or conferred in a manner represented, and on or before the date ~~represented~~presented.

ed) A seller or other person using an advertisement or promotion in connection with the offering of a timeshare plan shall not:

- 1) misrepresent a fact material to a purchaser's decision to purchase a timeshare interest;
- 2) predict specific or immediate increases in the value of a timeshare interest unless the increases are bonafide pending price increases by the seller;
- 3) materially misrepresent the qualities or characteristics of a timeshare property or the amenities available to a purchaser;
- 4) misrepresent the length of time that accommodations or amenities will be available to the purchaser of a specific or non-specific timeshare interest; or
- 5) knowingly misrepresent the conditions under which a purchaser of a specific or non-specific timeshare interest may exchange the right of his or her occupancy for the right to occupy an accommodation in another location.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART E: ADMINISTRATION AND TRANSITION INFORMATION

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Section 1451.300 ~~Registrations Under Previous Act;~~ Extension; Expiration

- a) Pursuant to ~~Section 25-5 of the Act, all registrations in effect under the Illinois Real Estate Time Share Act [765 ILCS 100, repealed] shall remain in full force and effect after January 1, 2000.~~
- b) ~~All registrations in effect pursuant to subsection (a) above, which would have expired on December 31, 1999, shall be extended to April 1, 2000 under the Act, except for exchange company registrations. Exchange company registrations shall be extended to July 1, 2000.~~

e) All registrations under the Act and this ~~Part~~Section shall expire annually on April 1, except for exchange company registrations. Exchange company registrations shall expire annually on August 1 and the audit, required by Section 5-30(b)(17) of the Act, shall be reported on or after August 1, but by no later than August 30~~July 1.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
112.150	Amendment
112.151	Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Sections 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. IV and 12-13] and P. L. 111-312
- 5) A Complete Description of the Subjects and Issues involved: Public Law 111-312 includes a provision that requires the Department to exempt federal income tax refunds received after December 31, 2009 and before January 1, 2013, from consideration as income and an asset for TANF. As a result of this rulemaking, federal income tax refunds received after December 31, 2009 and before January 1, 2013, will be considered an exempt asset for TANF.

Companion amendments are also being proposed to 89 Ill. Adm. Code 113 and 89 Ill. Adm. Code 114.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
112.10	Amendment	35 Ill. Reg. 1818; February 4, 2011

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

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- 12) Time, Place, and manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

217/785-9772

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

The full text of the Proposed Amendments is identical to that of the Emergency for this rulemaking, and begins in this issue of the *Illinois Register* on page 6933:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: 113.107 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Sections 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and PL 111-312
- 5) A Complete Description of the Subjects and Issues involved: Public Law 111-312 includes a provision that requires the Department to exempt federal income tax refunds received after December 31, 2009 and before January 1, 2013, from consideration as income and an asset for AABD. As a result of this rulemaking, federal income tax refunds received after December 31, 2009 and before January 1, 2013, will be considered an exempt asset for AABD.

Companion amendments are also being proposed to 89 Ill. Adm. Code 112 and 89 Ill. Adm. Code 114.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
113.10	Amendment	35 Ill. Reg. 1832; February 4, 2011

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

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

217/785-9772

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

The full text of the Proposed Amendment is identical to that of the Emergency for this rulemaking, and begins in this issue of the *Illinois Register* on page 6951:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
114.250	Amendment
114.251	Amendment
- 4) Statutory Authority: Implementing Article VI and authorized by Sections 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. VI and 12-13] and P. L. 111-312
- 5) A Complete Description of the Subjects and Issues involved: Public Law 111-312 includes a provision that requires the Department to exempt federal income tax refunds received after December 31, 2009 and before January 1, 2013, from consideration as income and an asset for GA. As a result of this rulemaking, federal income tax refunds received after December 31, 2009 and before January 1, 2013, will be considered an exempt asset for GA.

Companion amendments are also being proposed to 89 Ill. Adm. Code 112 and 89 Ill. Adm. Code 113.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
114.10	Amendment	35 Ill. Reg. 1844; February 4, 2011

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

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

217/785-9772

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

The full text of the Proposed Amendments is identical to that of the Emergency Amendment for this rulemaking, and begins in this issue of the *Illinois Register* on page 6962.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Hound Running Areas
- 2) Code Citation: 17 Ill. Adm. Code 970
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
970.10	New
970.20	New
970.30	New
970.40	New
970.50	New
970.60	New
970.70	New
970.80	New
970.90	New
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 2.30, 2.33, 2.36, 3.5, 3.25, 3.26, 3.33 and 3.35 of the Wildlife Code [520 ILCS 5/1.2, 2.30, 2.33, 2.36, 3.5, 3.25, 3.26, 3.33 and 3.35] and Section 1 of the Dangerous Animals Act [720 ILCS 585/1]
- 5) A Complete Description of the Subjects and Issues Involved: This rule contains regulations for the permitting, operation and Department oversight of enclosures where hounds may pursue coyotes, foxes, rabbits and raccoons. These species may not be pursued within the enclosures in a manner or with the intent to capture or kill the animals. This rule will provide persons the ability to train and field trial fox hounds, beagle hounds, basset hounds and coon hounds without inadvertently violating Illinois' property rights and trespass laws.
- 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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Persons receiving a Hound Running Area Permit

B) Reporting, bookkeeping or other procedures required for compliance: For a period of two years from the end of the calendar year in which the record was made, permit holders shall maintain records on the number, species and source of all animals released into the Hound Running Area, including information pertaining to the unique animal identifiers attached to each animal. Records shall be made available for inspection by the Department at any reasonable hour.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 970
HOUND RUNNING AREAS

Section

970.10	Definitions
970.20	Hound Running Area Permits and Fees
970.30	Hound Running Area Records
970.40	Hound Running Area Regulations
970.50	Marking of Animals
970.60	Sources of Captive-Reared and Wild Animals
970.70	Temporary Holding Facilities – Minimum Standards
970.80	Disposition of Animals
970.90	Penalties

AUTHORITY: Implementing and authorized by Sections 1.2, 2.30, 2.33, 2.36, 3.5, 3.25, 3.26, 3.33 and 3.35 of the Wildlife Code [520 ILCS 5/1.2, 2.30, 2.33, 2.36, 3.5, 3.25, 3.26, 3.33 and 3.35] and Section 1 of the Dangerous Animals Act [720 ILCS 585/1].

SOURCE: Adopted at 35 Ill. Reg. _____, effective _____.

Section 970.10 Definitions

Animal – Coyote, Red Fox, Rabbit or Raccoon.

Department – Illinois Department of Natural Resources.

Fit – Animals free of injuries that might prevent them from evading hounds and, in the case of raccoons, foxes and coyotes, treated for parasites (i.e., roundworms, tapeworms, hookworms) and inoculated to prevent diseases (i.e., canine distemper, hepatitis, parainfluenza, parvovirus) that might infect domestic dogs or others of their kind.

Hound – American Foxhound, Basset Hound, Beagle Hound, Black and Tan Coonhound, Bluetick Coonhound, English Coonhound, English Foxhound, Plott

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Hound, Redbone Coonhound, Treeing Walker Coonhound and mix-bred hounds of these breeds used to pursue animals by scent.

Hound Running Area – A fenced enclosure authorized by the Department where fit animals may be pursued by hounds.

Licensed Veterinarian – Veterinarians licensed by the Illinois Department of Financial and Professional Regulation to practice veterinary medicine in Illinois.

Running Period – The duration of time when hounds are allowed to pursue animals in a hound running area.

Section 970.20 Hound Running Area Permits and Fees

- a) Hound Running Area Permits are available from the Department upon completion of an application for the permit, payment of the permit fee and approval of the hound running area by the Department. Permit applications are available on the Department's website at <http://dnr.state.il.us> or by contacting the Department at:

Illinois Department of Natural Resources
Office of Land Management
One Natural Resources Way
Springfield IL 62702-1271

- b) The Department will issue Hound Running Area Permits for coyote and fox areas, for rabbit areas, for raccoon areas and for certain combinations of those animals.
- c) Applicants for Hound Running Area Permits must possess a Fur-bearing Mammal Breeders Permit for possession of coyotes, foxes and/or raccoons and a Class B Commercial Game Breeders Permit for possession of rabbits.
- d) Hound Running Area Permits are renewable annually and expire on March 31 of each year. The annual fee for each Hound Running Area Permit is \$250.
- e) Plans for modifications to established hound running areas must be approved by the Department prior to construction. Upon completion, modified Hound Running Areas must be approved by the Department prior to any release of animals or hounds.

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- f) Applicants shall provide a list of licensed trappers and Commercial Game Breeder Permit holders from whom animals will be obtained in accordance with Section 970.60. Hound running area operators shall be limited to 6 licensed trappers and 6 Commercial Game Breeder Permit holders from whom they may obtain animals. The list shall only be subject to modification during the month of the annual renewal date of the Hound Running Area Permit.

Section 970.30 Hound Running Area Records

- a) Hound Running Area Permit holders shall keep accurate, complete and current records. Records shall be retained for 2 years from the end of the calendar year in which the record was made. Records shall be made available for inspection by the Department at any reasonable hour.
- b) Hound Running Area Permit holders shall maintain records on the number, species and source of all animals released into the hound running area, including the unique animal identifiers attached to each animal released. The following information shall be recorded and maintained in the permit holder's records and correspond to the unique animal identifiers:
- 1) The name, address, phone number, and the Department customer number of the person from whom the animal was obtained.
 - 2) The origin county of the animals, including the origin county of those animals existing in the hound running area prior to the effective date of this Part.
 - 3) All veterinary care records, inoculation records and copies of health certificates or certificates of veterinarian inspections.
 - 4) The date of release into and recovery from the hound running area.
 - 5) The date of mortality or discovery of mortality of any coyote, fox or raccoon.
- c) Leases provided for in Section 970.60(b) must be written and contain the lessor's and lessee's complete names and principal addresses, the effective dates of the lease, an attached Plat Map with the lessor's property highlighted, a list of the

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animals that may be captured on the property, signatures of the lessor and lessee and the date the lease was signed.

Section 970.40 Hound Running Area Regulations

- a) Animal densities, running periods and animal removal from dog-proof escape areas:
 - 1) Coyote and fox hound running areas shall contain not less than 2 animals and shall not contain more than 4 animals per each full 20 acres.
 - 2) Raccoon hound running areas shall contain not less than 2 nor more than 3 animals per each full 5 acres.
 - 3) Rabbit hound running areas shall contain 2 animals per each full acre.
 - 4) The running period for coyote, fox and raccoon hound running areas shall not be longer than 16 consecutive hours within a 24-hour period.
 - 5) The running period for rabbit hound running areas shall be sunrise to sunset.
 - 6) Hounds shall not be released for 14 consecutive days after an animal has been added to a hound running area.
 - 7) It shall be unlawful to shake out, relocate, dislodge, move or extract an animal from a place of refuge while hounds are present within a hound running area.
- b) Hounds
 - 1) Not more than 3 hounds per animal shall be released into a hound running area during a running period.
 - 2) Hounds less than 7 months of age shall not be released in coyote, fox or raccoon hound running areas.
- c) Signs:

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- 1) Signs purchased from the Department shall be conspicuously posted on the perimeter fence of hound running areas at intervals of 500 feet or less with at least one sign on each side of the hound running area.
- 2) The price for signs shall be set by the Department. The price shall be the cost of the sign procured by the Department plus the cost to ship the signs to Hound Running Area Permit holders.
- 3) Signs are available by calling 217/785-3423 or by writing to:

Illinois Department of Natural Resources
License Consignment/Permits,
PO Box 19458
Springfield IL 62794-9458

- d) Hound running areas shall meet the following requirements:
 - 1) Coyote and fox hound running areas shall have an area of not less than 160 contiguous acres with a dog-proof escape area in each 20 acre tract.
 - 2) Coyote and fox hound running areas for inexperienced hounds one year or less in age shall have an area of not less than 10 contiguous acres and not more than 20 contiguous acres with at least 2 dog-proof escape areas.
 - 3) Raccoon hound running areas shall have an area of not less than 20 contiguous acres with a dog-proof escape area in each 5 acre tract.
 - 4) Rabbit hound running areas shall have an area of not less than 5 contiguous acres with a dog-proof escape area in each 2.5 acre tract.
 - 5) Dog proof escape areas must be approved by the Department, appropriate for the species of animal pursued, available for use by pursued animals when hounds are present, and distributed evenly in hound running areas.
- e) Perimeter fences shall completely enclose the hound running area, shall have rounded corners designed to prevent animals from being trapped in corners by hounds, and shall be of sufficient design and strength to prevent any released animal from escaping or any wild free ranging animal from entering the hound running area.

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- f) Perimeter fences for coyote, fox and raccoon hound running areas shall meet the following requirements:
- 1) Height – at least 6 feet.
 - 2) At the top of the perimeter fence, a minimum of 12 inches of additional fence shall be bent inward at a 90 degree angle.
 - 3) At the bottom of the perimeter fence, a minimum of 12 inches of additional fence shall be bent inward at a 90 degree angle and secured to the ground, or the additional 12 inches of fence at the bottom of the perimeter fence may be buried with no bend.
 - 4) Electric wires with sufficient current to contain coyotes, foxes and raccoons and deter hounds shall be placed on and along the perimeter of hound running areas as follows:
 - A) Coyote, fox and raccoon hound running areas – on the perimeter fence on electric fence standoffs between 40 and 46 inches from the ground.
 - B) Coyote and fox hound running areas – one foot inside and one foot high along the perimeter fence.
 - C) Coyote and fox hound running areas – 4 feet inside and 2 feet high along the perimeter fence.
 - 5) Perimeter fences and electric wires shall be maintained and shall be clear of debris and vegetation.
- g) Perimeter fences for rabbit hound running areas shall meet the following requirements:
- 1) Height – at least 4 feet.
 - 2) At the bottom of the perimeter fence, a minimum of 12 inches of additional fence shall be bent outward at a 90 degree angle and secured to the ground or the additional 12 inches of fence at the bottom of the perimeter fence may be buried with no bend.

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- 3) Perimeter fences shall be maintained and shall be clear of debris and vegetation.
- h) Competitive hound events (i.e., fox hound field trials, beagle or basset hound field trials and hunt tests, or coonhound night hunts, water races, treeing contests and field trials) conducted in hound running areas must comply with the provisions of 17 Ill. Adm. Code 930 (Field Trials on Private Lands).
- i) The breeds of dogs commonly referred to as sporting dogs may be trained or field trialed in hound running areas. Sporting dog training and field trialing in hound running areas must comply with the provisions of 17 Ill. Adm. Code 960 (Dog Training on Non-Department Owned or -Managed Land) and 17 Ill. Adm. Code 930 (Field Trials on Private Lands), respectively.
- j) Compliance requirements:
 - 1) Hound running areas established prior to the effective date of this Part shall be in compliance with the perimeter fencing provisions of this Part not later than 2 years after its effective date.
 - 2) The Department will waive the acreage requirements for hound running areas in existence on the effective date of this Part for up to 5 consecutive years if the Hound Running Area Permit holder requests an acreage waiver in writing. The Department may place restrictions on the number of hounds loosed at any given time in hound running areas with acreage waivers.
 - 3) The Hound Running Area Permit holder must be in compliance with all other provisions of this Part when the Hound Running Area Permit is approved.

Section 970.50 Marking of Animals

- a) Each rabbit possessed under authority of a Hound Running Area Permit shall be marked with a unique numbered ear tag provided by the Department. The cost for each ear tag is 50 cents.

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- b) Each coyote, fox and raccoon possessed under authority of a Hound Running Area Permit shall be marked with a unique numbered ear tag and unique passive integrated transponder (PIT) tag provided by the Department. The cost for each set of tags is \$6.
- c) Only ear and PIT tags obtained from the Department may be used. To obtain tags refer to the contact information in Section 970.40(c)(3).
- d) Offspring of animals contained in hound running areas must be properly marked by October 31 of each year.

Section 970.60 Sources of Captive-Reared and Wild Animals

- a) No animals captured from the wild in another state may be imported into Illinois for possession, propagation or release under authority of a Hound Running Area Permit and accompanying Fur-bearing Mammal Breeders Permit or Class B Commercial Game Breeders Permit.
- b) Animals may be obtained from the sources listed in this subsection (b), provided they are taken or possessed in accordance with the Wildlife Code and this Section. Animals captured from the wild shall be transferred to a Hound Running Area Permit holder within 48 hours after capture.
 - 1) Individuals who hold a valid Fur-bearing Mammal Breeders Permit or Class B Commercial Game Breeders Permit;
 - 2) Individuals who hold a valid Class A or Class C Nuisance Wildlife Control Permit. This subsection authorizes individuals who hold a valid Class A or Class C Nuisance Wildlife Control Permit to transfer live animals to Hound Running Area Permit holders with an appropriately designated hound running area in accordance with the provisions of 17 Ill. Adm. Code 525 (Nuisance Wildlife Control Permits);
 - 3) Individuals who hold a valid resident trapping license, provided animals in their possession are taken during the open season for a particular species; and

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- 4) Individuals who hold a valid Hound Running Area Permit and those individuals listed in Section 970.20(f) may capture animals year-round on properties they own or lease.

Section 970.70 Temporary Holding Facilities – Minimum Standards

Animals held in temporary confinement for more than 24 hours by Hound Running Area Permit holders shall be housed individually in escape proof pens of sufficient size for the species.

- a) Rabbits – floor space shall be at least 6 square feet.
- b) Coyotes, foxes and raccoons – floor space shall be at least 32 square feet.
- c) The pens shall have a solid roof to protect animals from the elements and an inside shelter, such as a wooden box, plastic barrel or animal carrier.

Section 970.80 Disposition of Animals

- a) Animals possessed under authority of a Hound Running Area Permit and accompanying Fur-bearing Mammal Breeders Permit or Class B Commercial Game Breeders Permit may only be released into a Department-approved hound running area.
- b) Animals shall be provided feed designed to maintain adequate weight and meet the animal's nutritional requirements. Animals shall be provided adequate water.
- c) Only fit animals shall be released in hound running areas.
- d) Fit animals possessed under authority of a Hound Running Area Permit may be transferred only to other individuals with valid Hound Running Area Permits.
- e) Animals deemed unfit by the operator for training exercises or field trialing in a hound running area shall be euthanized by gunshot or by a licensed veterinarian. Euthanized animals shall be disposed of pursuant to the Illinois Dead Animal Disposal Act [225 ILCS 610] and 8 Ill. Adm. Code 90 (Illinois Dead Animal Disposal Act).
- f) Fit animals that must be disposed of due to revocation or suspension of the Hound Running Area Permit under Section 970.90 must be transferred to an individual

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with a valid Permit at a different location or euthanized as specified in subsection (e).

Section 970.90 Penalties

A Hound Running Area Permit holder who accumulates 13 or more points based on violation of the Wildlife Code as set out in 17 Ill. Adm. Code 2530 (Revocation Procedures for Conservation Offenses) and has his or her licenses, permits and stamps issued under the Wildlife Code revoked and privileges suspended, shall be allowed 30 days from the date of revocation/suspension to dispose of all animals held under the Hound Running Area Permit and the Fur-bearing Mammal Breeder's Permit or Commercial Game Breeder's Permit. Any property operated as a hound running area by a person who subsequently has his/her privileges suspended will not be eligible to be licensed as a hound running area by any person during the period of time when the original license is suspended.

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- 1) Heading of the Part: Revocation Procedures for Conservation Offenses
- 2) Code Citation: 17 Ill. Adm. Code 2530
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2530.240	Amendment
2530.310	Amendment
2530.320	Amendment
2530.330	Amendment
2530.340	Amendment
2530.350	Amendment
2530.390	Amendment
2530.420	Amendment
2530.488	Amendment
2530.490	Amendment
2530.600	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1-125 and 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 20-105], Sections 1.4 and 3.36 of the Wildlife Code [520 ILCS 5/1.4 and 3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8], Sections 10 and 13 of the Timber Buyers Licensing Act [225 ILCS 735/10 and 13], Section 6 of the Ginseng Harvesting Act [525 ILCS 20/6] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Sections 5-625 and 805-545 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625 and 805/805-545]
- 5) A Complete Description of the Subjects and Issues Involved: This Part details the process by which an individual's privileges can be suspended by DNR and the process for the individual to appeal that suspension. Amendments are being made to: add 13-point criteria for falsifying license applications and reports under of the Fish and Aquatic Life Code (the rule currently includes these criteria for violations of the Wildlife Code); add additional criteria for evidence pertaining to prior illegal or unlawful activities; and amend Reinstatement Procedures to incorporate recent legislation (PA 96-1160, effective January 1, 2011) which allows DNR to assess fees of up to \$1,000 for the reinstatement of revoked licenses, permits, registrations, and other privileges.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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- 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 Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Nick San Diego, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2530
REVOCATION PROCEDURES
FOR CONSERVATION OFFENSES

SUBPART A: GENERAL RULES

Section	
2530.10	Applicability
2530.20	Definitions
2530.30	Filing
2530.40	Documents
2530.50	Computation of Time
2530.60	Appearances

SUBPART B: SUMMARY REVOCATION/SUSPENSION

Section	
2530.110	Applicability (Recodified)
2530.130	Rules Proposed by Member of Public (Recodified)
2530.140	Authorization of Hearing (Recodified)
2530.150	Notice of Hearing (Recodified)
2530.160	Hearing Officer (Recodified)
2530.180	Written Submission (Recodified)
2530.190	Record (Recodified)
2530.200	Revision of Proposed Rules (Recodified)
2530.210	Filing and Publication of Final Rules (Recodified)
2530.220	Applicability
2530.230	Point System
2530.240	Points
2530.245	Single Incident Rule
2530.250	Groups
2530.255	Types of Offenses
2530.260	Computation of Suspension Period
2530.270	Procedures
2530.280	Appeal and Hearing

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SUBPART C: HEARINGS OF CONTESTED CASES

Section	
2530.310	Applicability
2530.320	General Procedures
2530.330	Parties
2530.340	Notice and Complaint (Department Initiated Proceeding)
2530.350	Service (Department Initiated Proceeding)
2530.360	Notice of Hearing
2530.370	Prehearing Conferences
2530.380	Authority of Hearing Officer
2530.390	Order of Administrative Hearings
2530.400	Official Notice
2530.410	Default
2530.420	Evidence
2530.430	Motions and Answers
2530.470	Record
2530.480	Briefs and Oral Arguments
2530.482	Disposition
2530.484	Compelling Appearance at Hearing
2530.486	Recording of Hearing
2530.488	Hearing on Timber Buyers – Second and Subsequent Suspensions
2530.490	Decision and Order

SUBPART D: INTERSTATE WILDLIFE VIOLATOR COMPACT

Section	
2530.500	Compact Membership

SUBPART E: REINSTATEMENT OF PRIVILEGES

Section	
2530.600	Reinstatement Procedures

SUBPART F: STATUTORILY MANDATED SUSPENSIONS

Section	
2530.700	Suspension of Operating Privileges

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AUTHORITY: Implementing and authorized by Sections 1-125 and 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 20-105], Sections 1.4 and 3.36 of the Wildlife Code [520 ILCS 5/1.4 and 3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8], Sections 10 and 13 of the Timber Buyers Licensing Act [225 ILCS 735/10 and 13], Section 6 of the Ginseng Harvesting Act [525 ILCS 20/6] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Sections 5-625 and 805-545 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625 and 805/805-545].

SOURCE: Filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10664; amended at 6 Ill. Reg. 10687, effective August 25, 1982; Subpart B recodified to 2 Ill. Adm. Code 825: Subpart B at 8 Ill. Reg. 4133, effective March 19, 1984; amended at 10 Ill. Reg. 20201, effective November 25, 1986; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 25 Ill. Reg. 3659, effective February 26, 2001; amended at 25 Ill. Reg. 14126, effective October 22, 2001; amended at 28 Ill. Reg. 9990, effective July 6, 2004; amended at 31 Ill. Reg. 9215, effective June 18, 2007; amended at 32 Ill. Reg. 17481, effective October 24, 2008; amended at 35 Ill. Reg. _____, effective _____.

SUBPART B: SUMMARY REVOCATION/SUSPENSION

Section 2530.240 Points

- a) Unless otherwise specified in subsection (b), points shall be assessed by classification of offense as follows:
- 1) For a petty offense – 3 points
 - 2) For a Class C Misdemeanor – 6 points
 - 3) For a Class B Misdemeanor – 9 points
 - 4) For a Class A Misdemeanor – 12 points
 - 5) For a Class 4 Felony – 24 points
 - 6) For a Class 3 Felony or Higher – 60 points

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- b) Points for the following violations shall be assessed as follows:
- 1) For any violation committed during a period of suspension – 60 points
 - 2) For any person previously suspended once under Group C (Timber Buyers Licensing Act), a minimum of 60 points and up to a maximum of 120 points shall be assessed for a second suspension. The actual number of points to be assessed shall be determined in accordance with Section 2530.488.
 - 3) For any person previously suspended twice under Group C (Timber Buyers Licensing Act), a minimum of 120 points and up to a maximum of 900 points shall be assessed for a third or subsequent suspension. The actual number of points to be assessed shall be determined in accordance with Section 2530.488.
 - 4) Federal offenses shall be assessed points based upon the classification of offense for the corresponding Illinois violation, rather than the federal classification of the offense.
 - 5) For any person found guilty of Section 2.33(cc) of the Wildlife Code [520 ILCS 5/2.33(cc)] – 13 points.
 - 6) For any person found guilty of Section 2.38 of the Wildlife Code [520 ILCS 5/2.38] – 13 points.
 - 7) [For any person found guilty of Section 20-120\(h\) of the Fish and Aquatic Life Code \[515 ILCS 5/20-120\(h\)\] – 13 points.](#)
 - 8) [For any person found guilty of Section 20-125\(d\) of the Fish and Aquatic Life Code \[515 ILCS 5/20-125\(d\)\] – 13 points.](#)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART C: HEARINGS OF CONTESTED CASES

Section 2530.310 Applicability

This Subpart governs hearings and related procedures used in suspension or revocation of a

DEPARTMENT OF NATURAL RESOURCES

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license issued by the Department [for both license revocation appeals pursuant to Subpart B and Department-initiated revocation/suspension proceedings.](#)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2530.320 General Procedures

- a) The Director of the Department of Natural Resources shall designate a Hearing Officer. The Hearing Officer does not have to be an attorney. Staff members of Law Enforcement, witnesses and the Director shall not serve as Hearing Officers. The appointed Hearing Officer shall not have direct involvement in the case or have an interest in the decision to be reached. Mere familiarity with the facts shall not disqualify a Hearing Officer.
- b) ~~In license revocation hearings performed by the Department, any license or permit held by the respondent may be suspended, pending the outcome of the hearing. Respondent shall be given notice of the suspension in the complaint.~~
- b)e) In the case of a license revocation pursuant to Subpart B, no hearing shall be granted unless, within 34 days after mailing of Notice of Revocation and Suspension by the Department, a petition requesting hearing, citing the justification for such hearing, has been filed with the Office of Legal Counsel, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2530.330 Parties

- a) The Department, when initiating a revocation/suspension proceeding, shall be designated [as](#) the Complainant. Any adverse party shall be designated as the Respondent.
- b) [In the case of a license revocation appeal pursuant to Section 2530.280, the party appealing shall be designated as the Petitioner and the Department designated as the Respondent.](#)

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~~c)~~ Misnomer of a party is not ground for dismissal, but the name of any party may be corrected at any time.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2530.340 Notice and Complaint (Department Initiated Proceeding)

- a) Proceedings for revocation/suspension under this Subpart C, other than those imposed under Subpart B, shall be commenced by the service of a notice and a complaint upon the respondent.
- b) The complaint shall contain the following:
 - 1) A reference to the provision of the law or rules of which the respondent was found guilty (including supervision and conditional discharge) by a court of law;
 - 2) A description of the violation sufficient to advise respondents of the basis for revocation/suspension;
 - 3) A concise statement of the relief that the complainant seeks; and
 - 4) A statement that the relief stated in the complaint shall be granted if the respondent does not answer, respond or attend a hearing as set out in this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2530.350 Service (Department Initiated Proceeding)

- a) A copy of the notice and complaint shall either be served personally on the respondent or his authorized agent, or shall be served by registered or certified mail with return receipt signed by the respondent or his authorized agent. Proof of service of the complaint shall be made by affidavit of the person making personal service, or by properly executed registered or certified mail receipt.
- b) Any pleadings, motions or discovery notices, after issuance of the complaint, shall be served personally or by First Class United States Mail, and copies thereof shall be filed with the Hearing Officer with proof of service. Proof of service of any

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paper other than the complaint shall be by certificate of attorney, affidavit or acknowledgment.

- c) Notice of license revocation and suspension of privileges shall be mailed to the last known address of the person through the U.S. mail. An affidavit of mailing shall be proof that the notice was received 4 days after being mailed.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2530.390 Order of Administrative Hearings

The following shall be the order of all administrative hearings, subject to modification by the Hearing Officer for good cause;

- a) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint/petition;
- b) Presentation of opening statements;
- c) Complainant's/Petitioner's case in chief;
- d) Respondent's case in chief;
- e) Complainant's/Petitioner's case in rebuttal;
- f) Statements from interested citizens, if authorized by the Hearing Officer;
- g) Respondent's closing argument, which may include legal argument;
- h) Complainant's/Petitioner's closing argument, which may include legal argument;
- i) Presentation and argument of all motions prior to final order.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2530.420 Evidence

- a) The Hearing Officer will receive evidence ~~that~~which is admissible under the law of the rules of evidence of Illinois pertaining to civil actions. In addition, the

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Hearing Officer may receive material, relevant evidence ~~that~~which would be relied upon by reasonably prudent persons in the conduct of serious affairs ~~that~~which is reasonably reliable and reasonably necessary to resolution of the issue for which it is offered.

- b) The Hearing Officer shall exclude from consideration immaterial, irrelevant, and repetitious evidence.
- c) When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the Hearing Officer shall admit such evidence.
- d) The Hearing Officer may order the record of any relevant prior proceeding before the Department or part thereof incorporated into the record of the present proceeding.
- e) Relevant scientific or technical articles, treatises or materials may be introduced into evidence subject to refutation or disputation through any introduction of comparable documentary evidence or expert testimony.
- f) Aggravation and Mitigation
 - 1) A party may introduce evidence as grounds ~~that~~which would demonstrate factors in mitigation or factors in aggravation of the relief sought in the complaint/petition.
 - 2) The Hearing Officer shall take the following matters into consideration, if applicable, in contested cases in which the relief the Department, as the Complainant, seeks is suspension or revocation of a license or permit issued by the Department:
 - A) the Respondent's history of past conservation offenses;
 - B) any findings of guilt against the Respondent for offenses under other Acts that were related to those conservation offenses for which suspension or revocation is sought;
 - C) whether the Respondent's course of conduct constituted a threat to the biological balance of any species protected by the Act under which suspension or revocation is sought;

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- D) whether the Respondent's course of conduct constituted a threat to the safety of the Respondent, Department Officials, or others;
- E) any evidence of the Respondent's ignorance of a material fact ~~that~~which led to his/her unlawful conduct;
- F) the degree of cooperation exhibited by the Respondent with Department Officials;
- G) the degree to which the Respondent profited economically as a result of his/her unlawful conduct;
- H) whether the Respondent has ever committed an illegal or unlawful taking or harvesting or has damaged State property in violation of the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Endangered Species Protection Act [520 ILCS 10], the Timber Buyers Licensing Act [225 ILCS 735] or the Ginseng Harvest Act [525 ILCS 20] and whether the Respondent compensated the State for the illegal or unlawful taking, harvesting or damage in accordance with the appropriate Act; and
- D)H) any other evidence offered and noted by the Hearing Officer as demonstrating factors in mitigation or factors in aggravation of the relief sought in the complaint.
- 3) The Hearing Officer shall take only the following matters into consideration in hearings for cases of suspension/revocation imposed under Subpart B:
- A) was the ~~Petitioner~~Respondent found guilty of the offenses outlined in the Notice of Suspension;
- B) were points for those offenses properly assessed; and
- C) was suspension/revocation properly imposed.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 2530.488 Hearings on Timber Buyers – Second and Subsequent Suspensions

Whenever a Timber Buyer receives notice that sufficient points have been assessed under Section 2530.240 ~~(b)(2) or (b)(3)(h) or (i)~~ for a second or subsequent suspension, a hearing shall be scheduled to determine the actual length of suspension to be imposed. In the event a default occurs, as defined in Section 2530.410, the Hearing Officer shall have authority to determine the length of suspension, taking into consideration items of evidence outlined in Section 2530.420 and the minimum and maximum points allowed under Section 2530.240 ~~(b)(2) or (b)(3)(h) and (i)~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2530.490 Decision and Order

- a) The Department shall prepare a written order and opinion for all final determinations. The order shall include findings of fact and conclusions of law and shall be signed by the Director after considering the Hearing Officer's recommendations and the factors listed in Section 2530.420(f)(2) ~~or (f)(3)~~.
- b) Findings shall include specific references to principal supporting items of evidence in the record.
- c) Findings of fact and conclusions of law must be separately stated.
- d) The Department's final order may include any or all of the following:
 - 1) A direction to cease and desist from violations of the Department's rules and orders;
 - 2) Suspension of licenses or permits;
 - 3) Revocation of a license or permit. A ~~person~~respondent who has had a license revoked or privileges suspended shall not be issued any license or permit by the Department for a period not to exceed the maximum allowed by law. Such a person shall not legally possess a license or permit or engage in the activity such a license or permit would allow should that person obtain a license or permit during that period;
 - 4) Such other determinations that may be appropriate.

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- e) The Department shall notify all parties or their agents either personally or by mail of any final order.
- f) The Department's order shall be the final administrative decision of the Department.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART E: REINSTATEMENT OF PRIVILEGES

Section 2530.600 Reinstatement Procedures

- a) Any person whose privileges have been revoked or suspended pursuant to Subpart B ~~of this Part~~ (Summary Revocation/Suspension) or Subpart F (Statutorily Mandated Suspensions) may have his/her privileges reinstated ~~by in one of the following manners:~~
 - 1) ~~a) through~~ successful completion of the period of suspension or revocation and payment of the reinstatement fee prescribed by subsection (d); or
 - 2) ~~b) as a final~~ administrative decision granting reinstatement of a person's privileges after a hearing conducted (in accordance with Subpart C and based on the factors in Section 2530.420(f)(3)) determination of a hearing conducted as a result of the person's timely appeal of his/her suspension or revocation. No reinstatement fees are required if the person is reinstated under this subsection (a)(2). ~~or~~
- b) Any person whose privileges have been revoked or suspended pursuant to Subpart B may have his/her privileges reinstated if the person returns to court and obtains a reduction, modification, dismissal or expungement of any convictions giving rise to the revocation or suspension. The person shall file a petition to request reinstatement after receiving notice that the period of revocation or suspension has been imposed and within 34 days after the court action.
 - 1) The Department shall set a hearing date pursuant to the provisions of Subpart C (Hearings of Contested Cases).

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- 2) The burden of proof to justify reinstatement shall be upon the applicant. The hearing shall be conducted in accordance with the provisions of Subpart C, and consideration shall be given to the factors listed in Section 2530.420(f). The fact that charges were reopened and modified, dismissed, reduced or expunged shall not be automatic grounds for reinstatement of privileges or modification of point totals.
- 3) Privileges will not be reinstated until the appropriate reinstatement fee is paid in accordance with subsection (d). The reinstatement fee is required in every case in which a suspension is rescinded under this subsection (b), including, but not limited to, if the reduction, modification, dismissal or expungement occurs prior to the actual date the suspension period is scheduled to begin.
- c) If a person has been convicted of an illegal or unlawful taking or harvesting or has damaged State property in violation of the Fish and Aquatic Life Code, the Wildlife Code, the Endangered Species Protection Act, the Timber Buyers Licensing Act or the Ginseng Harvest Act, that was one of the elements giving rise to the suspension or revocation of privileges, the person's privileges shall not be reinstated until the person provides proof that he/she has compensated the Department for the illegal taking, harvesting or damage as required by the Act under which the conviction occurred. A modification, dismissal, reduction or expungement of charges at any time after the conviction or a rescinding of the suspension does not waive this provision, through a written order issued by the Department in accordance with Subpart C of this Part, as outlined in this subsection:
- d) The Department shall charge the following fees for reinstatement of suspended privileges:

<u>Type of Suspension</u>	<u>First Suspension</u>	<u>Subsequent Suspensions</u>
<u>Administrative (Officer Request, etc.)</u>	<u>\$250</u>	<u>\$500</u>
<u>Non-Compliance (Interstate Wildlife Violator Compact)</u>	<u>\$250</u>	<u>\$500</u>
<u>Non-Commercial Point System</u>	<u>\$250</u>	<u>\$500</u>

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<u>Commercial Point Suspension</u>	<u>\$250</u>	<u>\$500</u>
<u>Reckless Operation of a Snowmobile or Watercraft/Failure to Yield to an Emergency Watercraft</u>	<u>\$250</u>	<u>\$500</u>
<u>Watercraft/Snowmobile Operating Under the Influence (OUI) and Refusal</u>	<u>\$250</u>	<u>\$500</u>

- e) The Department shall not reinstate a person's licenses or privileges until the appropriate payment is received. Payment of reinstatement fees should be made by check or money order, payable to IDNR and addressed to the following:

Illinois Department of Natural Resources
Office of Law Enforcement
One Natural Resources Way
Springfield IL 62702-1271

- f) Once a person's privileges have been reinstated, the Department shall process that information within 10 working days.
- 1) ~~Any person who returns to court to change his/her plea on charges after a period of suspension has been imposed must file, within 34 days after the court action, a petition with the Department accompanied by a \$50 filing fee to request that his/her privileges be reinstated. The Department shall set a hearing date pursuant to the provisions of Subpart C: Hearings of Contested Cases. The burden of proof to justify reinstatement shall be upon the applicant. During the hearing, consideration shall be given to the factors listed in Section 2530.420(f).~~
 - 2) ~~The mere fact that certain charges were reopened and modified to a lesser class of offense, or reopened and dismissed, shall not be grounds for modification of point totals or automatic reinstatement of privileges.~~
 - 3) ~~Once a person's privileges have been reinstated, the Department shall process that information within a reasonable time frame, but in no event shall the processing take longer than a period of 10 working days.~~

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Nitrogen Oxides Emissions
- 2) Code citation: 35 Ill. Adm. Code 217
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
217.152	Amend
217.154	Amend
217.157	Amend
217.158	Amend
217.164	Amend
217.184	Amend
217.204	Amend
217.224	Amend
217.244	Amend
217.344	Amend
217.APPENDIX H	Amend
- 4) Statutory authority: Implementing Section 10, and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, 28]
- 5) A complete description of the subjects and issues involved: The proposal modifies the date for compliance with the requirements of various Subparts of 35 Ill. Adm. Code 217, Nitrogen Oxides Emissions, which contain provisions relating to the control of nitrogen oxides emissions from various source categories, including emission units within these source categories such as industrial boilers, process heaters, glass melting furnaces, cement kilns, lime kilns, furnaces used in steel making and aluminum melting, and fossil-fuel fired stationary boilers. This rulemaking proposal has been prepared to extend the compliance date for the requirements under Subparts D, E, F, G, H, I, and M of Part 217 from January 1, 2012, to January 1, 2015, and as such, satisfy Illinois' obligation to submit a State Implementation Plan to address the requirements under Sections 172 and 182 of the Clean Air Act for major stationary sources of Nitrogen Oxides (NO_x) in areas designated as nonattainment with respect to the National Ambient Air Quality Standards. The proposal also amends 35 Ill. Adm. Code 217.Appendix H by deleting ExxonMobil Oil Corporation and its units and the units of ConocoPhillips Company Wood River Refinery that include compliance dates before January 1, 2015.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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- 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>
217.152	Amend	34 Ill. Reg. 19830; December 27, 2010
217.388	Amend	34 Ill. Reg. 17513; November 19, 2010

- 11) Statement of statewide policy objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R11-24 and be addressed to:

John Therriault
Clerk's Office
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Interested persons may obtain copies of the Board's opinion and order by downloading them from the Board's Web site at www.ipcb.state.il.us. or by calling the Clerk's office at 312-814-3620. For more information, contact Hearing Officer Daniel Robertson at 312-814-6931 or email robertsd@ipcb.state.il.us.

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: The proposed regulations are generally expected to affect all sources that are located in the Chicago-Gary-Lake County, IL-IN and the St. Louis, MO-IL nonattainment areas that emit or have the potential to emit NO_x in an amount

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equal to or greater than 100 tons per year and any industrial boiler, process heater, glass melting furnace, cement kiln, lime kiln, iron and steel reheat, annealing, or galvanizing furnace, aluminum reverberatory or crucible furnace, or fossil fuel-fired stationary boiler within such sources that emit NO_x in an amount equal to or greater than 15 tons per year and equal to or greater than 5 tons per ozone season and subject to the provisions of the regulations.

- B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments only seek to extend the compliance date for NO_x requirements for a number of source categories and do not impose any additional requirements upon affected sources outside of those reporting, bookkeeping or other procedures already required.
- C) Types of professional skills necessary for compliance: The proposed amendments do not make any substantive changes to the rule language other than extending a compliance date and therefore the amendments do not impose any additional requirements upon affected sources other than those professional skills already required.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas, because the need for this rulemaking was not made apparent until recently when it was recognized that the United States Environmental Protection Agency's delay in adopting the 8-hour ozone standard revision proposed in 2010 results in a situation where the existing NO_x Reasonably Available Control Technology regulations impose compliance requirements upon the regulated community prior to when they will be necessary under the Clean Air Act.

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCESPART 217
NITROGEN OXIDES EMISSIONS

SUBPART A: GENERAL PROVISIONS

Section	
217.100	Scope and Organization
217.101	Measurement Methods
217.102	Abbreviations and Units
217.103	Definitions
217.104	Incorporations by Reference

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section	
217.121	New Emission Sources (Repealed)

SUBPART C: EXISTING FUEL COMBUSTION EMISSION UNITS

Section	
217.141	Existing Emission Units in Major Metropolitan Areas

SUBPART D: NO_x GENERAL REQUIREMENTS

Section	
217.150	Applicability
217.152	Compliance Date
217.154	Performance Testing
217.155	Initial Compliance Certification
217.156	Recordkeeping and Reporting
217.157	Testing and Monitoring
217.158	Emissions Averaging Plans

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SUBPART E: INDUSTRIAL BOILERS

Section

- 217.160 Applicability
- 217.162 Exemptions
- 217.164 Emissions Limitations
- 217.165 Combination of Fuels
- 217.166 Methods and Procedures for Combustion Tuning

SUBPART F: PROCESS HEATERS

Section

- 217.180 Applicability
- 217.182 Exemptions
- 217.184 Emissions Limitations
- 217.185 Combination of Fuels
- 217.186 Methods and Procedures for Combustion Tuning

SUBPART G: GLASS MELTING FURNANCES

Section

- 217.200 Applicability
- 217.202 Exemptions
- 217.204 Emissions Limitations

SUBPART H: CEMENT AND LIME KILNS

Section

- 217.220 Applicability
- 217.222 Exemptions
- 217.224 Emissions Limitations

SUBPART I: IRON AND STEEL AND ALUMINUM MANUFACTURING

Section

- 217.240 Applicability
- 217.242 Exemptions
- 217.244 Emissions Limitations

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SUBPART K: PROCESS EMISSION SOURCES

Section
217.301 Industrial Processes

SUBPART M: ELECTRICAL GENERATING UNITS

Section
217.340 Applicability
217.342 Exemptions
217.344 Emissions Limitations
217.345 Combination of Fuels

SUBPART O: CHEMICAL MANUFACTURE

Section
217.381 Nitric Acid Manufacturing Processes

SUBPART Q: STATIONARY RECIPROCATING
INTERNAL COMBUSTION ENGINES AND TURBINES

Section
217.386 Applicability
217.388 Control and Maintenance Requirements
217.390 Emissions Averaging Plans
217.392 Compliance
217.394 Testing and Monitoring
217.396 Recordkeeping and Reporting

SUBPART T: CEMENT KILNS

Section
217.400 Applicability
217.402 Control Requirements
217.404 Testing
217.406 Monitoring
217.408 Reporting
217.410 Recordkeeping

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SUBPART U: NO_x CONTROL AND TRADING PROGRAM FOR
SPECIFIED NO_x GENERATING UNITS

Section	
217.450	Purpose
217.452	Severability
217.454	Applicability
217.456	Compliance Requirements
217.458	Permitting Requirements
217.460	Subpart U NO _x Trading Budget
217.462	Methodology for Obtaining NO _x Allocations
217.464	Methodology for Determining NO _x Allowances from the New Source Set-Aside
217.466	NO _x Allocations Procedure for Subpart U Budget Units
217.468	New Source Set-Asides for "New" Budget Units
217.470	Early Reduction Credits (ERCs) for Budget Units
217.472	Low-Emitter Requirements
217.474	Opt-In Units
217.476	Opt-In Process
217.478	Opt-In Budget Units: Withdrawal from NO _x Trading Program
217.480	Opt-In Units: Change in Regulatory Status
217.482	Allowance Allocations to Opt-In Budget Units

SUBPART V: ELECTRIC POWER GENERATION

Section	
217.521	Lake of Egypt Power Plant
217.700	Purpose
217.702	Severability
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217.706	Emission Limitations
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217.710	Monitoring
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SUBPART W: NO_x TRADING PROGRAM FOR
ELECTRICAL GENERATING UNITS

Section	
217.750	Purpose
217.751	Sunset Provisions

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217.752	Severability
217.754	Applicability
217.756	Compliance Requirements
217.758	Permitting Requirements
217.760	NO _x Trading Budget
217.762	Methodology for Calculating NO _x Allocations for Budget Electrical Generating Units (EGUs)
217.764	NO _x Allocations for Budget EGUs
217.768	New Source Set-Asides for "New" Budget EGUs
217.770	Early Reduction Credits for Budget EGUs
217.774	Opt-In Units
217.776	Opt-In Process
217.778	Budget Opt-In Units: Withdrawal from NO _x Trading Program
217.780	Opt-In Units: Change in Regulatory Status
217.782	Allowance Allocations to Budget Opt-In Units

SUBPART X: VOLUNTARY NO_x EMISSIONS REDUCTION PROGRAM

Section	
217.800	Purpose
217.805	Emission Unit Eligibility
217.810	Participation Requirements
217.815	NO _x Emission Reductions and the Subpart X NO _x Trading Budget
217.820	Baseline Emissions Determination
217.825	Calculation of Creditable NO _x Emission Reductions
217.830	Limitations on NO _x Emission Reductions
217.835	NO _x Emission Reduction Proposal
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217.845	Emissions Determination Methods
217.850	Emissions Monitoring
217.855	Reporting
217.860	Recordkeeping
217.865	Enforcement
217.APPENDIX A	Rule into Section Table
217.APPENDIX B	Section into Rule Table
217.APPENDIX C	Compliance Dates
217.APPENDIX D	Non-Electrical Generating Units
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- 217.APPENDIX F Allowances for Electrical Generating Units
217.APPENDIX G Existing Reciprocating Internal Combustion Engines Affected by the NO_x SIP Call
217.APPENDIX H Compliance Dates for Certain Emissions Units at Petroleum Refineries

AUTHORITY: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28.5 (2004)].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-18 at 31 Ill. Reg. 14271, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13345, effective August 31, 2009; amended in R09-20 at 33 Ill. Reg. 15754, effective November 2, 2009; amended in R11-24 at 35 Ill. Reg. _____, effective _____.

SUBPART D: NO_x GENERAL REQUIREMENTS**Section 217.152 Compliance Date**

- a) Compliance with the requirements of Subparts E, F, G, H, I and M by an owner or operator of an emission unit that is subject to any of those Subparts is required beginning January 1, ~~2015~~2012.
- b) Notwithstanding subsection (a) of this Section, compliance with the requirements of Subpart G of this Part by an owner or operator of an emission unit subject to Subpart G of this Part shall be extended until December 31, 2014, if such units are required to meet emissions limitations for NO_x, as measured using a continuous emissions monitoring system, and included within a legally enforceable order on or before December 31, 2009, whereby such emissions limitations are less than 30 percent of the emissions limitations set forth under Section 217.204.
- c) Notwithstanding subsection (a) of this Section, the owner or operator of emission units subject to Subpart E or F of this Part and located at a petroleum refinery must comply with the requirements of this Subpart and Subpart E or F of this Part, as applicable, for those emission units beginning January 1, ~~2015~~2012, except that the owner or operator of emission units listed in Appendix H must comply with

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the requirements of this Subpart, including the option of demonstrating compliance with the applicable Subpart through an emissions averaging plan under Section 217.158 and Subpart E or F of this Part, as applicable, for the listed emission units beginning on the dates set forth in Appendix H. With Agency approval, the owner or operator of emission units listed in Appendix H may elect to comply with the requirements of this Subpart and Subpart E or F of this Part, as applicable, by reducing the emissions of emission units other than those listed in Appendix H, provided that the emissions limitations of such other emission units are equal to or more stringent than the applicable emissions limitations set forth in Subpart E or F of this Part, as applicable, by the dates set forth in Appendix H.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 217.154 Performance Testing

- a) Performance testing of NO_x emissions for emission units constructed on or before July 1, ~~20142014~~, and subject to emissions limitations under Subpart E, F, G, H, or I of this Part must be conducted in accordance with Section 217.157 of this Subpart. Except as provided for under Section 217.157(a)(4) and (e)(1). This subsection does not apply to owners and operators of emission units demonstrating compliance through a continuous emissions monitoring system.
- b) Performance testing of NO_x emissions for emission units for which construction or modification occurs after July 1, ~~20142014~~, and that are subject to emissions limitations under Subpart E, F, G, H, or I of this Part must be conducted within 60 days after achieving maximum operating rate but no later than 180 days after initial startup of the new or modified emission unit, in accordance with Section 217.157 of this Subpart. Except as provided for under Section 217.157(a)(4) and (e)(1), this subsection does not apply to owners and operators of emission units demonstrating compliance through a continuous emissions monitoring system, predictive emission monitoring system, or combustion tuning.
- c) Notification of the initial startup of an emission unit subject to subsection (b) of this Section must be provided to the Agency no later than 30 days after initial startup.
- d) The owner or operator of an emission unit subject to subsection (a) or (b) of this Section must notify the Agency of the scheduled date for the performance testing in writing at least 30 days before such date and five days before such date.

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- e) If demonstrating compliance through an emissions averaging plan, at least 30 days before changing the method of compliance, the owner or operator of an emission unit must submit a written notification to the Agency describing the new method of compliance, the reason for the change in the method of compliance, and the scheduled date for performance testing, if required. Upon changing the method of compliance, the owner or operator of an emission unit must submit to the Agency a revised compliance certification that meets the requirements of Section 217.155.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 217.157 Testing and Monitoring

- a) Industrial Boilers and Process Heaters
- 1) The owner or operator of an industrial boiler subject to Subpart E of this Part with a rated heat input capacity greater than 250 mmBtu/hr must install, calibrate, maintain, and operate a continuous emissions monitoring system on the emission unit for the measurement of NO_x emissions discharged into the atmosphere in accordance with 40 CFR 75, as incorporated by reference in Section 217.104. However, the owner or operator of an industrial boiler subject to Subpart E of this Part with a rated heat input capacity greater than 250 mmBtu/hr that combusts blast furnace gas with up to 10% natural gas on an annual basis and located at a source that manufactures iron and steel is not required to install, calibrate, maintain, and operate a continuous emissions monitoring system on that industrial boiler, provided the heat input from natural gas does not exceed 10% on an annual basis and the owner or operator complies with the performance test requirements under this Section and demonstrates, during each performance test, that NO_x emissions from the industrial boiler are less than 70% of the applicable emissions limitation under Section 217.164. In the event the owner or operator is unable to meet the requirements of this exception, a continuous emissions monitoring system is required within 12 months after that event, or by January 1, 2015~~December 31, 2012~~, whichever is later.
 - 2) The owner or operator of an industrial boiler subject to Subpart E of this Part with a rated heat input capacity greater than 100 mmBtu/hr but less

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than or equal to 250 mmBtu/hr must install, calibrate, maintain, and operate a continuous emissions monitoring system on such emission unit for the measurement of NO_x emissions discharged into the atmosphere in accordance with 40 CFR 60, subpart A and appendix B, Performance Specifications 2 and 3, and appendix F, Quality Assurance Procedures, as incorporated by reference in Section 217.104.

- 3) The owner or operator of a process heater subject to Subpart F of this Part with a rated heat input capacity greater than 100 mmBtu/hr must install, calibrate, maintain, and operate a continuous emissions monitoring system on the emission unit for the measurement of NO_x emissions discharged into the atmosphere in accordance with 40 CFR 60, subpart A and appendix B, Performance Specifications 2 and 3, and appendix F, Quality Assurance Procedures, as incorporated by reference in Section 217.104.
- 4) If demonstrating compliance through an emissions averaging plan, the owner or operator of an industrial boiler subject to Subpart E of this Part, or a process heater subject to Subpart F of this Part, with a rated heat input capacity less than or equal to 100 mmBtu/hr and not demonstrating compliance through a continuous emissions monitoring system must have an initial performance test conducted pursuant to subsection (a)(4)(B) of this Section and Section 217.154.
 - A) An owner or operator of an industrial boiler or process heater must have subsequent performance tests conducted pursuant to subsection (a)(4)(B) of this Section at least once every five years. When, in the opinion of the Agency or USEPA, it is necessary to conduct testing to demonstrate compliance with Section 217.164 or 217.184, as applicable, the owner or operator of an industrial boiler or process heater must, at his or her own expense, have such test conducted in accordance with the applicable test methods and procedures specified in this Section within 90 days after receipt of a notice to test from the Agency or USEPA.
 - B) The owner or operator of an industrial boiler or process heater must have a performance test conducted using 40 CFR 60, subpart A and appendix A, Method 1, 2, 3, 4, 7E, or 19, as incorporated by reference in Section 217.104, or other alternative USEPA methods approved by the Agency. Each performance test must consist of

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three separate runs, each lasting a minimum of 60 minutes. NO_x emissions must be measured while the industrial boiler is operating at maximum operating capacity or while the process heater is operating at normal maximum load. If the industrial boiler or process heater has combusted more than one type of fuel in the prior year, a separate performance test is required for each fuel. If a combination of fuels is typically used, a performance test may be conducted, with Agency approval, on such combination of fuels typically used. Except as provided under subsection (e) of this Section, this subsection (a)(4)(B) does not apply if such owner or operator is demonstrating compliance with an emissions limitation through a continuous emissions monitoring system under subsection (a)(1), (a)(2), (a)(3), or (a)(5) of this Section.

- 5) Instead of complying with the requirements of subsection (a)(4) of this Section, an owner or operator of an industrial boiler subject to Subpart E of this Part, or a process heater subject to Subpart F of this Part, with a rated heat input capacity less than or equal to 100 mmBtu/hr may install and operate a continuous emissions monitoring system on such emission unit in accordance with the applicable requirements of 40 CFR 60, subpart A and appendix B, Performance Specifications 2 and 3, and appendix F, Quality Assurance Procedures, as incorporated by reference in Section 217.104. The continuous emissions monitoring system must be used to demonstrate compliance with the applicable emissions limitation or emissions averaging plan on an ozone season and annual basis.
 - 6) Notwithstanding subsection (a)(2) of this Section, the owner or operator of an auxiliary boiler subject to Subpart E of this Part with a rated heat input capacity less than or equal to 250 mmBtu/hr and a capacity factor of less than or equal to 20% is not required to install, calibrate, maintain, and operate a continuous emissions monitoring system on such boiler for the measurement of NO_x emissions discharged into the atmosphere, but must comply with the performance test requirements under subsection (a)(4) of this Section.
- b) Glass Melting Furnaces; Cement Kilns; Lime Kilns; Iron and Steel Reheat, Annealing, and Galvanizing Furnaces; and Aluminum Reverberatory and Crucible Furnaces

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- 1) An owner or operator of a glass melting furnace subject to Subpart G of this Part, cement kiln or lime kiln subject to Subpart H of this Part, iron and steel reheat, annealing, or galvanizing furnace subject to Subpart I of this Part, or aluminum reverberatory or crucible furnace subject to Subpart I of this Part that has the potential to emit NO_x in an amount equal to or greater than one ton per day must install, calibrate, maintain, and operate a continuous emissions monitoring system on such emission unit for the measurement of NO_x emissions discharged into the atmosphere in accordance with 40 CFR 60, subpart A and appendix B, Performance Specifications 2 and 3, and appendix F, Quality Assurance Procedures, as incorporated by reference in Section 217.104.
- 2) An owner or operator of a glass melting furnace subject to Subpart G of this Part, cement kiln or lime kiln subject to Subpart H of this Part, iron and steel reheat, annealing, or galvanizing furnace subject to Subpart I of this Part, or aluminum reverberatory or crucible furnace subject to Subpart I of this Part that has the potential to emit NO_x in an amount less than one ton per day must have an initial performance test conducted pursuant to subsection (b)(4) of this Section and Section 217.154.
- 3) An owner or operator of a glass melting furnace subject to Subpart G of this Part, cement kiln or lime kiln subject to Subpart H of this Part, iron and steel reheat, annealing, or galvanizing furnace subject to Subpart I of this Part, or aluminum reverberatory or crucible furnace subject to Subpart I of this Part that has the potential to emit NO_x in an amount less than one ton per day must have subsequent performance tests conducted pursuant to subsection (b)(4) of this Section as follows:
 - A) For all glass melting furnaces subject to Subpart G of this Part, cement kilns or lime kilns subject to Subpart H of this Part, iron and steel reheat, annealing, or galvanizing furnace subject to Subpart I of this Part, or aluminum reverberatory or crucible furnaces subject to Subpart I of this Part, including all such units included in an emissions averaging plan, at least once every five years; and
 - B) When, in the opinion of the Agency or USEPA, it is necessary to conduct testing to demonstrate compliance with Section 217.204, 217.224, or 217.244 of this Part, as applicable, the owner or

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operator of a glass melting furnace, cement kiln, lime kiln, iron and steel reheat, annealing, or galvanizing furnace, or aluminum reverberatory or crucible furnace must, at his or her own expense, have such test conducted in accordance with the applicable test methods and procedures specified in this Section within 90 days after receipt of a notice to test from the Agency or USEPA.

- 4) The owner or operator of a glass melting furnace, cement kiln, or lime kiln must have a performance test conducted using 40 CFR 60, subpart A and appendix A, Methods 1, 2, 3, 4, and 7E, as incorporated by reference in Section 217.104 of this Part, or other alternative USEPA methods approved by the Agency. The owner or operator of an iron and steel reheat, annealing, or galvanizing furnace, or aluminum reverberatory or crucible furnace must have a performance test conducted using 40 CFR 60, subpart A and appendix A, Method 1, 2, 3, 4, 7E, or 19, as incorporated by reference in Section 217.104 of this Part, or other alternative USEPA methods approved by the Agency. Each performance test must consist of three separate runs, each lasting a minimum of 60 minutes. NO_x emissions must be measured while the glass melting furnace, cement kiln, lime kiln, iron and steel reheat, annealing, or galvanizing furnace, or aluminum reverberatory or crucible furnace is operating at maximum operating capacity. If the glass melting furnace, cement kiln, lime kiln, iron and steel reheat, annealing, or galvanizing furnace, or aluminum reverberatory or crucible furnace has combusted more than one type of fuel in the prior year, a separate performance test is required for each fuel. Except as provided under subsection (e) of this Section, this subsection (b)(4) does not apply if such owner or operator is demonstrating compliance with an emissions limitation through a continuous emissions monitoring system under subsection (b)(1) or (b)(5) of this Section.
- 5) Instead of complying with the requirements of subsections (b)(2), (b)(3), and (b)(4) of this Section, an owner or operator of a glass melting furnace subject to Subpart G of this Part, cement kiln or lime kiln subject to Subpart H of this Part, iron and steel reheat, annealing, or galvanizing furnace subject to Subpart I of this Part, or aluminum reverberatory or crucible furnace subject to Subpart I of this Part that has the potential to emit NO_x in an amount less than one ton per day may install and operate a continuous emissions monitoring system on such emission unit in

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accordance with the applicable requirements of 40 CFR 60, subpart A and appendix B, Performance Specifications 2 and 3, and appendix F, Quality Assurance Procedures, as incorporated by reference in Section 217.104 of this Part. The continuous emissions monitoring system must be used to demonstrate compliance with the applicable emissions limitation or emissions averaging plan on an ozone season and annual basis.

- c) Fossil Fuel-Fired Stationary Boilers. The owner or operator of a fossil fuel-fired stationary boiler subject to Subpart M of this Part must install, calibrate, maintain, and operate a continuous emissions monitoring system on such emission unit for the measurement of NO_x emissions discharged into the atmosphere in accordance with 40 CFR 96, subpart H.
- d) Common Stacks. If two or more emission units subject to Subpart E, F, G, H, I, M, or Q of this Part are served by a common stack and the owner or operator of such emission units is operating a continuous emissions monitoring system, the owner or operator may, with written approval from the Agency, utilize a single continuous emissions monitoring system for the combination of emission units subject to Subpart E, F, G, H, I, M, or Q of this Part that share the common stack, provided such emission units are subject to an emissions averaging plan under this Part.
- e) Compliance with the continuous emissions monitoring system (CEMS) requirements by an owner or operator of an emission unit who is required to install, calibrate, maintain, and operate a CEMS on the emission unit under subsection (a)(1), (a)(2), (a)(3), or (b)(1) of this Section, or who has elected to comply with the CEMS requirements under subsection (a)(5) or (b)(5) of this Section, or who has elected to comply with the predictive emission monitoring system (PEMS) requirements under subsection (f) of this Section, is required by the applicable compliance date under Section 217.152 of this Subpart, following dates:
- 1) ~~For the owner or operator of an emission unit that is subject to a compliance date in calendar year 2012 under Section 217.152, compliance with the CEMS or PEMS requirements, as applicable, under this Section for such emission unit is required by December 31, 2012, provided that, during the time between the compliance date and December 31, 2012, the owner or operator must comply with the applicable performance test requirements under this Section and the applicable recordkeeping and~~

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~~reporting requirements under this Subpart. For the owner or operator of an emission unit that is in compliance with the CEMS or PEMS requirements, as applicable, under this Section on January 1, 2012, such owner or operator is not required to comply with the performance test requirements under this Section.~~

- 2) ~~For the owner or operator of an emission unit that is subject to a compliance date in a calendar year other than calendar year 2012 under Section 217.152 of this Subpart, compliance with the CEMS or PEMS requirements, as applicable, under this Section for such emission unit is required by the applicable compliance date, and such owner or operator is not required to comply with the performance test requirements under this Section.~~

- f) As an alternative to complying with the requirements of this Section, other than the requirements under subsections (a)(1) and (c) of this Section, the owner or operator of an emission unit who is not otherwise required by any other statute, regulation, or enforceable order to install, calibrate, maintain, and operate a CEMS on the emission unit may comply with the specifications and test procedures for a predictive emission monitoring system (PEMS) on the emission unit for the measurement of NO_x emissions discharged into the atmosphere in accordance with the requirements of 40 CFR 60, subpart A and appendix B, Performance Specification 16. The PEMS must be used to demonstrate compliance with the applicable emissions limitation or emissions averaging plan on an ozone season and annual basis.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 217.158 Emissions Averaging Plans

- a) Notwithstanding any other emissions averaging plan provisions under this Part, an owner or operator of a source with certain emission units subject to Subpart E, F, G, H, I, or M of this Part, or subject to Subpart Q of this Part that are located in either one of the areas set forth under Section 217.150(a)(1)(A)(i) or (ii), may demonstrate compliance with the applicable Subpart through an emissions averaging plan. An emissions averaging plan can only address emission units that are located at one source and each unit may only be covered by one emissions averaging plan. Such emission units at the source are affected units and are subject to the requirements of this Section.

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- 1) The following units may be included in an emissions averaging plan:
 - A) Units that commenced operation on or before January 1, 2002.
 - B) Units that the owner or operator may claim as exempt pursuant to Section 217.162, 217.182, 217.202, 217.222, 217.242, or 217.342 of this Part, as applicable, but does not claim exempt. For as long as such a unit is included in an emissions averaging plan, it will be treated as an affected unit and subject to the applicable emissions limitations, and testing, monitoring, recordkeeping and reporting requirements.
 - C) Units that commence operation after January 1, 2002, if the unit replaces a unit that commenced operation on or before January 1, 2002, or it replaces a unit that replaced a unit that commenced operation on or before January 1, 2002. The new unit must be used for the same purpose and have substantially equivalent or less process capacity or be permitted for less NO_x emissions on an annual basis than the actual NO_x emissions of the unit or units that are replaced. Within 90 days after permanently shutting down a unit that is replaced, the owner or operator of such unit must submit a written request to withdraw or amend the applicable permit to reflect that the unit is no longer in service before the replacement unit may be included in an emissions averaging plan.
- 2) The following types of units may not be included in an emissions averaging plan:
 - A) Units that commence operation after January 1, 2002, except as provided by subsection (a)(1)(C) of this Section.
 - B) Units that the owner or operator is claiming are exempt pursuant to Section 217.162, 217.182, 217.202, 217.222, 217.242, or 217.342 of this Part, as applicable.
 - C) Units that are required to meet emission limits or control requirements for NO_x as provided for in an enforceable order, unless the order allows for emissions averaging. In the case of

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petroleum refineries, this subsection (a)(2)(C) does not prohibit including industrial boilers or process heaters, or both, in an emissions averaging plan when an enforceable order does not prohibit the reductions made under the order from also being used for compliance with any rules or regulations designed to address regional haze or the non-attainment status of any area.

- b) An owner or operator must submit an emissions averaging plan to the Agency by January 1, ~~2015~~2012. The plan must include, but is not limited to, the following:
- 1) The list of affected units included in the plan by unit identification number; and
 - 2) A sample calculation demonstrating compliance using the methodology provided in subsection (f) of this Section for the ozone season (May 1 through September 30) and calendar year (January 1 through December 31).
- c) An owner or operator may amend an emissions averaging plan only once per calendar year. Such an amended plan must be submitted to the Agency by January 1 of the applicable calendar year. If an amended plan is not received by the Agency by January 1 of the applicable calendar year, the previous year's plan will be the applicable emissions averaging plan.
- d) Notwithstanding subsection (c) of this Section:
- 1) If a unit that is listed in an emissions averaging plan is taken out of service, the owner or operator must submit to the Agency, within 30 days after such occurrence, an updated emissions averaging plan; or
 - 2) If a unit that was exempt from the requirements of Subpart E, F, G, H, I, or M of this Part pursuant to Section 217.162, 217.182, 217.202, 217.222, 217.242, or 217.342 of this Part, as applicable, no longer qualifies for an exemption, the owner or operator may amend its existing averaging plan to include such unit within 30 days after the unit no longer qualifies for the exemption.
- e) An owner or operator must:

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- 1) Demonstrate compliance for the ozone season (May 1 through September 30) and the calendar year (January 1 through December 31) by using the methodology and the units listed in the most recent emissions averaging plan submitted to the Agency pursuant to subsection (b) of this Section, the monitoring data or test data determined pursuant to Section 217.157, and the actual hours of operation for the applicable averaging plan period; and
 - 2) Submit to the Agency, by March 1 following each calendar year, a compliance report containing the information required by Section 217.156(i).
- f) The total mass of actual NO_x emissions from the units listed in the emissions averaging plan must be equal to or less than the total mass of allowable NO_x emissions for those units for both the ozone season and calendar year. The following equation must be used to determine compliance:

$$N_{act} \leq N_{all}$$

Where:

$$N_{act} = \sum_{i=1}^n \sum_{j=1}^k EM_{act(i,j)}$$

$$N_{all} = \sum_{i=1}^n \sum_{j=1}^k EM_{all(i,j)}$$

N_{act} = Total sum of the actual NO_x mass emissions from units included in the averaging plan for each fuel used (tons per ozone season and year).

N_{all} = Total sum of the allowable NO_x mass emissions from units included in the averaging plan for each fuel used (tons per ozone season and year).

$EM_{act(i)}$ = Total mass of actual NO_x emissions in tons for a unit as determined in subsection (f)(1) of this Section.

i = Subscript denoting an individual unit.

j = Subscript denoting the fuel type used.

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- k = Number of different fuel types.
- n = Number of different units in the averaging plan.
- $EM_{all(i)}$ = Total mass of allowable NO_x emissions in tons for a unit as determined in subsection (f)(2) of this Section.

For each unit in the averaging plan, and each fuel used by such unit, determine actual and allowable NO_x emissions using the following equations:

- 1) Actual emissions must be determined as follows:

When emission limits are prescribed in lb/mmBtu,

$$EM_{act(i)} = E_{act(i)} \times H_i / 2000$$

When emission limits are prescribed in lb/ton of processed product,

$$EM_{act(i)} = E_{act(i)} \times P_i / 2000$$

- 2) Allowable emissions must be determined as follows:

When emission limits are prescribed in lb/mmBtu,

$$EM_{all(i)} = E_{all(i)} \times H_i / 2000$$

When emission limits are prescribed in lb/ton of processed product,

$$EM_{all(i)} = E_{all(i)} \times P_i / 2000$$

Where:

$EM_{act(i)}$ = Total mass of actual NO_x emissions in tons for a unit.

$EM_{all(i)}$ = Total mass of allowable NO_x emissions in tons for a unit.

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- E_{act} = Actual NO_x emission rate (lbs/mmBtu or lbs/ton of product) as determined by a performance test, a continuous emissions monitoring system, or an alternative method approved by the Agency.
- E_{all} = Allowable NO_x emission rate (lbs/mmBtu or lbs/ton of product) as provided in Section 217.164, 217.184, 217.204, 217.224, 217.244, or 217.344, as applicable. For an affected industrial boiler subject to Subpart E of this Part, or process heater subject to Subpart F of this Part, with a rated heat input capacity less than or equal to 100 mmBtu/hr demonstrating compliance through an emissions averaging plan, the allowable NO_x emission rate is to be determined from a performance test after such boiler or heater has undergone combustion tuning. For all other units in an emissions averaging plan, an uncontrolled NO_x emission rate from USEPA's AP-42, as incorporated by reference in Section 217.104, or an uncontrolled NO_x emission rate as determined by an alternative method approved by the Agency, will be used.
- H = Heat input (mmBtu/ozone season or mmBtu/year) calculated from fuel flow meter and the heating value of the fuel used.
- P = weight in tons of processed product.
- g) An owner or operator of an emission unit subject to Subpart Q of this Part that is located in either one of the areas set forth under Section 217.150(a)(1)(A)(i) or (ii) that is complying through an emissions averaging plan under this Section must comply with the applicable provisions for determining actual and allowable emissions under Section 217.390, the testing and monitoring requirements under Section 217.394, and the recordkeeping and reporting requirements under Section 217.396.
- h) The owner or operator of an emission unit located at a petroleum refinery who is demonstrating compliance with an applicable Subpart through an emissions averaging plan under this Section may exclude from the calculation demonstrating compliance those time periods when an emission unit included in the emissions averaging plan is shut down for a maintenance turnaround, provided that such owner or operator notify the Agency in writing at least 30 days in advance of the

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shutdown of the emission unit for the maintenance turnaround and the shutdown of the emission unit does not exceed 45 days per ozone season or calendar year and NO_x pollution control equipment, if any, continues to operate on all other emission units operating during the maintenance turnaround.

- i) The owner or operator of an emission unit that combusts a combination of coke oven gas and other gaseous fuels and that is located at a source that manufactures iron and steel who is demonstrating compliance with an applicable Subpart through an emissions averaging plan under this Section may exclude from the calculation demonstrating compliance those time periods when the coke oven gas desulfurization unit included in the emissions averaging plan is shut down for maintenance, provided that such owner or operator notify the Agency in writing at least 30 days in advance of the shutdown of the coke oven gas desulfurization unit for maintenance and such shutdown does not exceed 35 days per ozone season or calendar year and NO_x pollution control equipment, if any, continues to operate on all other emission units operating during the maintenance period.
- j) The owner or operator of an emission unit located at a petroleum refinery who is demonstrating compliance with an applicable Subpart through an emissions averaging plan under this Section may exclude from the calculation demonstrating compliance those time periods when NO_x pollution control equipment that controls one or more emission units included in the emissions averaging plan is shut down for a maintenance turnaround, provided that:
 - 1) the owner or operator notify the Agency in writing, at least 30 days in advance of the shutdown, of the NO_x pollution control equipment for the maintenance turnaround;
 - 2) the shutdown of the NO_x pollution control equipment does not exceed 45 days per ozone season or calendar year; and
 - 3) except for those emission units vented to the NO_x pollution control equipment undergoing the maintenance turnaround, NO_x pollution control equipment, if any, continues to operate on all other emission units operating during the maintenance turnaround.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART E: INDUSTRIAL BOILERS

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Section 217.164 Emissions Limitations

- a) Except as provided for under Section 217.152, on and after January 1, ~~2015~~2012, no person shall cause or allow emissions of NO_x into the atmosphere from any industrial boiler to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Fuel	Emission Unit Type and Rated Heat Input Capacity (mmBtu/hr)	No _x Emissions Limitation (lb/mmBtu) or Requirement
Natural Gas or Other Gaseous Fuels	Industrial boiler greater than 100	0.08
	Industrial boiler less than or equal to 100	Combustion tuning
Distillate Fuel Oil	Industrial boiler greater than 100	0.10
	Industrial boiler less than or equal to 100	Combustion tuning
Other Liquid Fuels	Industrial boiler greater than 100	0.15
	Industrial boiler less than or equal to 100	Combustion tuning
Solid Fuel	Industrial boiler greater than 100, circulating fluidized bed combustor	0.12
	Industrial boiler greater than 250	0.18

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Industrial boiler greater than 100 but less than or equal to 250 0.25

Industrial boiler less than or equal to 100 Combustion tuning

- b) For an industrial boiler combusting a combination of natural gas, coke oven gas, and blast furnace gas, the NO_x emissions limitation shall be calculated using the following equation:

$$\text{NO}_x \text{ emissions limitation for period in lb/mmBtu} = \frac{(NO_{x_{NG}} * Btu_{NG}) + (NO_{x_{COG}} * Btu_{COG}) + (NO_{x_{BFG}} * Btu_{BFG})}{Btu_{NG} + Btu_{COG} + Btu_{BFG}}$$

Where:

$NO_{x_{NG}}$ = 0.084 lb/mmBtu for natural gas

Btu_{NG} = the heat input of natural gas in Btu over that period

$NO_{x_{COG}}$ = 0.144 lb/mmBtu for coke oven gas

Btu_{COG} = the heat input of coke oven gas in Btu over that period

$NO_{x_{BFG}}$ = 0.0288 lb/mmBtu for blast furnace gas

Btu_{BFG} = the heat input of blast furnace gas in Btu over that period

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART F: PROCESS HEATERS

Section 217.184 Emissions Limitations

Except as provided for under Section 217.152, on or after January 1, ~~2015~~2012, no person shall cause or allow emissions of NO_x into the atmosphere from any process heater to exceed the

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following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Fuel	Emission Unit Type and Rated Heat Input Capacity (mmBtu/hr)	No _x Emissions Limitation (lb/mmBtu) or Requirement
Natural Gas or Other Gaseous Fuels	Process heater greater than 100	0.08
	Process heater less than or equal to 100	Combustion tuning
Residual Fuel Oil	Process heater greater than 100, natural draft	0.10
	Process heater greater than 100, mechanical draft	0.15
	Process heater less than or equal to 100	Combustion tuning
Other Liquid Fuels	Process heater greater than 100, natural draft	0.05
	Process heater greater than 100, mechanical draft	0.08
	Process heater less than or equal to 100	Combustion tuning

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART G: GLASS MELTING FURNACES

Section 217.204 Emissions Limitations

- a) On and after January 1, ~~2015~~2012, no person shall cause or allow emissions of NO_x into the atmosphere from any glass melting furnace to exceed the following

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limitations. Compliance must be demonstrated with the emissions limitation on an ozone season and annual basis.

Product	Emission Unit Type	No _x Emissions Limitation (lb/ton glass produced)
Container Glass	Glass melting furnace	5.0
Flat Glass	Glass melting furnace	7.9
Other Glass	Glass melting furnace	11.0

- b) The emissions during glass melting furnace startup (not to exceed 70 days) or furnace idling (operation at less than 35% of furnace capacity) shall be excluded from calculations for the purpose of demonstrating compliance with the seasonal and annual emissions limitations under this Section, provided that the owner or operator, at all times, including periods of startup and idling, to the extent practicable, maintain and operate any affected emission unit, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. The owner or operator of a glass melting furnace must maintain records that include the date, time, and duration of any startup or idling in the operation of the glass melting furnace.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART H: CEMENT AND LIME KILNS

Section 217.224 Emissions Limitations

- a) On and after January 1, ~~2015~~2012, no person shall cause or allow emissions of NO_x into the atmosphere from any cement kiln to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Emission Unit Type	No _x Emissions Limitation (lb/ton clinker produced)
Long dry kiln	5.1

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Short dry kiln	5.1
Preheater kiln	3.8
Preheater/precalciner kiln	2.8

- b) On and after January 1, ~~2015~~2012, no person shall cause or allow emissions of NO_x into the atmosphere from any lime kiln to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Fuel	Emission Unit Type	No _x Emissions Limitation (lb/ton lime produced)
Gas	Rotary kiln	2.2
Coal	Rotary kiln	2.5

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART I: IRON AND STEEL AND ALUMINUM MANUFACTURING

Section 217.244 Emissions Limitations

- a) On and after January 1, ~~2015~~2012, no person shall cause or allow emissions of NO_x into the atmosphere from any reheat furnace, annealing furnace, or galvanizing furnace used in iron and steel making to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Emission Unit Type	No _x Emissions Limitation (lb/mmBtu)
Reheat furnace, regenerative	0.18
Reheat furnace, recuperative, combusting natural gas	0.09
Reheat furnace, recuperative, combusting a combination of natural gas and coke oven gas	0.142

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Reheat furnace, cold-air	0.03
Annealing furnace, regenerative	0.38
Annealing furnace, recuperative	0.16
Annealing furnace, cold-air	0.07
Galvanizing furnace, regenerative	0.46
Galvanizing furnace, recuperative	0.16
Galvanizing furnace, cold air	0.06

- b) On and after January 1, ~~2015~~~~2012~~, no person shall cause or allow emissions of NO_x into the atmosphere from any reverberatory furnace or crucible furnace used in aluminum melting to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

<u>Emission Unit Type</u>	<u>No_x Emissions Limitation (lb/mmBtu)</u>
Reverberatory furnace	0.08
Crucible furnace	0.16

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART M: ELECTRICAL GENERATING UNITS

Section 217.344 Emissions Limitations

On and after January 1, ~~2015~~~~2012~~, no person shall cause or allow emissions of NO_x into the atmosphere from any fossil fuel-fired stationary boiler to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

<u>Fuel</u>	<u>Emission Unit Type</u>	<u>No_x Emissions Limitation (lb/mmBtu)</u>
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Solid	Boiler	0.12
Natural gas	Boiler	0.06
Liquid	Boiler that commenced operation before January 1, 2008	0.10
	Boiler that commenced operation on or after January 1, 2008	0.08

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 217.APPENDIX H Compliance Dates for Certain Emission Units at Petroleum Refineries**ExxonMobil Oil Corporation (Facility ID 197800AAA)**

<u>Point</u>	<u>Emission Unit Description</u>	<u>Compliance Date</u>
0019	Crude Vacuum Heater (13-B-2)	December 31, 2014
0038	Alky Iso-Stripper Reboiler (7-B-1)	December 31, 2014
0033	CHD Charge Heater (3-B-1)	December 31, 2014
0034	CHD Stripper Reboiler (3-B-2)	December 31, 2014
0021	Coker East Charge Heater (16-B-1A)	December 31, 2014
0021	Coker East Charge Heater (16-B-1B)	December 31, 2014
0018	Crude Atmospheric Heater (1-B-1A)	December 31, 2014
0018	Crude Atmospheric Heater (1-B-1B)	December 31, 2014

ConocoPhillips Company Wood River Refinery (Facility ID 119090AAA)

<u>Point</u>	<u>Emission Unit Description</u>	<u>Compliance Date</u>
0017	BEU-HM-1	December 31, 2012
0018	BEU-HM-2	December 31, 2012
0004	CR-1 Feed Preheat, H-1	December 31, 2012
0005	CR-1 1 st Interreactor Heater, H-2	December 31, 2012
0009	CR-1 3 rd Interreactor Heater, H-7	December 31, 2012
0091	CR-3 Charge Heater	December 31, 2012
0092	CR-3 1 st Reheat Heater, H-5	December 31, 2012
0082	Boiler-17	December 31, 2012
0080	Boiler-15	December 31, 2012
0073	Alky HM-2 Heater	December 31, 2012
0662	VF-4 Charge Heater, H-28	December 31, 2012
0664	DU-4 Charge Heater, H-24	December 31, 2014
0617	DCU Charge Heater, J-20	December 31, 2014
0014	HCU Fractionator Reboil, H-3	December 31, 2016
0024	DU-1 Primary Heater South, F-301	December 31, 2016

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0025	DU-1 Secondary Heater North, F-302	December 31, 2016
0081	Boiler 16	December 31, 2016
0083	Boiler 18	December 31, 2016
0095	DHT Charge Heater	December 31, 2016
0028	DU-2 Lube Crude Heater, F-200	December 31, 2016
0029	DU-2 Mixed Crude Heater West, F-202	December 31, 2016
0030	DU-2 Mixed Crude Heater East, F-203	December 31, 2016
0084	CR-2 North Heater	December 31, 2016
0661	CR-2 South Heater	December 31, 2016

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Family Practice Residency Code
- 2) Code Citation: 77 Ill. Adm. Code 590
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
590.10	Repeal
590.20	Amend
590.30	Amend
590.40	Amend
590.60	New
590.100	Amend
590.120	Amend
590.130	Amend
590.140	Amend
590.150	New
590.160	New
590.170	New
590.200	Amend
590.210	Amend
590.220	Amend
590.230	Amend
590.240	Amend
590.300	Amend
590.310	Amend
590.320	Amend
590.330	Amend
590.400	Amend
590.410	Amend
590.420	Amend
590.APPENDIX A	Repeal
590.APPENDIX B	Repeal
590.APPENDIX C	Repeal
590.APPENDIX D	Repeal
- 4) Statutory Authority: Family Practice Residency Act [110 ILCS 935]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking will clarify scholarship repayment terms; requires repayment from those scholarship recipients who fail medical school, withdraw from medical school or graduate from

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medical school but fail to obtain a medical license; and expands practice opportunities with underserved populations. The proposal will also incorporate requirements of the Illinois Grant Funds Recovery Act as it pertains to grants issued to family practice residency programs. Further, the proposal will incorporate certification requirements for grantees from Public Act 96-1064. Finally, the rulemaking will remove the Department's obligation to annually provide paper copies of a list of designated shortage areas in the State by providing Internet access to listings of designated shortage areas and populations. Appendices A, B, C and D will be also repealed.

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

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

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

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Phone: 217/782-2043
Fax: 217/524-8165
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small business, small municipalities and non-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 2010

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER g: GRANTS TO DENTAL AND MEDICAL STUDENTSPART 590
FAMILY PRACTICE RESIDENCY CODE

SUBPART A: GENERAL PROVISIONS

Section	
590.10	Applicability (Repealed)
590.20	Definitions
590.30	Incorporated and Referenced Materials
590.40	Administrative Hearings
590.60	Advisory Committee for Family Practice Residency Programs

SUBPART B: GRANTS TO FAMILY PRACTICE RESIDENCY PROGRAMS

Section	
590.100	Eligibility for Grants
590.110	Limitations on Use of Grant Funds
590.120	Project Requirements
590.130	Application for Grants
590.140	Selection Criteria
590.150	Grant Awards, Terms and Conditions
590.160	Grant Funds Recovery
590.170	Reporting Requirements

SUBPART C: MEDICAL STUDENT SCHOLARSHIPS

Section	
590.200	Limitations on Use of Scholarship Funds
590.210	Eligibility for Application
590.220	Criteria for Selecting Scholarship Recipients
590.230	Terms of Performance
590.240	Scholarship Repayment

SUBPART D: EDUCATIONAL LOAN REPAYMENT FOR PHYSICIANS

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Section

590.300	Limitations on Use of Loan Repayment Funds
590.310	Eligibility for Application
590.320	Selection Criteria for Distribution of Loan Repayment Funds
590.330	Terms of Performance

SUBPART E: DESIGNATION OF SHORTAGE AREAS

Section

590.400	Data Elements Used in Designation Process
590.410	Criteria for Designating Shortage Areas
590.420	Distribution of Lists of Designated Shortage Areas

590.APPENDIX A	Sample Contract for Medical Student Scholarship (Student Contract) (Repealed)
590.APPENDIX B	Sample Contract for Scholarship Service Obligation (Repealed)
590.APPENDIX C	Sample Contract for Monetary Repayment of Scholarship Obligation (Repealed)
590.APPENDIX D	Sample Contract for Educational Loan Repayment (Repealed)

AUTHORITY: Implementing and authorized by the Family Practice Residency Act [110 ILCS 935].

SOURCE: Filed June 8, 1978; amended at 4 Ill. Reg. 38, p. 185, effective September 10, 1980; codified at 8 Ill. Reg. 4509; Part repealed, new Part adopted at 15 Ill. Reg. 1833, effective January 25, 1991; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 590.10 Applicability ~~(Repealed)~~

- a) ~~This Part is in response to an act designed to improve the availability of primary health care throughout the State. The provisions of this rulemaking are organized into six components which consist of five Subparts and four appendices. Subpart A includes general provisions, such as definitions and administrative hearing rules, which apply to all Sections of the Part.~~
- b) ~~Subpart B includes provisions for awarding grants to graduate medical education programs which train physicians in the specialty of family practice. These~~

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~~provisions set forth the application and selection processes for distribution of grant funds, and performance requirements.~~

- e) ~~Subpart C includes provisions for the distribution of medical student scholarships. These provisions set forth eligibility for scholarships, criteria for selection, and performance requirements resulting from acceptance of a scholarship.~~
- d) ~~Subpart D includes provisions for the repayment of educational loans for primary care physicians who agree to practice in designated shortage areas of the State.~~
- e) ~~Subpart E describes criteria used to designate areas of the State needing additional primary care physicians.~~
- f) ~~The appendices include sample contracts used in the scholarship and loan repayment activities described in this Part.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

Section 590.20 Definitions

"Accredited family practice residency" means a training program meeting the requirements of the Accreditation Council for Graduate Medical Education of the American Medical Association, or ~~by~~ the Committee on Postdoctoral Training of the American Osteopathic Association.

~~"Act" means the Family Practice Residency Act. ACT" means the family practice residency act (Ill. Rev. Stat. 1989, ch. 144, par. 1451 et seq.).~~

~~"Authorized representative" means a person who has authority to act on behalf of the legal entity or person that is an applicant or grantee. Authorized representatives are: for a corporation, any of its officers or members of its board of directors; for a limited liability company, any of its managers or members; for a partnership, any of its general partners; and for a sole proprietor, the individual who is the sole proprietor.~~

~~"Board certified physician" means a physician who has taken and passed a medical specialty examination.~~

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"Board eligible physician" means a physician who has completed the requirements for admission to a medical specialty board examination but has not yet taken and passed the examination.

"Business day" means Monday through Friday. It does not include a federal or State government declared holiday, Saturday or Sunday.

"Calendar day" means all days in a month or prescribed time frame. It includes weekends and federal or State government declared holidays.

"Center" means the Center for Rural Health of the Illinois Department of Public Health.

"Certified mail" means mail for which proof of delivery is obtained.

"Committee" means the Advisory Committee for Family Practice Residency Programs. ~~advisory committee for family practice residency programs created by the Act~~ (Section 3.03 of the Act).

"Community Based Organization" means a locally organized and locally recognized group of individuals whose goals include efforts to maintain or increase the availability of primary health care in their community.

"Department" means the Illinois Department of Public Health. (Section 3.01 of the Act);

"Designated Shortage Area" means an area designated by the ~~Director~~ director as a physician shortage area, a medically underserved area, or a critical health manpower shortage area as defined by the United States Department of Health and Human Services ~~Health, Education and Welfare~~, or as further defined by the Department to enable it to effectively fulfill the purpose stated in Section 2 of ~~the~~ the Act. Such areas may include the following:

An urban or rural area which is a rational area for the delivery of health services;

A population group; or

A public or nonprofit private medical facility (Section 3.04 of the Act).

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"Director" means the Director of the Illinois Department of Public Health. (Section 3.02 of the Act)-

"Disabled" shall have the meaning ascribed in Section (2)(A)(2.1) of the Business Enterprise for Minorities, Females and Persons with Disabilities Act.

"Disability" shall have the meaning ascribed in Section 1-103(I) of the Illinois Human Rights Act.

"Due diligence" means action taken toward the completion of a project with the diligence and foresight that persons of ordinary prudence and care would exercise under similar circumstances.

"Data Universal Numbering System" or "DUNS" is a system that assigns a unique numeric identifier, referred to as a DUNS number, to a single business entity.

"Eligible medical student" means a person who meets all of the following qualifications:

he or she is an Illinois resident at the time of application for a scholarship;

he or she is studying medicine in a medical school located in Illinois;

he or she exhibits financial need as determined by the Department; and

he or she agrees to practice full-time in a Designated Shortage Area as a primary care physician one year for each year he or she is a scholarship recipient. (Section 3.07 of the Act)

"Family practice residency program" means a program accredited by the Accreditation Council for Graduate Medical Education, or the Committee on Postdoctoral Training of the American Osteopathic Association. (Section 3.06 of the Act)-

"Federally Qualified Health Center" or "FQHC" means a health center funded under section 330 of the Public Health Service Act (42 USC 254b).

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"Federally Qualified Health Center Look-Alike" or "FQHC Look-Alike" means an organization that meets the requirements for receiving a grant under section 330 of the Public Health Service Act but does not receive federal grants under that authority.

"Federal poverty level as published in the Federal Register" means the poverty level population figures published annually in the Federal Register. The Federal Register may be found at the website: www.gpoaccess.gov/fr/Index.html.

"Fellowship" means optional medical training, usually one year, completed after the residency training required for each of the primary care specialties.

"Fiscal year" means the financial operating year of Illinois State government. It begins on July 1 and ends on June 30 of the next calendar year.

"Full-time practice for physicians with active staff privileges" means maintaining office hours for patient care ~~that~~^{which} equal or exceed the mean number of office hours per week reported by physicians, by specialty, and published in the American Medical Association's "Socioeconomic Characteristics of Medical Practice, ~~1989.~~"

"Full-time practice for primary care physicians without active staff privileges" at a hospital means maintaining office hours or being employed for patient care ~~for~~ an amount of time at least equal to the mean number of office hours per week reported by family practice physicians in the American Medical Association's "Socioeconomic Characteristics of Medical Practice, ~~1989.~~"

"Funding period" means the time frame during which grant funds are to be expended by the grantee (usually corresponding with the Department's fiscal year).

"Grantor agency" means any agency of State government which dispenses grant funds. (Section 2(a) of the Illinois Grant Funds Recovery Act)

"Grant agreement" means the agreement entered into between the Department and any person or entity for obligation, capital expenditure or use for a specific purpose.

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"Grantee" means a person or entity which may use grant funds. (Section 2(c) of the Illinois Grant Funds Recovery Act)

"Grant funds" means public funds dispensed by the Department to any person or entity for obligation, expenditure or use for a specific purpose. (Section 2(b) of the Illinois Grant Funds Recovery Act)

"Good academic standing" means a student is matriculating with the rest of his or her class as determined by the student's medical school.

"Health Professional Shortage Area" or "HPSA" means a designation provided by the U.S. Department of Health and Human Services, Health Resources and Services Administration. The HPSA designation indicates the shortage of primary medical care, dental or mental health providers. The designation may be geographic (a county or service), demographic (low income population) or institutional (comprehensive FQHC or other public facility). All FQHCs and Rural Health Clinics that provide access to care regardless of an individual's ability to pay receive HPSA designations. (For a map of HPSAs, see <http://bhpr.hrsa.gov/shortage/hpsacrit.htm>.)

"Illinois resident" means a person who has been a resident of Illinois for at least one year prior to application for a Medical Student Scholarship and is a citizen or lawful permanent resident of the United States.

"Lawful permanent resident" means a person who is not a citizen of the United States but who resides in the United States under legally recognized requirements and lawfully recorded permanent residence as an immigrant.

"Legal holiday" means a holiday set by statute, during which government and business working hours are suspended.

"Local health department" means a county, multi-county, municipal or district public health agency ~~certified~~recognized by the Department.

"Matriculation fees" ~~means are those~~ educational expenses charged to all students by the various medical schools. ~~These~~Such fees are charged to offset the expenses incurred by the school in areas such as the application and enrollment processing, library use ~~charges~~, mandatory health insurance, and student ~~activities~~activity fees.

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"Medical school" means any private or public nonprofit school in Illinois ~~that~~which provides education leading to a doctor of medicine or doctor of osteopathy degree, and ~~that~~which is approved by the Illinois Department of Financial and Professional Regulation, pursuant to the Medical Practice Act of 1987 (~~Ill. Rev. Stat. 1989, ch. 111, par. 4400-1~~).

"Medical student" means a resident of Illinois *studying medicine in a medical school located in Illinois*. (Section 3.07 of the Act)-

"Medically underserved population" means individuals who live in a designated shortage area or who, because of special health needs or low income, experience difficulty receiving health care.

"Metropolitan Statistical Area" means one or more adjacent counties that have at least one urban core area of at least 50,000 population, plus adjacent territory that has a high degree of social and economic integration with the core, as measured by commuting ties.

"Number of live births in Illinois" means the number of live births in Illinois as provided by the Department's Center for Health Statistics.

"Number of obstetricians providing care in Illinois" means the number of obstetricians providing care in Illinois as found in the American Medical Association's Survey Data as provided to the Department as a Primary Care Organization Grantee by the U.S. Department of Health and Human Services, Bureau of Health Professions. These data are provided for the designation of HPSAs in Illinois.

"Obstetrical service area" means ~~the geographic~~that geographical area surrounding a hospital with an obstetrical unit and ~~that~~which is defined by an imaginary boundary determined by the shortest distance, either in time or miles, for a citizen or equivalent to travel to one hospital rather than another.

"Obstetrical unit" means an entire facility or a distinct part of a facility that provides both maternity and obstetric care and that is designed, equipped, organized and operated in accordance with the requirements of the Hospital Licensing Act.

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"Primary care physician" means a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 (~~Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.~~) ~~with~~With a specialty in Family Practice, Internal Medicine, Obstetrics and Gynecology, or Pediatrics ~~family practice, internal medicine, obstetrics and gynecology, or pediatrics~~ as defined by recognized standards of professional medical ~~practice.~~practices (Section 3.05 of the Act):

"Rational ~~service~~-area" means the geographic area surrounding a physician's office, a hospital or a clinic, ~~and~~ from which the residents of the geographic area may be reasonably expected to seek health care from the physician, hospital or clinic located within that geographic~~the~~ area.

"Residency matching process" means the National Resident Matching Program ~~that~~which coordinates the matching of medical students with the hospitals and residency training programs in the medical students' selected specialty. The matching application process usually lasts from June through September of one year, with match announcements made in March of the following year.

"Residency training" means the years of graduate medical education ~~that~~which follow medical school and ~~that~~which train the new physician in his or her chosen specialty (e.g., i.e., family practice, pediatrics, ~~etc.~~).

"Rural" means any geographic area not located in a U.S. Bureau of the Census Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less; or a community located within a Metropolitan Statistical Area but having a population of 2,500 or less.

"Urban" means any geographic area that does not meet the definition of "rural" in this Section.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 590.30 Incorporated and Referenced Materials

The following materials are incorporated or referenced in this Part:

- a) Illinois Statutes
 - 1) Family Practice Residency Act [110 ILCS 935]~~(Ill. Rev. Stat. 1989, ch.~~

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~~144, par. 1451 et seq.)~~

- 2) ~~Medical Practice Act of 1987 [225 ILCS 60](Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.) (See Section 590.20)~~
- 3) Hospital Licensing Act [210 ILCS 85]
- 4) Illinois Administrative Procedure Act [5 ILCS 100]
- 5) Department of Public Health Powers and Duties Law [20 ILCS 2310/2310-200]
- 6) Illinois Grant Funds Recovery Act [30 ILCS 705]
- 7) Illinois Human Rights Act [775 ILCS 5]
- 8) Business Enterprise for Minorities, Females and Persons with Disabilities Act [30 ILCS 575]
- 9) State Finance Act [30 ILCS 105]

b) ~~Illinois and Federal~~ Rules

- 1) ~~Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)~~
- 2) Government Contracts, Procurement and Property Management (44 Ill. Adm. Code 750). ~~App. A (See Appendices)~~.
- 3) 42 CFR 5 (See Section 590.410(b)).

c) Federal Regulations

U.S. Department of Health and Human Services, designation of Health Professional Shortage Areas (HPSAs) pursuant to section 332 of the Public Health Service Act (42 USC 254e) (as amended by the Health Care Safety Net Amendments of 2002, P.L. 107-251); 42 CFR 5 (Designation of health professional shortage areas), October 1, 2005 and 51c (Grants for community health services), October 1, 2005. Source: 45 FR 76000, November 17, 1980.

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Nomenclature changes to Part 5 appear at 57 FR 2480, January 22, 1992, Procedures and Criteria for Designation of HPSAs (see Section 590.410(b)).

de) Other Guidelines –

"Socioeconomic Characteristics of Medical Practice, 1989," prepared by the American Medical Association's Center for Economic and Health Policy Research, 515 North State Street, Chicago, Illinois 60654.

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

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 590.40 Administrative Hearings

Administrative~~Any administrative~~ hearings conducted by the Department concerning the provisions of this Part shall be governed by the Department's Rules of Practice and Procedure in Administrative Hearings (See 77 Ill. Adm. Code 100).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 590.60 Advisory Committee for Family Practice Residency Programs

The Advisory Committee for Family Practice Residency Programs consults with the Director in the administration of the Act. (Section 5 of the Act) The Department is required to consult with the Committee in the determination of Designated Shortage Areas, eligibility criteria for the allocation of grants and the awarding of scholarships. (Section 4.09 of the Act)

a) The Committee shall consist of nine members with the following composition:

- 1) Four members shall be family practice physicians;
- 2) One member shall be a dean or associate dean or deputy dean of a medical school in Illinois; and
- 3) Four members shall represent the general public. (Section 5 of the Act)

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- b) Committee appointment:
- 1) The Director shall appoint individuals to the committee.
 - 2) Membership on the committee shall be for a term of *four years*.
 - 3) *No person shall serve more than two terms.*
 - 4) *A committee member shall continue to serve after the expiration of his or her term until his or her successor has been appointed. (Section 5 of the Act)*
- c) Committee structure:
- 1) The Committee shall elect a chairperson *from among the family practice physician members*.
 - 2) The Committee shall elect *such* officers as *may be required*. (Section 5 of the Act)
- d) *The Committee shall meet as frequently as the Director deems necessary. (Section 5 of the Act) However, the committee shall meet at least annually.*

(Source: Added at 35 Ill. Reg. _____, effective _____)

SUBPART B: GRANTS TO FAMILY PRACTICE RESIDENCY PROGRAMS

Section 590.100 Eligibility for Grants

The following educational entities are eligible to apply for grants through this Part:

- a) Any accredited family practice residency program located in Illinois; or
- b) Any school of medicine or school of osteopathy located in Illinois with a department of family medicine or family practice; or
- c) Any accredited preventive medicine residency program located in Illinois.

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 590.120 Project Requirements

- a) Applicants for projects~~Projects~~ to be funded through this Part shall respond to requests for proposals distributed by the Department and delineating project requirements.
- b) Requests for proposals prepared by the Department shall address one or more of the following goals:
- 1) to increase~~Increase~~ *the number of family practice physicians in Designated Shortage Areas*~~designated shortage areas~~;
 - 2) to increase the percentage of obstetricians establishing practice within the State upon completion of residency;
 - 3) to increase~~Increase~~ *the number of accredited family practice residencies within the State*~~in Illinois~~;
 - 4) to increase~~Increase~~ *the percentage of family practice physicians establishing practice within the State upon completion of residency*; and
 - 5) to provide~~Provide~~ *funds for rental of office space, purchase of equipment and other uses necessary to enable family practitioners to locate their practices in communities located in designated shortage areas.*
(Section 4.01 of the Act)
- c) Projects shall have a director who is a board certified family practice physician who oversees the educational and professional components of the program and who is eligible to be a faculty member of a school of medicine or a school of osteopathy.
- d) Project directors shall annually submit fiscal and program objective progress reports to the Department.
- e) The applicant shall also demonstrate local support for the program. Local support can be demonstrated through funds, services or other resources. The

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ratio of State support to local support shall be determined by the Department in a manner that is consistent with the purpose of the Act. (Section 6 of the Act)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 590.130 Application for Grants

- a) ~~The Department shall prepare and distribute applications to eligible applicants (see Section 590.100) Applications shall be submitted which describe the applicant's proposed methods to achieve the goal(s) specified in the Department's request for proposals.~~
- b) ~~Applications shall describe the applicant's proposed methods to achieve the goals specified in the Department's request for proposals (see Section 590.120) Applications shall be prepared and distributed by the Department to eligible applicants.~~
- c) Applications shall be in two formats – one for new projects and one for the subsequent years of a continuing project.
 - 1) New ~~Department~~ project applications shall include:
 - A) The legal name of the applicant;
 - B) The name and title of the applicant's officers and managers;
 - C) The applicant's legal address;
 - D) A general description of the applicant, including its business and business experience;
 - E) The applicant's telephone number, fax number, federal employer identification number (FEIN), DUNS number, and Illinois Department of Human Rights number;
 - F) The project director's name and e-mail address;
 - GA) A description of the project for which grant funds are requested, including a summary ~~Summary~~ statement of the applicant's plan of

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action to address the ~~goals~~goal(s) described in the Department's request for proposals;

HB) A description of the geographic area or special population group to be served by the applicant's project, a statement of the special needs of the area or group (e.g., lack of health care providers, high incidence of disease, economic barriers to care) and an explanation of the manner in which the proposed project would meet those needs;

IC) A statement of measurable and relevant objectives the applicant proposes to achieve in the first year of the project as well as its longer term goals, including appropriate measuring metrics;

JD) A work plan and time table for achievement of the objectives;

KE) An evaluation plan ~~that~~which will ~~document~~allow documentation of the project's progress in meeting the particular needs of the geographic area or special population group described in subsection (c)(1)(H) item (B) above;

LF) A description of the medical student or family practice resident involvement in the project, including numbers participating, level of training, amount of academic time involved, and whether involvement will be a required or an optional experience for the student or resident;

MG) A description of the educational benefits the project would offer students or residents, which, ~~without the project~~, would not be available to them without the project;

NH) A description of the project's relationship to other activities and goals of the school or the residency program;

OF) A detailed budget with narrative explanation of the request, including cost estimates of developing, constructing, operating or completing the project; and;

PJ) For residency program applicants, a summary report, for the most

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recent five-year period, of the ~~percentage~~ percent of its graduates who have established practices in designated shortage areas practiced in Illinois and, if available, a count of those who have established practices in underserved areas of Illinois.

- 2) Continuing ~~Department~~ project applications shall include:
- A) The legal name of the applicant;
 - B) The name and title of the applicant's chief officers and key employees;
 - C) The applicant's legal address;
 - D) A general description of the applicant, including its business and business experience;
 - E) The applicant's telephone number, fax number, FEIN and DUNS number;
 - F) The project director's name and e-mail address;
 - GA) A progress~~Progress~~ report on the prior project year's activities, including accomplishments in meeting all stated objectives, impact on the needs of the area or population group served, amount of student and/or resident involvement, and educational benefits achieved;
 - HB) A summary~~Summary~~ statement of all changes in the plan of action;
 - IE) A description~~Description~~ of all changes in the geographic area or special population group being served;
 - JD) A statement~~Statement~~ of measurable objectives for the new project year, measured with previously identified metrics;
 - KE) A work~~Work~~ plan and time table to meet the objectives;

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- ~~LF~~) An evaluation plan for the new objectives, including appropriate measuring metrics;
- ~~MG~~) A detailed budget with a narrative description, including cost estimates of developing, constructing, operating or completing the project; and
- ~~NH~~) For residency program applicants, a report on the practice locations~~location~~ of the most recent graduates.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 590.140 Selection Criteria

- a) Priority in the selection of applicants for funding shall be given to those projects that ~~can~~ demonstrate the greatest impact on availability of health care for designated shortage areas or for population groups with special needs. ~~The~~~~Such~~ ~~an~~ impact shall be demonstrated in the following manner:
- 1) Applicants ~~that~~~~which~~ are located in a designated shortage area or can demonstrate that a significant percentage of patients served at their existing clinic sites reside in designated shortage areas;
 - 2) Applicants ~~that~~~~which~~ have presented a plan to significantly increase the number of individuals residing in designated shortage areas who will become patients at the proposed ~~project~~~~projects~~;
 - 3) Applicants ~~that~~~~which~~ can demonstrate that a significant number of patients to be seen at the proposed project will be members of a population group with special needs (~~see~~~~See~~ Section 590.130(c)(1)(~~HB~~)).
- b) Applicants ~~that~~~~which~~~~can~~ demonstrate the greatest level of residents' involvement in the proposed project shall receive priority consideration.
- c) Applicants ~~that~~~~which~~~~can~~ demonstrate that the proposed project meets an educational need not available or insufficient in scope at the main residency location will receive priority consideration.
- d) Applicants ~~that~~~~which~~~~can~~ demonstrate the lowest ratio of Family Practice

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Residency Act grant funds to total proposed project costseest will receive priority consideration.

- e) Applicants ~~thatwhich can~~ demonstrate a commitment to training family physicians to meet the health care needs of designated shortage areas or population groups with special needs will receive priority consideration. A commitment can be demonstrated by the following in a number of ways including:
- 1) Specific projects or activities targeted at population groups with special needs and/or populations residing in designated shortage areas, which were supported by sources other than Family Practice Residency Act grant funds;
 - 2) Evidence of residency support, either financial or peer, for its graduates who have established practices in designated shortage areas; and
 - 3) A higher percentage~~Higher percentages~~ of residency graduates who have established practices in Illinois within~~and in~~ designated shortage areas.
- f) Additional consideration shall be given for those projects meeting any of the following guidelines:
- 1) Those~~those~~ *which are to be established at locations which exhibit potential for extending family practice physician availability to ~~designated shortage areas~~;*
 - 2) Those~~those~~ *which are located away from communities in which medical schools are located; and~~and~~*
 - 3) Those which are~~those~~ *located in hospitals having affiliation agreements with medical schools located within the State.*
(Section 4.02 of the Act)
- g) Selection criteria shall be applied with advice and review of~~by~~ the Advisory Committee.
- h) Once the Department determines that applications are complete, grant proposals will be forwarded to the Department's grant review committee for consideration.

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- i) Applicants shall be allowed to amend the application or provide additional supporting documentation during the evaluation process if requested by the Department's grant review committee.
- j) Upon completion of the grant review committee's evaluation, the Department will award grants to the applicants that meet all of the applicable requirements of the Act and this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 590.150 Grant Awards, Terms and Conditions

To issue a grant award, the Department and grantee will enter into a written grant agreement. This agreement will describe the requirements the grantee must fulfill (based on the goals and objectives in the application) and how the grantee will ensure compliance with all applicable stipulations and conditions.

- a) The written grant agreement shall contain, at a minimum, the following:
 - 1) Identifying information of the grantee, including name, mailing address, phone number, fax number and e-mail address;
 - 2) A description of the grant's purpose;
 - 3) Information on how payments to the grantee will be made;
 - 4) Details on what constitutes permissible expenditure of grant funds;
 - 5) Reporting requirements applicable to the grant, including the filing of quarterly reports, at a minimum (for those grants exceeding \$25,000), that describe the project's progress and a detailed report of funds expended;
 - 6) The time period of the grant;
 - 7) Certification that the grantee will comply with all applicable provisions of the Illinois Grant Funds Recovery Act;
- b) Grant funds that the grantee does not expend or obligate by the end of the grant agreement shall be returned to the Department within 45 calendar days (see

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Section 4(b)(5) of the Illinois Grant Funds Recovery Act). The 45 calendar day time frame begins the day after the grant agreement expires. Returned funds will be deposited into the fund from which the original grant disbursement to the grantee was made.

- c) Grantees are required to keep proper, complete and accurate accounting records of all grant funds received from the Department.
- d) If a grantee dispenses any part or all of the grant funds to another person or entity for obligation or expenditure, those dispensed funds shall be treated as grant funds. (Section 12 of the Illinois Grant Funds Recovery Act) As such, the person or entity that receives the grant funds from the grantee will be subject to all applicable Sections of this Part.
- e) Each award by grant of State funds of \$250,000 or more for capital construction costs or professional services is conditioned upon the recipient's written certification that the recipient will comply with the business enterprise program practices for minority-owned businesses, female-owned businesses, and businesses owned by persons with disabilities of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and the equal employment practices of Section 2-105 of the Illinois Human Rights Act. (Section 45 of the State Finance Act)

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 590.160 Grant Funds Recovery

- a) If a grantee fails to comply with this Subpart or any of the terms of the grant agreement, the Department, after notice and opportunity for hearing, shall suspend or revoke the grant and/or recover any grant funds previously disbursed to the grantee.
- b) If the Department believes that a grant should be suspended, revoked or recovered because of a grantee's failure to comply with this Subpart or the terms of the grant agreement, the grantee shall have the opportunity for at least one informal hearing before the Department or the Department's designee to determine the facts and issues and to resolve any conflicts as amicably as possible before any formal recovery action is taken. (Section 7 of the Illinois Grant Funds Recovery Act)

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- c) If, based on the outcome of the informal hearing, the Department believes that a grant should be suspended, revoked or recovered because of a grantee's failure to comply with this Subpart or the terms of the grant agreement, then written notice of the proposed action shall be given to the grantee identifying the action to be taken and specific facts that permit the action. The grantee shall have 35 calendar days after the receipt of the notice to request a formal hearing (see 77 Ill. Adm. Code 100) to show why recovery is not justified or proper.
- d) If a grantee requests a hearing pursuant to subsection (c), the Department shall hold a hearing at which the grantee (if an individual or the grantee's attorney if the grantee is a recognized entity) is permitted to present evidence and witnesses to show why the action should not be taken.
- e) After the conclusion of the hearing, the Department shall issue a written final order setting forth its findings of fact and decision. A copy of the order shall be sent to the grantee.
- f) The Department may suspend payment of grant funds at any time for failure to comply with Section 590.170 or in any situation that constitutes a threat to the public interest, safety or welfare. Notice of opportunity for hearing will be provided with the notice of suspension. If a grantee requests a hearing pursuant to subsection (c), the Department may not take any action of recovery until at least 35 calendar days after the Department has issued a final recovery order pursuant to subsection (e). If a grantee does not request a hearing, the Department may proceed with recovery of the grant funds identified in the notice at any time after the expiration of the 35 calendar day request period established in subsection (c).
- g) Any notice or mailing required or permitted by this Part shall be deemed received five business days after the notice or mailing is deposited in the U.S. mail, properly addressed with the grantee's current or last known business address and with sufficient U.S. postage affixed.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 590.170 Reporting Requirements

- a) Quarterly Reports. For grants that exceed \$25,000, each grantee shall, at a minimum, submit progress reports to the Department every three months. The

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reports are due within 10 calendar days after the quarterly reporting period has expired (see Section 4(b)(2) of the Illinois Grant Funds Recovery Act). The report shall include the following:

- 1) Current status of the project, including the percentage of the project finished;
 - 2) Project components finished and project components yet to be finished;
 - 3) Costs and expenditures incurred to date, an itemized listing of the total current project costs and a comparison of those costs to the budget approved in the grant agreement; and
 - 4) Signature of an authorized official of the grantee, stating that this is a true and complete report of the project's status.
- b) Final Report. Grantees shall submit a final report within 60 calendar days after the conclusion of the grant. The degree to which each objective in the proposal has been met shall be fully addressed in this report. The final report shall contain the following:
- 1) A brief narrative summarizing project accomplishments;
 - 2) A description of any new activities or modifications made to the project as presented in the original grant application, including the causes for change. The description shall include a narrative on the implementation timetable and expected outcomes;
 - 3) A description of problems that developed and how they were addressed;
 - 4) A list of all project costs and sources of funds for the grant; and
 - 5) A certification in the form of a notarized statement, signed by an authorized representative of the grantee, attesting that:
 - A) All funds attributed to the grant have been expended;
 - B) The costs reported are the final costs required to complete the project and there are no additional or associated costs; and

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C) Funds used for the project were approved by the Department.

c) Failure to provide all of the required reports and information in a timely fashion shall result in the withholding or suspension of grant funds and the recovery of previously disbursed grant funds (see Section 590.160 and Section 4.1 of the Illinois Grant Funds Recovery Act).

(Source: Added at 35 Ill. Reg. _____, effective _____)

SUBPART C: MEDICAL STUDENT SCHOLARSHIPS

Section 590.200 Limitations on Use of Scholarship Funds

- a) Scholarships shall cover the cost of tuition and matriculation fees, and shall provide a monthly living stipend for selected medical students.
- b) Scholarship funds shall be expended by the recipient only while enrolled and in good academic standing at a medical school.
- c) Scholarship funds shall not be awarded for expenses incurred when the student must repeat more than once an academic term or terms, if the repetition is necessary because the student has an academic performance below an acceptable level as determined by the student's medical school.
- d) Scholarship funds shall be provided to the recipient's medical school. All funds for tuition and fees are to be expended only on the medical student's behalf, and all stipend monies are to be provided directly to the medical student.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 590.210 Eligibility for Application

a) A student is~~Students~~ eligible to apply for a Medical Student Scholarship ~~if Scholarships shall meet~~ the following requirements are met~~qualifications~~:

- 1) *He or she is an Illinois resident at the time of application;*
- 2) *He or she is studying medicine, or ~~is~~-accepted for enrollment, in a medical*

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school located in Illinois;

3) *He or she exhibits financial need as determined by the Department, using financial analysis information provided by the applicant and accepted by his or her medical school. The Department shall find a financial need when the information provided reveals a deficit in available funds for tuition and fees; ~~and-~~*

4) *He or she agrees to practice full-time in a Designated Shortage Area as a primary care physician one year for each year he or she is a scholarship recipient. (Section 3.07 of the Act)*

b) Students receiving funds from other scholarship or loan funds requiring service commitments that would prevent the applicant from meeting the requirements of the Medical Student Scholarship shall ~~not be ineligible~~ eligible for scholarships described in this Subpart.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 590.220 Criteria for Selecting Scholarship Recipients

a) Preference shall be given to those scholarship applicants who, in written narratives and personal interviews, ~~can demonstrate the following:~~

1) ~~An interest~~ Interest in pursuing one, or a combination of, the medical specialties of family practice, internal medicine, pediatrics, or obstetrics/gynecology;

2) Previous experience with medically underserved populations;

3) Previous experience in the health care delivery system, with preference given to those whose experience has involved one of the primary care specialty areas;

4) Academic capabilities ~~as~~ reported by the applicant's medical school;

5) Financial need as reported by standard financial analysis documentation supplied by the applicant's medical school on the student's behalf;

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- 6) ~~A greater~~**Greater** number of years of medical school remaining;
 - 7) ~~A stated~~**Stated** interest in providing primary health care to Illinois citizens residing in designated shortage areas of Illinois;
 - 8) ~~The greatest~~**Most** number of years of residence in Illinois; ~~and~~
 - 9) United States ~~citizenship~~**citizens**, or ~~being those~~ granted permanent ~~residency~~**residence** in the United States by the ~~United States Department of Homeland Security, Citizenship and~~ Immigration ~~and Naturalization~~ Service.
- b) If applicants ~~qualify~~**demonstrate** equally ~~in~~ all of the ~~criteria referenced in subsection (a) above~~**characteristics**, preference will be given to those interested in pursuing the specialty of family practice.
- c) Of all applicants, priority is given to those individuals who have previously received a Medical Student Scholarship, providing that ~~the~~:
- 1) Recipient requests, ~~in a format determined by the Department,~~ a continuation of scholarship funds ~~(See Appendix A)~~;
 - 2) Recipient would not be repeating the same year of school ~~for the second consecutive year~~ because of poor academic performance ~~(see Section 590.200)~~; ~~and~~
 - 3) Recipient has not voluntarily withdrawn from medical school.
- d) Selection criteria will be applied with advice and review ~~of~~**by** the Advisory Committee.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 590.230 Terms of Performance

- a) Each scholarship recipient shall sign a written contract ~~(See Appendix A)~~. The contract ~~shall contain~~**contains additional** terms and conditions ~~that~~**which** ensure compliance with this Part ~~and~~ the laws of the State of Illinois, and enforcement of the contract.

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- b) Scholarship recipients who fail to complete medical school ~~because of due to~~ academic failure, ~~(as documented by the recipient's medical school)~~, shall repay to the Department all scholarship monies that were disbursed. This includes monies remitted to the medical school for tuition and fees as well as monies received by the recipient for stipends~~be discharged from all obligations. Repayment shall be made as agreed to by the recipient and the Department in the recipient's contract.~~
- c) Scholarship recipients who fail to complete medical school ~~because of due to~~ voluntary actions ~~(e.g., withdrawal from medical school)~~ on their part shall repay to the Department all scholarship monies that were disbursed. This includes monies remitted to the medical school for tuition and fees as well as monies received by the recipient for stipends. Repayment shall be made ~~in such a manner~~ as agreed to by the recipient and the Department in the recipient's contract ~~(See Appendix A).~~
- d) Scholarship recipients who complete medical school but fail to place in a primary care residency or fail to become licensed as a physician in Illinois shall repay all scholarship monies to the Department. This includes monies remitted to the medical school for tuition and fees as well as monies received by the recipient for stipends. Repayment shall be made as agreed to by the recipient and the Department in the recipient's contract.
- ~~ed)~~ If~~In the event~~ the scholarship recipient is disabled or is otherwise unable for reasons beyond the recipient's control to perform the scholarship's obligations, these obligations shall be suspended until ~~such time as~~ the scholarship recipient is able to resume the scholarship obligations. However, the suspension shall not exceed two years. Such suspension shall be requested in writing by the scholarship recipient. The Department's acceptance or denial of the suspension request will be provided in writing, under the Director's signature. The Department shall accept a request for a suspension when supported by a letter from the recipient's physician attesting to the recipient's inability (either temporarily or permanently) to continue (either school or the practice of medicine) and the recipient's agreeing to not continue either his or her medical education (or the practice of medicine) in any state.
- 1) To request a suspension of the scholarship obligation, a recipient shall submit a suspension request in writing to the Department. This request shall detail the reasons for the suspension and, if temporary, the duration

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of the suspension and shall be supported by clear and convincing documentation.

- 2) The Department shall approve a request for a suspension if the request is supported by a letter from the recipient's licensed physician fully explaining and attesting to the recipient's inability (either temporarily or permanently) to continue either school or the practice of medicine and if the recipient agrees not to continue either his or her medical education or the practice of medicine in any state.
- 3) If a scholarship recipient suffers total and permanent disability, dies or is adjudicated as incompetent, the recipient shall be discharged from all obligations to the Department in connection with the Family Practice Residency Program.
- 4) If the Department denies the suspension request, the recipient shall fulfill the scholarship obligation.
- 5) Based on the information contained in the request, the Department's acceptance or denial of the request will be provided in writing, under the Director's signature.

fe) Scholarship recipients who, in their third year of medical school, seek a residency training program in an area other than a primary care specialty shall have their eligibility for scholarship funds for their final year of medical school suspended until ~~such time as~~ the residency matching process is complete.

- 1) If the recipient is notified by the National Resident Matching Program, or directly by a residency not participating in the National Resident Matching Program, of acceptance into a non-primary care residency, no funds shall be provided for the final year of medical education, and all funds previously provided by the Department to the student shall be due in full, immediately.
- 2) If the recipient has requested a non-primary care residency but is matched to a primary care residency instead and agrees to the match, scholarship funds for the final year of medical education shall again be made available.

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- gf) Misrepresentation of any material~~the~~ facts presented in the recipient's scholarship application shall be considered a breach of contract. If the Department determines that a breach of contract occurred, the~~The~~ recipient's medical school shall be notified to halt further disbursements of scholarship funds. In addition, and all funds provided by the Department to the student shall be due in full, immediately.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 590.240 Scholarship Repayment

- a) Upon the Illinois licensure of the scholarship recipient to practice medicine, the recipient shall provide primary health care in a designated shortage area of Illinois. The term of this service shall be *one year for each academic year he or she is a scholarship recipient.* (Section 3.07 of the Act)
- b) Service as a primary care physician shall begin no later than 30 calendar days after the licensure of the recipient to practice medicine.
- 1) ~~The Department will defer service~~Service shall be deferred by the Department until the recipient completes a primary care residency; service shall begin no later than 30 calendar days after completion of the residency.
- 2) If the recipient leaves the residency program prior to completion, service shall begin within 30 calendar days after leaving the program.
- c) Upon written approval of the Department, service shall be deferred until 30 days following completion of a fellowship in a primary care specialty.
- d) The recipient's internship, residency or other advanced clinical training does not qualify as service repayment of the scholarship obligation.
- e) The scholarship recipient shall submit a written request to the Department for approval for a proposed practice location. The Department will provide approval or disapproval, in the form of a letter, to the scholarship recipient, based on the requirements of subsection (f). A letter of approval shall include a description of the terms of the service obligation.~~Written approval of the Department for a proposed practice location shall be requested and received by the scholarship recipient.~~

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- 1) Without ~~such~~ approval from the Department, time in practice at the described~~such a~~ location shall not meet the scholarship recipient's service obligation.
 - 2) The scholarship recipient may request and receive approval for a practice location up to 18 months ~~preceding~~preceding the time that practice at the location is to begin.
 - 3) Approval for a practice location is granted for the duration of the scholarship recipient's service obligation.
- f) The scholarship recipient's practice shall meet the following requirements:
- 1) Be located in a federally designated HPSA shortage area(s) (~~see~~See Subpart E);
 - 2) Have at least 51% of the patients seen be members of the affected population group, including Medicaid-reimbursed patients and patients qualifying for a reduced fee if their household income is at or below 200 percent of the federal poverty level;
 - 32) Be a full-time, office-based practice providing direct patient care (~~see~~See Subpart A, Section 590.20 for definition of full-time, by primary care specialty);
 - 43) Be in one of, or in a combination of x, the primary care specialties; and
 - 54) Provide~~Be providing~~ continuous service at the rate of 12 months for each academic year of medical school supported by the scholarship.
- g) Scholarship recipients may relocate to another practice location, or practice in more than one location, x if prior written approval is granted by the Department.
- h) Scholarship recipients shall enter into a written contract (~~See Appendix B~~) with the Department that~~which~~ describes terms of the service obligation and contains provisions for enforcement of the contract.
- i) *Scholarship recipients who fail to provide service as required shall pay to the*

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Department a sum of money equal to 3 times the amount of the recipient's average annual scholarship award ~~of the recipient's~~ for each year, or portion thereof, that the recipient fails to fulfill the service obligation. (Section 10 of the Act):

- 1) To fulfill the repayment requirements of this Section, the scholarship recipient shall have 30 days from the date the failure begins in which to enter into a contract with the Department. (Section 10 of the Act)
- 2) If the contract is not entered into within that 30 day period or if the contract is entered into but the required payments are not made in the amounts and at the times provided in the contract, the scholarship recipient also shall be required to pay to the Department interest at the rate of 9% per annum on the amount of that sum remaining due and unpaid. (Section 10 of the Act)
- 34) Payment shall be made in equal monthly installments in ~~such~~ amounts so that all sums due shall be paid within a period of time equal to the recipient's service term, or remaining portion thereof, ~~or as otherwise approved by the Department.~~
- 42) ~~The contract will contain~~ Recipient and Department shall enter into a written contract (See Appendix C) which describes terms ~~for~~ of the repayment and ~~contains~~ provisions for enforcement of the contract.
- 5) The amounts paid to the Department under this Section shall be deposited into the Community Health Center Care Fund and shall be used by the Department to improve access to primary health care services as authorized under Section 2310-200(a) of the Department of Public Health Powers and Duties Law. (Section 10 of the Act)
- j) ~~If in the event~~ a scholarship recipient fails to pay monies owed to the Department, the Department ~~shall~~ may refer the matter to the Illinois Attorney General, ~~or to~~ a collection agency, or a licensed attorney.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART D: EDUCATIONAL LOAN REPAYMENT FOR PHYSICIANS

Section 590.300 Limitations on Use of Loan Repayment Funds

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- a) Funds shall be used *for the repayment of the educational loans of primary care physicians who agree to serve in Designated Shortage Areas*~~designated shortage areas~~ for a specified period of time, no less than 2 years.
- b) Payments under this program may be ~~made used~~ for the ~~principal-principle~~, interest and related expenses of government and commercial loans received by the individual and used for tuition expenses, and all other reasonable educational expenses incurred by the individual.
- c) The maximum annual payment which may be made to an individual under the Act and this Part~~this law~~ is \$20,000, or ~~25% percent~~ of the total covered educational indebtedness, whichever is less.
- d) Payments made under this Section shall be exempt from Illinois State income tax. ~~(Section 4.10 of the Act)(Payments are not exempt from federal income tax.)~~
- e) Funds ~~shall may~~ not be used to monetarily repay a practice obligation resulting from educational loans or scholarships, whether from Illinois based institutions or governments, or those in other states ~~(Section 4.10 of the Act).~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 590.310 Eligibility for Application

- a) Any Illinois licensed physician who intends to ~~practice~~, or is practicing in a primary care specialty in a designated shortage area of Illinois may apply for educational loan repayment.
- b) Applicants shall document currently existing educational loan indebtedness to a governmental or commercial lending institution incurred for educational expenses in pursuit of the applicant's medical degree. Documentation~~Such documentation~~ of indebtedness shall include a photocopy or original copy of promissory notes or other evidence of indebtedness, with disclosure of the lending institution or agency, loan amount, loan period, interest rate, and any amounts repaid prior to the date of application.
- c) Applicants shall be practicing, or be willing to practice, full-time in a designated shortage ~~area~~area(s) in Illinois.

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- d) Applicants not yet in practice, or not yet in practice in a designated shortage ~~area~~~~area(s)~~ of Illinois, shall document intent to do so by written confirmation from a community-based organization or agency, or from other physicians located within the designated shortage area.
- e) Physicians having practice obligations to the National Health Service Corps or the Illinois Medical Student Scholarship Program may apply for educational loan repayment after completion of the practice obligation.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 590.320 Selection Criteria for Distribution of Loan Repayment Funds

- a) When numbers of applications are sufficient to support a ~~geographic~~~~geographical~~ separation into urban and rural groupings, an equal number of applicants will be selected from each of the groups.
- b) When numbers of applications are sufficient, an equal number of applicants shall be selected from ~~the city of~~ Chicago and from the remaining urban areas in the State.
- c) Preference shall be given to applications from physicians who have been recruited by, or are actively involved with, a community-based organization or group having as one of its goals the improvement or maintenance of the availability and accessibility of primary health care in its area.
- d) When all other selection criteria are ~~essentially~~ equal among a group of applicants, preference will be given to the applicant with the greater educational indebtedness.
- e) ~~The Department will review applications~~~~Applications~~ from physicians ~~received by the Department shall be reviewed~~ on a quarterly basis, and the following priority classifications of the location and other characteristics of the practice shall be applied:
 - 1) Rural Selection Priority Classifications, From Highest to Lowest
 - A) Population-to-primary care physician ratio of at least 2400:1, new

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- physician establishing practice in the area, and endorsed by a community-based group or organization.
- B) Population-to-primary care physician ratio of at least 2400:1, new physician establishing practice in the area, with no endorsement by a community-based group or organization.
- C) Population-to-primary care physician ratio between 1800:1 and 2399:1 and where at least one-third of the primary care physicians in the area are aged 60 or more, new physician establishing practice in the area, and endorsed by a community-based group or organization.
- D) Population-to-primary care physician ratio between 1800:1 and 2399:1 and where at least one-third of the primary care physicians in the area are aged 60 or more, new physician establishing practice in the area, with no endorsement by a community-based group or organization.
- E) Facilities designated under Section 590.410 of this Part, and new physician recruited to the facility.
- F) Population-to-primary care physician ratio of at least 2400:1, physician with practice in the area for 24 months or less.
- G) Population-to-primary care physician ratio between 1800:1 and 2399:1 and where at least one-third of the primary care physicians in the area are aged 60 or more, physician with practice in the area for 24 months or less.
- 2) Urban Selection Priority Classifications, From Highest to Lowest
- A) Population-to-primary care physician ratio of at least 3000+:1, new physician establishing practice in the area, and endorsed by a community-based group or organization.
- B) Population-to-primary care physician ratio of at least 3000:1, new physician establishing practice in the area, and no formal endorsement from a community-based group or organization.

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- C) Public and nonprofit private medical facilities that are designated as being in shortage areas~~Facilities designated~~ under Section 590.410~~(a)(3) of this Part~~, and new physicians~~physician~~ recruited to these facilities~~the facility~~.
- D) Population-to-primary care physician ratio of at least 3000:1, physician with practice in the area for 24 months or less.
- f) Applications shall be accepted between July 1 and September 30 and considered for funding according to the criteria described in subsection (e). If all funds appropriated to this program for a specific fiscal year are not expended during the initial submission of applications, subsequent application cycles shall extend from October 1 to December 31, January 1 to March 31, and April 1 to June 30.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 590.330 Terms of Performance

- a) Each physician selected for educational loan repayment shall sign a written contract (~~See Appendix D~~) with the Department. The contract ~~shall~~may contain ~~additional~~ terms and conditions ~~that~~which ensure compliance with the laws of the State of Illinois and this Part, and enforcement of the contract.
- b) Each physician~~Physicians~~ selected for loan repayment shall practice as a primary care physician in a designated shortage area on a full-time basis (~~see~~See Subpart A, Section 590.20 for definition of full-time physician, by primary care specialty).
- c) Loan repayment recipients who move their practice from the location described in the recipient's original application shall relocate to an area ~~that~~which qualifies for the same or a higher priority ranking. Relocating to a lower priority area ~~shall~~would result in termination of the loan repayment contract. If a recipient relocates to a lower priority area and has his or her loan repayment contract terminated, the~~The~~ recipient shall be eligible to reapply for the loan repayment program and be considered among all other applicants. If a loan repayment recipient relocates to a lower priority area, has his or her loan repayment contract terminated and either does not reapply for loan repayment assistance or is not selected for loan repayment assistance, the recipient shall immediately remit to the Department all funds that were previously provided to the recipient.

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- d) Loan repayment recipients who elect to have payments made on their behalf directly to the financial institution to which they are obligated may have payments made up to six months in advance if the financial institution so agrees. ~~If in the event~~ the physician moves from the designated shortage area during the period for which loan repayment has been made, he or she shall repay any prorated amounts to the Department ~~any prorated amounts~~.
- e) Loan repayment recipients who elect to have payments made directly to themselves shall make loan payments, then present documentation of payment (e.g. i.e., cancelled checks) to the Department. Direct payments to recipients will be made on a quarterly basis.
- f) Misrepresentation of any material~~the~~ facts presented in the application will be considered a breach of contract. If the Department determines that a breach of contract has occurred, any funds provided by the Department for the repayment of educational loans shall be due in full immediately ~~in full~~.
- g) ~~If in the event~~ the physician does not repay any funds owed to the Department, the Department ~~shall~~may refer the matter to the Illinois Attorney General, ~~or to~~ a collection agency, or a licensed attorney.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART E: DESIGNATION OF SHORTAGE AREAS

Section 590.400 Data Elements Used in Designation Process

- a) Population counts and demographic information describing a rational ~~service~~ area are ~~those~~ available in the most recently published decennial population census prepared by the U.S. Department of Commerce, Bureau of the Census.
- b) Information regarding physicians practicing in an area is collected by Department staff. Such information includes specialty, practice ~~locations~~location(s), amount of time in practice per week, and approximate or exact age of physician.
- c) Full-time-equivalencies for primary care physicians are calculated comparing a physician's office hours per week to that reported nationally by the American Medical Association (~~see~~See Subpart A, Section 590.20).

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- d) ~~The number~~Number of obstetricians providing patient care in a particular year in Illinois will be obtained from the American Medical Association's Center for Health Policy Research.
- e) ~~The number~~Number of live births in a particular year in Illinois will be obtained from the Department.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 590.410 Criteria for Designating Shortage Areas

- a) Shortage areas may include the following:
- 1) *An urban or rural area which is a rational area for the delivery of health services;*
 - 2) *A population group; or*
 - 3) *A public or nonprofit private medical facility. (Section 3.04 of the Act)*
- b) Areas and population groups designated by the U.S. Department of Health and Human Services (~~see~~See 42 CFR 5) as having shortages of primary care physicians shall qualify for purposes described in this Part.
- c) Additional areas shall be designated using the following criteria:
- 1) Urban service areas with a population-to-primary care physician ratio of at least 3000:1;
 - 2) Rural service areas with a population-to-primary care physician ratio of at least 2400:1;
 - 3) Rural service areas with a population-to-primary care physician ratio between 1800:1 and 2399:1, and where one-third of the primary care physicians in the area are 60 years of age or older;
 - 4) Urban or rural areas where board certified pediatricians or obstetrician/gynecologists are not practicing within the service area, and

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where there is sufficient need to support a full-time practice. Sufficient need, for the purposes of this subsection ~~(c)(4)~~, may be documented in the following manner:

- A) ~~At a~~ least 80% of the ~~non-pediatric non-pediatrician~~ (or ~~obstetric obstetrician~~) physicians ~~within the service area agree~~ agreeing that there is a sufficient need.
 - B) At least 80% of the ~~pediatric pediatricians~~ (or ~~obstetric obstetrician~~) physicians ~~within the service area agree~~ agreeing that there is sufficient need.
 - C) ~~Hospital administrators~~ Agreement by the hospitals and local health department administrators ~~within the service area agree that there is sufficient need.~~
- 5) Rural service areas where the obstetricians having admitting privileges at a hospital with an obstetrical unit perform more deliveries per year than the statewide average. The statewide average is obtained by dividing the number of obstetricians providing patient care in Illinois in a particular year into the number of births in Illinois in the same year; and when ~~where~~ the existing obstetricians and family practice physicians within the service area providing obstetrical care express, in writing, their need for additional obstetricians.
- d) Facilities whose mission is to provide care to underserved populations will be designated for purposes of this Part. ~~These~~ Such facilities include:
- 1) Local health departments ~~that~~ which establish primary care clinics, offering direct patient care on either a full or part-time basis;
 - 2) Any community health center or its satellite in Illinois ~~that~~ which is funded through Section 330 of the Public Health Service Act or is designated a Federally Qualified Health Center Look-Alike;
 - 3) Health clinics ~~that~~ which can document that at least ~~51~~ 75 percent of their patients are a combination of the following:
 - A) Medicaid eligible; ~~;~~ or

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- B) Qualify for reduced fees based on a sliding fee scale using as an upper limit 200 percent of the federal poverty level, as published annually in the Federal Register.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 590.420 Distribution of Lists of Designated Shortage Areas

~~a) Current listings At least annually, updated listings of State and federally designated shortage areas shall be available electronically provided to all recipients of Medical Student Scholarships, interested individuals, organizations, local health departments, hospitals, primary care physicians and community health organizations at: www.idph.state.il.us/about/rural_health/shortageareas.htm made under this Part.~~

- ~~b) Listings of designated shortage areas shall be made available to interested individuals and organizations who request listings from the Department.~~
- ~~e) Notification of designation as a shortage area shall be provided to local health departments, hospitals, primary care physicians and community-based organizations.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 590.APPENDIX A Sample Contract for Medical Student Scholarship (Student Contract) **Repealed**

~~ILLINOIS DEPARTMENT OF PUBLIC HEALTH~~

~~FAMILY PRACTICE RESIDENCY ACT
SCHOLARSHIP FOR MEDICAL STUDENTS~~

~~STUDENT CONTRACT~~

~~The Illinois Department of Public Health (Department) and~~

~~(Name of Student)~~

~~hereby agree as follows:~~

~~1) The Department shall pay the sum of \$_____ to~~

~~(Name of Medical School)~~

~~on behalf of Student pursuant to the Family Practice Residency Act, (Ill. Rev. Stat. 1989, ch. 144, par. 1451 et seq.) as amended, which is made a part hereof and fully incorporated herein.~~

~~2) All funds paid to Student through the above named organization by Department pursuant to this Contract constitute a scholarship which shall be repaid to Department by Student unless Student is excused from repayment by Department pursuant to the terms of this Contract.~~

~~3) If Student fails to complete medical studies because of academic failure, Student shall be discharged from any and all obligations under this Contract.~~

~~4) If Student fails to complete medical studies for any reason other than academic failure, death or permanent disability, Student shall repay to Department all funds paid pursuant to this Contract. Repayment shall be made in equal monthly installments in such amounts so that all sums due and owing will be paid within a period of time equal to the period of time funds were paid, or as otherwise approved by Department. Payments shall begin within 30 days after Student leaves medical school.~~

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- ~~5) If Student dies or suffers total and permanent disability either while pursuing studies under this Act or, after Student's medical degree, while engaging in medical practice in Illinois up to the onset of fatal illness or such disability, the scholarship or any balance due on it shall be excused and deemed satisfied.~~
- ~~6) Student's service term shall begin within 30 days of Student's licensure to practice medicine, except that service may be deferred until completion of an approved residency program in primary care. In all cases where service is deferred, service shall begin within 30 days after Student leaves residency program.~~
- ~~7) Student may request an emergency deferment because of temporary personal disability or to fulfill family obligations which delay the start of Student's medical practice. Emergency deferments will be granted on a quarterly basis, at the discretion of Department. Student shall begin medical practice within 30 days of the ending date of the emergency deferment.~~
- ~~8) Upon Student's licensure to practice medicine or completion of an approved residency program in primary care, Student shall agree to enter into a contract with Department to serve as a full-time primary care physician engaged in direct patient care in only the designated shortage areas in Illinois approved as a practice site(s) for that individual. Full-time practice is defined in the Family Practice Residency Code, (77 Ill. Adm. Code 590). Upon request Student shall confirm, in writing, the location and office hours of the medical practice. The terms of this service shall be at the rate of one year of full-time service for each school year, or portion thereof that funds were paid.~~
- ~~9) If Student fails to perform any of the foregoing terms and conditions of this Contract, Student shall, in accordance with the Family Practice Residency Act, pay to Department a sum of money equal to three times the amount of the average annual scholarship grant for each year recipient fails to fulfill such obligation. Payment shall be made in equal monthly installments in such amounts so that all sums due and owing will be paid within a period of time equal to Student's remaining service term or as otherwise approved by Department. Payments shall begin within 30 days after Student fails to perform any of the terms and conditions of this Contract. In the event that Student fails to pay any required installment to Department, Department may file suit to collect all sums and future sums due and owing under this Contract or may refer the matter to a collection agency.~~

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- ~~10) Student shall inform Department, in writing, within seven days of any of the following changes:~~
- ~~a) status as a student~~
 - ~~b) address~~
 - ~~c) illness, disability, or family considerations affecting obligations of this Contract~~
- ~~11) Notwithstanding any other provisions of this agreement, Student shall repay in full all funds received by Student pursuant to this agreement in the event of breach of any provisions of this agreement by Student within 60 days of written demand of Department.~~
- ~~12) Student shall pay all costs of suit, including attorney fees, and all collection costs in the event Department shall prevail in suit for money damages against Student pursuant to this Contract.~~
- ~~13) This Contract shall be governed in all respects by the laws of the State of Illinois.~~
- ~~14) This Contract may not be amended without prior written approval of both Department and Student.~~
- ~~15) This Contract may not be sold, assigned or transferred in any manner.~~
- ~~16) Department and Student understand and agree that this Contract constitutes the total agreement between them and that no promises, terms or conditions not recited herein or incorporated herein, or referenced herein shall be binding upon either Department or Student.~~
- ~~17) Obligations of Department will cease immediately without penalty of further payment being required if the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds for this Contract.~~
- ~~18) Student hereby certifies that Student has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has Student made an admission of guilt of such conduct which is a matter of record.~~

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- 19) ~~Student agrees to comply with the provisions of the Illinois Purchasing Act (Ill. Rev. Stat. 1989, ch. 127, pars. 132.11-1 through 132.11-5) prohibiting conflict of interest.~~
- 20) ~~The Student certifies that Student is not in default on an educational loan as provided in Public Act 85-827.~~
- 21) ~~In the event the Family Practice Residency Act is amended while this Contract is in effect, this Contract shall be amended automatically to incorporate such amendments to such Law, provided that obligations of Student shall not be increased.~~
- 22) ~~In the event any portion of this Contract is held invalid by any court of law, the remaining terms and conditions shall remain in full force and effect.~~
- 23) ~~Obligations of Student shall remain in full force and effect until Student has either fulfilled the service obligation pursuant to the Family Practice Residency Act or repaid all funds to Department pursuant to the terms of this Contract.~~
- 24) ~~The term of this Contract is for the period July 1, 19__ through June 30, 19__. It is further understood between the parties hereto that this Contract is subject to appropriations to Department, in subsequent years, for the purpose herein described.~~
- 25) ~~Under penalties of perjury, I certify that the social security number shown below is my correct Federal Taxpayer Identification Number.~~

Executed this _____ day of _____, 19__.

_____	_____
Student	Director of Public Health

~~Social Security Number~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

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**Section 590.APPENDIX B Sample Contract for Scholarship Service Obligation
(Repealed)**

~~ILLINOIS DEPARTMENT OF PUBLIC HEALTH~~

~~FAMILY PRACTICE RESIDENCY ACT
SCHOLARSHIP FOR MEDICAL STUDENTS~~

~~SERVICE CONTRACT~~

~~For awards Made Before July 1986~~

~~The Illinois Department of Public Health (Department) and _____(Contractor)
hereby agree as follows:~~

- ~~1) Paragraph ___ of Contract # _____ signed by Department and Contractor on _____ requires Contractor to enter into a contract with Department to serve as a full-time primary care physician engaged in direct patient care in designated shortage areas in Illinois approved as practice site(s) for that individual. A copy of Contract # _____ is attached and incorporated herein.~~
- ~~2) The Contractor received \$ _____ in academic year 19__-19__; \$ _____ in academic year 19__-19__; \$ _____ in academic year 19__-19__; \$ _____ in academic year 19__-19__, totaling \$ _____. Copies of the State of Illinois documents verifying award amounts are attached and incorporated herein.~~
- ~~3) Contractor agrees to serve as a primary care physician at a rate of one year of full-time service for each school year or portion thereof that funds were provided except that no more than three years of service shall be provided. Contractor was provided funds for the academic years detailed in item 2 above. Uninterrupted service shall begin _____ and end _____. Uninterrupted service is defined as continual full-time patient care except for time allowed for continuing education, vacation, personal time, or sick time at the rate permitted by written policies of contractor's employer or as approved by the Department, at the sole discretion of the Department. The approved practice location shall be _____.~~
- ~~4) Full time practice for an _____ is defined as~~

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- ~~_____ () hours a week of direct patient care at the approved practice site(s) when services are not provided to office patients in the hospital setting.~~
- ~~5) If Contractor becomes disabled the terms and conditions of this Contract shall be suspended until such time as Contractor is able to resume repayment.~~
- ~~6) In the event the Contractor fails to perform any of the foregoing terms and conditions of this Contract, Contractor shall, in accordance with the Family Practice Residency Act, pay to the Department a sum of money equal to three times the amount of average scholarship grants for each year Contractor fails to fulfill such obligations. Payments shall be made in equal monthly installments in such amounts so that all sums due and owing will be paid within a period of time equal to the Contractor's remaining service term or as otherwise approved by the Department. Payments shall begin 30 days after Contractor fails to perform any of the terms and conditions of this Contract. In the event the Contractor fails to pay required installments to the Department, Department may file suit to collect all sums and future sums due and owing under this Contract or may refer the matter to a collection agency.~~
- ~~7) Contractor shall pay all costs of suit including attorney's fees and all collection costs in the event the Department shall prevail in suit for money damages against Contractor pursuant to this Contract.~~
- ~~8) Contractor shall inform Department in writing within seven days of any of the following changes:~~
- ~~a) status of employment,~~
 - ~~b) address,~~
 - ~~e) illness, disability, or family considerations affecting obligations of this Contract.~~
- ~~9) This Contract shall be governed in all respects by the laws of the State of Illinois.~~
- ~~10) This Contract may not be amended without prior written approval of both Department and Contractor.~~
- ~~11) This Contract may not be sold, signed or transferred in any manner.~~
- ~~12) The Department and Contractor understand and agree that this Contract constitutes the~~

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~~total agreement between them and that no promises, terms or conditions not recited, incorporated or referenced herein shall be binding upon either Department or Contractor.~~

- ~~13) In the event the Family Practice Residency Act is amended while this Contract is in effect, this Contract shall be amended automatically to incorporate such amendments into law. However, obligations of the Contractor shall not be increased.~~
- ~~14) In the event any portion of this Contract is held invalid by any court of competent jurisdiction, remaining terms shall remain in full force and effect.~~
- ~~15) This Contract shall remain in full force and effect until Contractor has repaid all obligations to the Department pursuant to the terms of this Contract and all financial obligations shall be abated on a monthly basis in direct proportion to the service provided.~~
- ~~16) Under penalties of perjury, I certify that the social security number shown below is my correct Federal Taxpayer Identification Number.~~

Executed this _____ day of _____, 19__.

Contractor

Director of Public Health

Social Security Number

~~ILLINOIS DEPARTMENT OF PUBLIC HEALTH~~

~~FAMILY PRACTICE RESIDENCY ACT
SCHOLARSHIP FOR MEDICAL STUDENTS~~

~~S E R V I C E C O N T R A C T~~

~~For Awards Made After June 1986~~

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The Illinois Department of Public Health (Department) and _____
 (Contractor) hereby agree as follows:

- 1) Paragraph _____ of Contract # _____ signed by Department and Contractor on _____ requires Contractor to enter into a contract with Department to serve as a full-time primary care physician engaged in direct patient care in designated shortage areas in Illinois approved as practice site(s) for that individual. A copy of Contract # _____ is attached and incorporated herein.
- 2) The Contractor received \$ _____ in academic year 19__-19__; \$ _____ in academic year 19__-19__; \$ _____ in academic year 19__-19__; \$ _____ in academic year 19__-19__, totaling \$ _____. Copies of the State of Illinois documents verifying award amounts are attached and incorporated herein.
- 3) Contractor agrees to serve as a primary care physician at a rate of one year of full-time service for each school year or portion thereof that funds were provided except that no more than three years of service shall be provided. Contractor was provided funds for the academic years detailed in item 2 above. Uninterrupted service shall begin _____ and end _____. Uninterrupted service is defined as continual full-time patient care except for time allowed for continuing education, vacation, personal time, or sick time at the rate permitted by written policies of contractor's employer or as approved by the Department, at the sole discretion of the Department. The approved practice location shall be _____.
- 4) Full-time practice for an _____ is defined as _____ (-) hours a week of direct patient care at the approved practice site(s) when services are not provided to office patients in the hospital setting.
- 5) If Contractor becomes disabled the terms and conditions of this Contract shall be suspended until such time as Contractor is able to resume repayment.
- 6) In the event the Contractor fails to perform any of the foregoing terms and conditions of this Contract, Contractor shall, in accordance with the Family Practice Residency Act, pay to the Department a sum of money equal to three times the amount of average scholarship grants for each year Contractor fails to fulfill such obligations. Payments shall be made in equal monthly installments in such amounts so that all sums due and owing will be paid within a period of time equal to the Contractor's remaining service term or as otherwise approved by the Department. Payments shall begin 30 days after

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- ~~Contractor fails to perform any of the terms and conditions of this Contract. In the event the Contractor fails to pay required installments to the Department, Department may file suit to collect all sums and future sums due and owing under this Contract.~~
- ~~7) Contractor shall pay all costs of suit including attorney's fees and all collection costs in the event the Department shall prevail in suit for money damages against Contractor pursuant to this Contract.~~
 - ~~8) Contractor shall inform Department in writing within seven days of any of the following changes:
 - ~~a) status of employment,~~
 - ~~b) address,~~
 - ~~e) illness, disability, or family considerations affecting obligations of this Contract.~~~~
 - ~~9) This Contract shall be governed in all respects by the laws of the State of Illinois.~~
 - ~~10) This Contract may not be amended without prior written approval of both Department and Contractor.~~
 - ~~11) This Contract may not be sold, signed or transferred in any manner.~~
 - ~~12) The Department and Contractor understand and agree that this Contract constitutes the total agreement between them and that no promises, terms or conditions not recited, incorporated or referenced herein shall be binding upon either Department or Contractor.~~
 - ~~13) In the event the Family Practice Residency Act is amended while this Contract is in effect, this Contract shall be amended automatically to incorporate such amendments into law. However, obligations of the Contractor shall not be increased.~~
 - ~~14) In the event any portion of this Contract is held invalid by any court of competent jurisdiction, remaining terms shall remain in full force and effect.~~
 - ~~15) This Contract shall remain in full force and effect until Contractor has repaid all obligations to the Department pursuant to the terms of this Contract and all financial obligations shall be abated on a monthly basis in direct proportion to the services provided.~~

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16) ~~Under penalties of perjury, I certify that the social security number shown below is my correct Federal Taxpayer Identification Number.~~

~~Executed this _____ day of _____, 19__.~~

~~Contractor~~

~~Director of Public Health~~

~~Social Security Number~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

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Section 590.APPENDIX C Sample Contract for Monetary Repayment of Scholarship Obligation (Repealed)

~~ILLINOIS DEPARTMENT OF PUBLIC HEALTH~~

~~FAMILY PRACTICE RESIDENCY ACT
SCHOLARSHIP FOR MEDICAL STUDENTS~~

~~REPAYMENT CONTRACT~~

The Illinois Department of Public Health (Department) and _____
(Contractor) hereby agree as follows:

- 1) ~~Item _____ of the Contract signed by Department and Contractor on _____ allows a recipient of a medical student scholarship awarded through the Family Practice Residency Act to repay funds awarded; including a liquidated damages payment, rather than practice medicine in an underserved area of the State. A copy of the Contract is attached and shall become a part of this Contract.~~
- 2) ~~The Contractor has elected to repay required funds in lieu of completing the practice commitment.~~
- 3) ~~The Contractor received \$ _____ in academic year 19____-19____; totaling \$ _____. Copies of State of Illinois documents verifying award amounts are attached and shall become a part of this Contract.~~
- 4) ~~The Family Practice Residency Act required a sum equal to three times the amount of the annual scholarship grant for each year the Contractor fails to fulfill the obligation in an underserved area.~~
- 5) ~~The total amount due the Illinois Department of Public Health is \$ _____. _____ monthly installments of \$ _____ are to be paid to the Department pursuant to Item _____ of the Contract. The first payment is due _____.~~

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- ~~6) The repayment checks are to be made payable to "Illinois Department of Public Health" and mailed to Illinois Department of Public Health, Division of Financial Services, 535 West Jefferson Street, Springfield, Illinois 62761, Attention: Manager—Fiscal Control. The payments are to be postmarked on or before the first day of the month.~~
- ~~7) In the event the Contractor fails to pay the Department any required installment, the Department may file suit to collect all sums and future sums due and owing under this Contract or may refer the matter to a collection agency.~~
- ~~8) Contractor shall pay all costs of suit, including attorney fees, and all collection costs in the event the Department shall prevail in suit for money damages against Contractor pursuant to this Contract.~~
- ~~9) If Contractor becomes disabled the terms and conditions of this Contract shall be suspended until such time as Contractor is able to resume repayment.~~
- ~~10) Contractor shall inform the Department, in writing, within 14 days of any change of address or any disability affecting obligations of this Contract.~~
- ~~11) This Contract shall be governed in all respects by the laws of the State of Illinois.~~
- ~~12) This Contract may not be amended without prior written approval of both Department and Contractor.~~
- ~~13) This Contract may not be sold, assigned or transferred in any manner.~~
- ~~14) The Department and Contractor understand and agree that this Contract constitutes the total agreement between them and that no promises, terms or conditions not recited, incorporated, or referenced herein shall be binding upon either Department or Contractor.~~
- ~~15) In the event the Family Practice Residency Act is amended while this Contract is in effect, this Contract shall be amended automatically to incorporate such amendments to such Law. However, obligations of contractor shall not be increased.~~
- ~~16) In the event any portion of this Contract is held invalid by any court of competent jurisdiction, the remaining terms and conditions shall remain in full force and~~

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~~effect.~~

~~17) This Contract shall remain in full force and effect until Contractor has repaid all funds to the Department pursuant to the terms of this Contract.~~

~~18) Under penalties of perjury, I certify that the social security number shown below is my correct Federal Taxpayer Identification Number.~~

Executed this _____ day of _____, 19__.

Contractor

Director

Social Security Number

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

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Section 590.APPENDIX D Sample Contract for Education Loan Repayment (Repealed)~~ILLINOIS DEPARTMENT OF PUBLIC HEALTH~~~~FAMILY PRACTICE RESIDENCY ACT
EDUCATIONAL LOAN REPAYMENT~~~~C O N T R A C T~~

The Illinois Department of Public Health (Department) and _____
(Contractor) agree as follows:

- ~~1) Contractor will provide patient care in the community or area indicated on the educational loan repayment application on a full-time basis, as defined in the Family Practice Residency Code, (77 Ill. Adm. Code Chapter I, Part 590) for a minimum period of two years.~~
- ~~2) Contractor will use funds to repay loans used only for educational purposes in pursuit of medical degree.~~
- ~~3) Contractor will provide the Department with photocopies of promissory notes or other evidence to document amount of indebtedness and the institutions owed.~~
- ~~4) Contractor will provide the Department with photocopies of cancelled checks to document payments Contractor has made for his/her educational loan indebtedness and for which reimbursement is sought from the Department.~~
- ~~5) Contractor may request from the Department written approval for the transfer of his or her educational loan repayment eligibility to another designated shortage area, if the new area is of the same, or a higher priority classification than the original practice location.~~
- ~~6) If Contractor moves to a practice location in a lower priority classification, or moves from an urban to a rural location, or vice versa, all educational loan repayment will cease immediately.~~
- ~~7) Department will make educational loan repayments directly to the Contractor, or to the financial or educational institution holding the indebtedness. Retrospective payments will be made to the Contractor on a quarterly basis. Prospective~~

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~~payments on the Contractor's behalf will be made on a quarterly basis directly to the financial or educational institution holding the indebtedness, if so agreed by the lender.~~

- 8) ~~Department will pay twenty five percent of the educational loan indebtedness, or up to \$20,000 whichever is less, for each year Contractor practices in the selected underserved area or facility. Should the Contractor fail to pay monies due, the Department may refer the matter to the Attorney General or to a collection agency.~~
- 9) ~~If Contractor ceases full-time practice in an underserved area or facility or moves from the originally selected underserved area or facility to one with a lower priority ranking as described in 77 Illinois Administrative Code Chapter I, Part 590 before completing the required two years of practice, all sums paid to Contractor or paid on Contractor's behalf will be due to Department within 30 days of the practice change.~~
- 10) ~~If Contractor moves from the approved practice area and the Department has made prospective payments to the financial or educational institution, Contractor must repay funds in direct proportion to the length of practice in the approved area.~~
- 11) ~~Contractor shall pay all costs of suit, including attorney's fees and all collection costs, in the event the Department shall prevail in suit for money damages against Contractor pursuant to this Contract.~~
- 12) ~~Contractor shall inform Department in writing within seven days of any changes in the following areas:~~
 - a) ~~status of employment or practice~~
 - b) ~~address~~
 - c) ~~illness, disability, or family considerations affecting obligations of this Contract~~
- 13) ~~This Contract shall be governed in all respects by the laws of the State of Illinois.~~
- 14) ~~This Contract may not be amended without prior written approval of both~~

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~~Department and Contractor:~~

- ~~15) This Contract may not be sold, signed or transferred in any manner.~~
- ~~16) The Department and Contractor understand and agree that this Contract constitutes the total agreement between them and that no promises, terms or conditions not recited, incorporated or referenced herein shall be binding upon either Department or Contractor.~~
- ~~17) Obligations of Department will cease immediately without penalty of further payment being required if the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds for this Contract.~~
- ~~18) Contractor certifies he/she has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has Contractor made an admission of guilt of such conduct which is a matter of record.~~
- ~~19) Contractor certifies he/she is not in default on any educational loans as provided in Public Act 85-827.~~
- ~~20) Contractor agrees to allow Department to request from the lending institution an annual confirmation of the status of Contractor's educational loans.~~
- ~~21) In the event the Family Practice Residency Act is amended while this Contract is in effect, this Contract shall be amended automatically to incorporate such amendments into law. However, obligations of the Contractor shall not be increased.~~
- ~~22) In the event any portion of this Contract is held invalid by any court of competent jurisdiction, remaining terms shall remain in full force and effect.~~
- ~~23) This Contract shall remain in full force and effect until Contractor has repaid all obligations to the Department pursuant to the terms of this Contract and all financial obligations shall be abated on a monthly basis in direct proportion to the services provided.~~
- ~~24) Under penalties of perjury, I certify that the social security number shown below is my correct Federal Taxpayer Identification Number.~~

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The term of this Contract is _____ through _____.

Executed this _____ day of _____, 19__.

Contractor

Director of Public Health

Social Security Number

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Rural Health Code
- 2) Code Citation: 77 Ill. Adm. Code 596
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
596.10	Repeal
596.20	Amend
596.30	Amend
596.40	Amend
596.45	New
596.50	New
596.60	New
596.70	New
596.80	New
596.90	New
596.95	New
596.120	Amend
596.130	Repeal
596.140	Repeal
596.220	Amend
596.230	Repeal
596.240	Repeal
596.300	Amend
596.320	Amend
596.330	Repeal
596.340	Repeal
- 4) Statutory Authority: Illinois Rural/Downstate Act [410 ILCS 65]
- 5) A Complete Description of the Subjects and Issues Involved: Part 596 will be amended to add definitions for several terms, including Federally Qualified Health Centers. Language will be added to clarify that IDPH can fund projects for a certain time frame, depending on whether clinical services are provided. New Sections are proposed to describe application standards and to integrate requirements from the Grant Funds Recovery Act. Requirements of Public Act 96-1064 will be incorporated into this Part. Specifically, grantees (whose grants equal or exceed \$250,000 for capital construction costs or professional services) are now required to provide certifications that the grantee will comply with the Business Enterprise Program Practices for minority-owned

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business, female-owned businesses and businesses owned by persons with disabilities as stipulated in the Business Enterprise for Minorities, Females and Persons with Disabilities Act. Finally, grantees will also need to certify that they will comply with Section 2-105 of the Illinois Human Rights Act regarding equal employment opportunities and affirmative action policies.

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

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 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 Objective: This rulemaking does not create or expand a State Mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

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

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

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals, community health centers and community-based primary care centers
 - B) Reporting, bookkeeping or other procedures required for compliance: Requirements for grant applications, progress reports, and project completion are set forth in the rules.
 - C) Types of professional skills necessary for compliance: Skills necessary to complete the grant application and monitor compliance with the requirements of this Part (e.g., accounting).
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER g: GRANTS TO INCREASE ACCESS TO PRIMARY HEALTH CARE
AND SCHOLARSHIPS FOR HEALTH PROFESSIONAL STUDENTS

PART 596
ILLINOIS RURAL HEALTH CODE

SUBPART A: GENERAL PROVISIONS

Section

- 596.10 Applicability ([Repealed](#))
- 596.20 Definitions
- 596.30 Referenced Materials
- 596.40 Administrative Hearings
- [596.45 Request for Proposals](#)
- [596.50 Grant Application](#)
- [596.60 Grant Application Evaluation Process](#)
- [596.70 Grant Awards, Terms and Conditions](#)
- [596.80 Reporting Requirements](#)
- [596.90 Grant Funds Recovery](#)
- [596.95 Rural/Downstate Health Access Fund](#)

SUBPART B: GRANTS TO DEVELOP COMMUNITY-BASED
PRIMARY CARE CENTERS

Section

- 596.100 Eligibility for Grants
- 596.110 Limitations on Use of Grant Funds
- 596.120 Project Requirements
- 596.130 Application for Grants ([Repealed](#))
- 596.140 Selection Criteria ([Repealed](#))

SUBPART C: GRANTS TO HOSPITALS LOCATED IN
MEDICALLY UNDERSERVED AREAS OR HEALTH
PROFESSIONAL SHORTAGE AREAS

Section

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596.200	Eligibility for Grants
596.210	Limitations on Use of Grant Funds
596.220	Project Requirements
596.230	Application for Grants (Repealed)
596.240	Selection Criteria (Repealed)

SUBPART D: GRANTS TO SUPPORT EXPANSION OF
COMMUNITY HEALTH CENTERS' PROGRAMS

Section	
596.300	Eligibility for Grants
596.310	Limitations on Use of Grant Funds
596.320	Project Requirements
596.330	Application for Grants (Repealed)
596.340	Selection Criteria (Repealed)

AUTHORITY: Implementing and authorized by Illinois Rural/Downstate Health Act [410 ILCS 65].

SOURCE: Adopted at 18 Ill. Reg. 11971, effective July 20, 1994; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 596.10 Applicability ([Repealed](#))

- a) ~~This Part is in response to an Act designed to improve accessibility to necessary health care for citizens living in rural and downstate areas of Illinois. The provisions of this Part are organized into four Subparts. Subpart A includes general provisions, such as definitions and administrative hearing rules, which apply to all Sections of the Part.~~
- b) ~~Subpart B includes provisions for awarding grants to develop community based primary care centers. These provisions set forth the application and selection processes for distribution of grant funds and performance requirements.~~
- e) ~~Subpart C includes provisions for awarding grants to hospitals located in underserved areas to support diversification strategies designed to improve the~~

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~~hospitals' fiscal position. These provisions set forth the application and selection processes for distribution of grant funds and performance requirements.~~

- d) ~~Subpart D includes provisions for awarding grants for the expansion of community health center programs. These provisions set forth the application and selection processes for distribution of grant funds and performance requirements.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

Section 596.20 Definitions

"Act" means the Illinois Rural/Downstate Health Act ~~(Ill. Rev. Stat. 1991, ch. 111½, par. 8051 et seq.)~~ [410 ILCS 65].

"Administrative cost" means costs to control and direct an organization but not directly identifiable with financing or operations. These costs relate to the entire organization as opposed to specific departments or units.

"Administrative law judge" shall have the meaning ascribed in the Department's Practice and Procedure in Administrative Hearings.

"Applicant" means a person or entity that applies for grant funds under this Part.

"Authorized representative" means a person who has authority to act on behalf of the legal entity or person that is an applicant or grantee. Authorized representatives are: for a corporation, any of its officers or members of its board of directors; for a limited liability company, any of its managers or members; for a partnership, any of its general partners; and for a sole proprietor, the individual who is the sole proprietor.

"Benefits" means compensation that is in addition to direct wages or salary, including paid time off, pension, social security and insurance.

"Business day" means Monday through Friday. It does not include a federal or State government declared holiday, Saturday or Sunday.

"Calendar day" means all days in a month or prescribed time frame. It includes weekends and federal or State government declared holidays.

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"Center" means the Center for Rural Health of the Illinois Department of Public Health, as established in Section 3 of the Act.

"Certified mail" means mail for which proof of delivery is obtained.

"Commodity" means a consumable item that has a material change or appreciable depreciation with first usage, and equipment having a value not exceeding \$100.

"Community" means one or more incorporated ~~and~~ or unincorporated villages or towns.

"Community-Based Primary Care Center~~Organization~~" means a locally organized and recognized group of individuals whose goals include efforts to maintain or increase the availability or accessibility of necessary health care for the citizens of their community.

"Community Health Center" means *migrant health centers or community health centers or health care for the homeless programs supported under sectionsSections 329, 330, or 340 of the Federal Public Health Service Act, respectively; and Federally Qualified Health Centers, including FQHC Look-Alikes~~look-alikes~~, as designated by the federal Centers for Medicare and Medicaid Services~~Federal Health Care Financing Administration~~ or Illinois Department of Public Health, or the Public Health Service of the U.S. Department of Health and Human Services. (Section 4.1 of the Act)*

"Construction cost" or "modernization cost" means expenses from a construction contract.

"Data Universal Numbering System" or "DUNS" is a system that assigns a unique numeric identifier, referred to as a DUNS number, to a single business entity.

"Center" means the Center for Rural Health of the Illinois Department of Public Health.

"Department" means the Illinois Department of Public Health.

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"Designated shortage area" means a medically underserved area or health manpower shortage area as defined by the United States Department of Health and Human Services or as otherwise designated by the Illinois Department of Public Health. (Section 2 of the Act)

"Direct cost" means costs that the grantee incurs that can be traced directly to, or identified with, a specific process or product.

"Director" means the Director of the Illinois Department of Public Health.

"Downstate urban" means ~~these~~ Illinois counties of Winnebago, DeKalb, Kankakee, Rock Island, Peoria, Tazewell, McLean, Champaign, Vermilion, Sangamon, Macon, Madison and St. Clair ~~other than Cook, Lake, McHenry, DuPage, Will, and Kane.~~

"Due diligence" means action taken toward the completion of a project with the diligence and foresight that persons of ordinary prudence and care would exercise under similar circumstances.

"Federal Employer Identification Number" or "FEIN" means a unique nine-digit number assigned by the Internal Revenue Service to business entities operating in the United States.

"Federally Qualified Health Center" or "FQHC" means a health center funded under section 330 of the Public Health Service Act (42 USC 254b).

"Federally Qualified Health Center Look-Alike" or "FQHC Look-Alike" means an organization that meets the requirements for receiving a grant under section 330 of the Public Health Service Act but does not receive federal grants under that authority.

"Fiscal year" means the financial operating year of Illinois State government. It begins on July 1 and ends on June 30 of the next calendar year.

"Funding period" means the time frame during which grant funds are to be expended by a grantee (usually corresponding with the Department's fiscal year).

"Grant" means funds awarded under the Act.

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"Grantor agency" means any agency of State government which dispenses grant funds. (Section 2(a) of the Illinois Grant Funds Recovery Act)

"Grant agreement" means the agreement entered into between the Department and any person or entity for obligation, capital expenditure, or use for a specific purpose.

"Grantee" means a person or entity which may use grant funds. (Section 2(c) of the Illinois Grant Funds Recovery Act)

"Grant funds" means public funds dispensed by the Department to any person or entity for obligation, expenditure or use for a specific purpose. (Section 2(b) of the Illinois Grant Funds Recovery Act)

"Health Professional Shortage Area" or "HPSA" means a designation provided by the U.S. Department of Health and Human Services, Health Resources and Services Administration. The HPSA designation indicates the shortage of primary medical care, dental or mental health providers. The designation may be geographic (a county or service area), demographic (low income population) or institutional (comprehensive FQHC or other public facility). All FQHCs and Rural Health Clinics that provide access to care regardless of an individual's ability to pay receive HPSA designations. (For a map of HPSAs, see <http://bhpr.hrsa.gov/shortage/hpsacrit.htm>.)

"Health Professional Shortage Area Score" or "HPSA score" means a score calculated by the U.S. Department of Health and Human Services that is assigned to areas or facilities having a health professional shortage designation to determine priorities for assignment of clinicians.

"Historic resource" shall have the meaning ascribed in Section 3(c) of the Illinois State Agency Historic Resources Preservation Act.

"Hospital" means any institution, place, building or agency, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of 2 or more unrelated persons admitted for overnight stay or longer in order to obtain

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medical, including obstetric, psychiatric and nursing, care of illness, disease, injury, infirmity or deformity. (Section 3 of the Hospital Licensing Act)

"Legal holiday" means a holiday set by statute, during which government and business working hours are suspended.

"Local health department" means a county, multi-county, municipal or district public health agency certified by the Department.

"Metropolitan Chicago" means the Illinois counties of Cook, Kane, Lake, McHenry, DuPage and Will.

"Metropolitan Statistical Area" means one or more adjacent counties that have at least one urban core area of at least 50,000 in population, plus adjacent territory that has a high degree of social and economic integration with the core as measured by commuting ties.

"Medically underserved population" means individuals who reside in a U.S. Department of Health and Human Services health professional shortage area or medically underserved area; or who are designated a medically underserved population by the U.S. Department of Health and Human Services; or who reside in an area designated by the Department as underserved.

"Mid-level providers" include health professionals who have completed specialized training and who meet the requirements of nationally recognized health professional organizations granting certification to nurse practitioners, certified nurse midwives, certified registered nurse anesthetists, and physicians' assistants.

"Not-for-Profit" shall have the meaning ascribed in Section 101.80(a) of the General Not-for-Profit Corporation Act of 1986.

"Obligation" or "obligated" means a requirement for a grantee to make future payments from grant funds that result from financial transactions that have occurred.

"Official State newspaper" means the newspaper identified by the Illinois Office of Communication and Information to publish legal notices and other publications

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for all State agencies, elected officials, and Boards and Commissions. Information on the official State newspaper can be obtained from the following Internet site: www.illinois.gov/ioci/statenewspaper.cfm.

"Personal services" means costs associated with wages and salaries for individuals employed by the grantee.

"Primary care" means health care that encompasses prevention services, basic diagnostic and treatment services, and support services ~~including such as~~ laboratory, radiology, transportation, and pharmacy. Primary care shall be comprehensive in nature and not organ or problem specific, shall be oriented toward the longitudinal care of the patient, and shall be responsible for coordination of other health and social services as they relate to the patients' needs.

"Primary care physician" means a person licensed to practice medicine in all of its branches under the Medical Practice Act ~~of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.)~~ [225 ILCS 60] with a specialty in family practice, general internal medicine, obstetrics and gynecology, pediatrics, or combined internal medicine/pediatrics as defined by recognized standards for professional medical practices.

"Project completion" means that the project has been brought to a conclusion based on the objectives in the grant agreement.

~~"Rational service area" means the geographic area surrounding a physician's office, a hospital or clinic, and from which the residents may be reasonably expected to seek health care from the physician, hospital or clinic located within the area.~~

"Rural" means any Illinois county that is not included in either the Metropolitan Chicago or Downstate Urban definitions ~~geographic area not located in a U.S. Bureau of the Census Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less; or a community located within a Metropolitan Statistical Area but having a population of 2500 or less.~~

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"Service area" means the geographic area surrounding a physician's office, a hospital or a clinic, and from which the residents may be reasonably expected to seek health care from the physician, hospital or clinic located within the area.

"Supplies" means the costs incurred for general purpose consumable items that have a shorter life span than equipment and that are stocked for recurring use.

"Travel" means the costs incurred by a grantee's employees to travel to fulfill specific job requirements. These costs could include but are not limited to air travel, local transportation, per diem, mileage allowance and lodging.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 596.30 Referenced Materials

The following materials are referenced in this Part:

- a) Illinois Statutes
- 1) Medical Practice Act of 1987 (~~Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.~~) [225 ILCS 60] (~~See Section 596.20.~~)
 - 2) Illinois Rural/Downstate Health Act (~~Ill. Rev. Stat. 1991, ch. 111½, par. 8051 et seq.~~) [410 ILCS 65].
 - 3) Hospital Licensing Act (~~Ill. Rev. Stat. 1991, ch. 111½, par. 142 et seq.~~) [210 ILCS 85].
 - 4) [Illinois Grant Funds Recovery Act \[30 ILCS 705\]](#)
 - 5) [General Not-for-Profit Corporation Act of 1986 \[805 ILCS 105\]](#)
 - 6) [Business Enterprise for Minorities, Females and Persons with Disabilities Act \[30 ILCS 575\]](#)
 - 7) [Illinois Human Rights Act \[775 ILCS 5\]](#)
 - 8) [Illinois Administrative Procedure Act \[5 ILCS 100\]](#)

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9) [Illinois State Agency Historic Resources Preservation Act \[20 ILCS 3420\]](#)

10) [Rivers, Lakes and Streams Act \[615 ILCS 5\]](#)

11) [State Finance Act \[30 ILCS 105\]](#)

b) Illinois [Administrative](#) Rules

1) ~~Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)-~~

2) Family Practice Residency Code (77 Ill. Adm. Code 590)-

3) Certified Local Health Department Code (77 Ill. Adm. Code 600)-

4) [Construction in Floodways of Rivers, Lakes and Streams \(17 Ill. Adm. Code 3700\)](#)

c) Federal Statutes

1) Designation of Health Professional Shortage Areas, Section 332 of the Public Health Service Act (42 U.S.C. 254e) ~~(1991)-~~

2) Designation of Medically Underserved Areas, Section 330 (b)(3) of the Public Health Service Act (42 ~~USCU.S.C.~~ 254c(b)(3)) ~~(1991)-~~

d) [Other Referenced Materials](#)
[Executive Order #5 \(2006\): Construction Activities in Special Flood Hazard Areas](#)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 596.40 Administrative Hearings

~~Administrative~~Any administrative hearings conducted by the Department concerning the provisions of this Part shall be governed by the Department's Rules of Practice and Procedure in Administrative Hearings ~~(See 77 Ill. Adm. Code 100).~~

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 596.45 Request for Proposals

The requirements of this Section are applicable to the grants referenced in Subparts B, C and D of this Part.

- a) The Department will publish a request for proposals announcing the grant opportunity in the official State newspaper. The notice will also be posted on the Department's web site. This notice shall consist of the following:
 - 1) Identification of the grant opportunity, including a brief description of the program and the date that grant applications can be submitted to the Department;
 - 2) Identification, including mailing address and telephone number, of the Department's unit or section that is responsible for the grant program; and
 - 3) Information regarding where a copy of the applications may be viewed by the public and how copies of the application may be obtained.
- b) As stated in the notice, applicants will have 120 calendar days to submit applications for grant funding. The 120 calendar day time frame begins on the date of publication of the notice. Applications received after the 120 calendar day time frame will not be processed and reviewed.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 596.50 Grant Application

The application requirements of this Section are applicable to the grants referenced in Subparts B, C and D of this Part.

- a) Applications shall be developed and distributed by the Department for eligible applicants.

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- b) Applications submitted to the Department shall describe the applicant's proposed methods to achieve the goals specified in the Department's request for proposals.
- c) Projects that do not develop clinics or provide for direct provision of health care services can apply for and be awarded up to four years of funding. Projects that develop clinics or provide for direct provision of health care services can apply for and be awarded up to six years of funding.
- d) Applications shall include, but not be limited to:
 - 1) The legal name of the applicant;
 - 2) The name and title of the applicant's officers and managers;
 - 3) The applicant's legal address;
 - 4) A general description of the applicant, including its business and business experience;
 - 5) The applicant's telephone number and fax number;
 - 6) The applicant's FEIN;
 - 7) The applicant's Illinois Department of Human Rights number;
 - 8) The applicant's DUNS (Data Universal Numbering System) number;
 - 9) The project director's name and e-mail address;
 - 10) A description of the project, including a summary statement of the applicant's plan to address the goals described in the Department's request for proposal;
 - 11) A description of the service area or special population group to be served by the project, a statement of the special needs of the service area or special population group and a thorough explanation of the manner in which the project would meet those needs;

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- 12) A list of objectives the applicant proposes and a time table for their achievement. These objectives must be specific, measurable and relevant to the Department's request for proposal;
- 13) A process that will allow for an objective evaluation of the project's progress in meeting the needs of the service area or special population group described in subsection (d)(11), including appropriate measuring metrics;
- 14) A budget listing the total dollar amount needed for the project, including the amount to be provided by the applicant and other funding sources and the amount of funding requested through the grant. The applicant shall identify all revenue sources and amounts and provide budget estimates, including expenditures for the duration of the project. The project's budget could include the following costs (if applicable):
- A) Personal services;
 - B) Benefits;
 - C) Travel;
 - D) Commodities/supplies;
 - E) Equipment;
 - F) Facility construction/renovation;
 - G) Contractual;
 - H) Printing;
 - I) Telecommunications;
 - J) Patient/client care; and
 - K) Administrative costs.

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- 15) A plan and timetable for development of the project's self-sufficiency.
- e) In addition to the requirement of subsection (d), applications for projects that will develop or enhance a clinic shall include the following:
- 1) Staffing plan for the clinic;
 - 2) Referral arrangements for services not available at the clinic;
 - 3) A plan for quality assurance and continuing professional education for clinic staff; and
 - 4) A plan for after-hours coverage.
- f) Flood Plain and Historic Preservation Requirements. For construction or modernization projects, the applicant must document:
- 1) Whether the project is or is not in a flood plain and that the location of the project complies with Executive Order #5 (2006): Construction Activities in Special Flood Hazard Areas and the requirements of the Illinois Department of Natural Resources regarding construction in floodways (Construction in Floodways of Rivers, Lakes and Streams.
 - 2) That the Illinois Historic Preservation Agency has determined the project does not affect historic resources. Information on preservation requirements is at: www.illinoishistory.gov/ps/index.htm

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 596.60 Grant Application Evaluation Process

Projects that do not develop clinics or directly provide health care diagnostic and treatment services can apply for and be awarded up to four years of funding. Projects that develop clinics or directly provide health care diagnostic and treatment services can apply for and be awarded up to six years of funding.

- a) The criteria referenced in this subsection (a) will be used to evaluate grant applications under Subpart B of this Part.

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- 1) Priority in the selection of applicants for funding shall be given to those projects that demonstrate the greatest cost effective impact on accessibility and availability of quality primary health care services for residents of designated shortage areas or for population groups with special needs. An impact shall be demonstrated by detailing the expected number and type of recipients who were previously unserved or underserved and who will now be served by the project.
 - 2) Additional selection criteria that will cause an application to receive priority consideration include:
 - A) Projects that are closest to operational status at the time of application;
 - B) Projects that have the broadest range of health and social service providers and other types of community organizations actively participating in the organization and on-going policy decisions;
 - C) Projects that have the broadest base of financial support and can become self-supporting when grant funding ends;
 - D) Projects that propose the greatest expenditure of grant dollars in rural areas when a consortium includes urban providers.
 - 3) Of the applications that propose to provide diagnostic and treatment services, priority consideration will be given to those that have the following characteristics:
 - A) Those that are eligible for any cost-based reimbursement programs available now (Rural Health Clinic and FQHC programs) or any that develop in the future;
 - B) Those that plan to serve as sites for educational experiences for a variety of health and social service profession students.
- b) The criteria referenced in this subsection (b) will be used to evaluate grant applications under Subpart C of this Part.

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- 1) Priority in the selection of applicants for funding shall be given to those projects that demonstrate the greatest impact on accessibility and availability of primary health care services for residents of the service area or the greatest impact on the fiscal strength of the hospital. The impact shall be demonstrated by detailing the expected number of service area residents who were previously unserved or underserved and who will now be served by the project or by demonstrating an improvement in the financial status of the hospital.
 - 2) Additional selection criteria that will cause an application to receive priority consideration include:
 - A) Projects that are closest to operational status or are already functioning at the time of application;
 - B) Projects that have the broadest range of health and social service providers and other types of community and business organizations actively participating in the organization and on-going policy decisions;
 - C) Projects that develop the highest level of financial support and can become self-supporting when grant funding ends.
 - 3) Of the applications that propose to provide health care diagnostic and treatment services, priority consideration will be given to those that have the following characteristics:
 - A) Eligible for any cost-based reimbursement programs available (Rural Health Clinic and FQHC programs) or any that develop in the future;
 - B) Intent to serve as sites for educational experiences for students in a variety of health and social service professions.
- c) The criteria referenced in subsection (c) will be used to evaluate grant applications under Subpart D.

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- 1) Priority in the selection of applicants for funding shall be given to those projects that can demonstrate the greatest cost effective impact on accessibility and availability of primary health care services for residents of designated shortage areas or for population groups with special needs. An impact shall be demonstrated by detailing the expected number of recipients who were previously unserved or underserved and who will now be served by the project.
- 2) Priority consideration will be given to applications received from health centers funded through section 330 of the Public Health Service Act or from FQHC Look-Alikes.
- 3) Priority consideration will be given to projects that will be developed outside the existing service area of the applicant.
- 4) Additional selection criteria that will cause an application to receive priority consideration include:
 - A) Projects closest to operational status at the time of application;
 - B) Projects that have the broadest range of health and social service providers and other types of community organizations actively participating in the organization and on-going policy decisions; and
 - C) Projects that have the broadest base of financial support and can become self-supporting when grant funding ends.
- 5) Of the applications that describe projects that will provide primary health care diagnostic and treatment services, priority consideration will be given to those that have the following characteristics:
 - A) Projects that are eligible for any cost-based reimbursement program currently available (Rural Health Clinic and FQHC programs) or any programs that develop in the future; and
 - B) Projects that will serve as a site for educational experiences for a variety of health and social service professions students.

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- 6) When the number of applications is sufficient to support a geographical separation of applicants, efforts will be made to distribute new awards among all geographical regions represented by applicants, including:
- A) Metropolitan Chicago;
 - B) Downstate urban; and
 - C) Rural.
- d) Upon receipt of a grant application, the Department will conduct the following:
- 1) The Department will determine whether the applicant is eligible to apply per the requirements of the Act and subsection (a), (b) or (c) of this Section (as applicable). If the applicant is ineligible to apply, the Department will contact the applicant in writing with the determination.
 - 2) If the applicant is eligible to apply, the Department will determine whether the application is complete. A review will determine if all applicable criteria have been addressed and if all required materials and documentation have been submitted. The Department will determine whether the applicant has fulfilled the requirements of Section 596.50 and subsection (a), (b) or (c) of this Section (as applicable).
 - A) If the application is complete, the Department will proceed with the application evaluation process referenced in this Section.
 - B) If the application is incomplete, the Department will notify the applicant by certified mail. An applicant has 30 calendar days from the date of receipt of the certified letter to address the issues identified by the Department and submit a revised application. If the applicant does not respond to the Department's determination within the prescribed time frame or if a revised application fails to address the issues identified by the Department, the application will be deemed null and void.

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- e) Once the Department determines that applications are complete, grant proposals will be forwarded to the Department's grant review committee for consideration.
- f) Applicants shall be allowed to amend the application or provide additional supporting documentation during the evaluation process if requested by the Department's grant review committee.
- g) Upon completion of the grant review committee's evaluation, the Department will award grants to the applicants that meet all of the applicable requirements of the Act and this Part.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 596.70 Grant Awards, Terms and Conditions

To issue a grant award, the Department and grantee will enter into a grant agreement. This agreement will describe the requirements the grantee must fulfill (based on the goals and objectives in the application) and how the grantee will ensure compliance with all applicable stipulations and conditions.

- a) The grant agreement will contain, at a minimum, the following:
 - 1) Identifying information of the grantee, including name, mailing address, phone number, fax number, and e-mail address;
 - 2) A description of the grant's purpose;
 - 3) Information on how payments to the grantee will be made;
 - 4) Details on what constitutes permissible expenditure of grant funds;
 - 5) Reporting requirements applicable to the grant, including the filing of quarterly reports, at a minimum (for those grants exceeding \$25,000), that describe the project's progress and a detailed report of funds expended;
 - 6) The time period of the grant; and

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- 7) Certification that the grantee will comply with all applicable provisions of the Illinois Grant Funds Recovery Act.
- b) Grant funds that the grantee does not expend or obligate by the end of the grant agreement shall be returned to the Department within 45 calendar days (see Section 4(b)(5) of the Illinois Grant Funds Recovery Act). The 45 calendar day time frame begins the day after the grant agreement expires. Returned funds will be deposited into the fund from which the original grant disbursement to the grantee was made.
- c) Grantees are required to keep proper, complete, and accurate accounting records of all grant funds received from the Department.
- d) If a grantee dispenses part or all of the grant funds to another person or entity for obligation or expenditure, those dispensed funds shall be viewed and treated as grant funds. (Section 12 of the Illinois Grant Funds Recovery Act) Thus, the person or entity that receives the grant funds from the grantee will be subject to all applicable Sections of this Part.
- e) Each award by grant of State funds of \$250,000 or more for capital construction costs or professional services is conditioned upon the recipient's written certification that the recipient will comply with the business enterprise program practices for minority-owned businesses, female-owned businesses, and businesses owned by persons with disabilities of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and the equal employment practices of Section 2-105 of the Illinois Human Rights Act. (Section 45 of the State Finance Act)

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 596.80 Reporting Requirements

The reporting requirements of this Section are applicable to the grants referenced in Subparts B, C and D of this Part. Failure of a grantee to comply with the requirements of this Section shall result in the Department's withholding or suspending grant funds and recovering previously disbursed grant funds (see Section 596.90 and Section 4.1 of the Illinois Grant Funds Recovery Act).

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- a) Quarterly Reports. For grants that exceed \$25,000, each grantee shall submit (at a minimum) written progress reports to the Department every three months. The reports are due within 10 calendar days after the quarterly reporting period has expired (see Section 4(b)(2) of the Illinois Grant Funds Recovery Act). The report shall include the following:
- 1) Current status of the project, including the percentage of the project finished;
 - 2) Project components finished and project components yet to be finished;
 - 3) Costs incurred to date, an itemized listing of the total current project costs, and a comparison of those costs to the budget approved in the grant agreement; and
 - 4) Signature of an authorized official of the grantee, stating that this is a true and complete report of the project's status.
- b) Final Report. Grantees shall submit a final written report within 60 calendar days after the conclusion of the grant agreement. The degree to which each objective in the proposal has been met shall be fully addressed in this report. The final report shall contain the following:
- 1) A brief narrative summarizing project accomplishments;
 - 2) A description of any new activities or modifications made to the project as presented in the original grant application, including the causes for change. The description shall include a narrative on the implementation timetable and expected outcomes;
 - 3) A description of problems that developed and how they were addressed;
 - 4) A list of all project costs and sources of funds for the grant; and
 - 5) A certification in the form of a notarized statement, signed by an authorized representative of the grantee, attesting that:
 - A) All funds attributed to the grant have been expended;

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- B) The costs reported are the final costs required to complete the project and there are no additional or associated costs; and
 - C) Funds used for the project were approved by the Department.
- c) A grantee's failure to comply with the requirements of this Section will be considered a material breach of the performance required by the grant agreement and shall be the basis to initiate proceedings to recover all grant funds disbursed to the grantee.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 596.90 Grant Funds Recovery

- a) If a grantee fails to comply with this Part or the terms of the grant agreement, the Department, after notice and opportunity for hearing, shall suspend or revoke the grant or recover any grant funds previously disbursed to the grantee.
- b) If the Department believes that a grant should be suspended, revoked or recovered because of a grantee's failure to comply with this Part or the terms of the grant agreement, the grantee shall have the *opportunity for at least one informal hearing* before the Department or the Department's designee *to determine the facts and issues and to resolve any conflicts as amicably as possible before any formal recovery action is taken.* (Section 7 of the Illinois Grant Funds Recovery Act)
- c) If, based on the outcome of the informal hearing, the Department believes that a grant should be suspended, revoked or recovered because of a grantee's failure to comply with this Part or the terms of the grant agreement, written notice of the proposed action shall be given to the grantee identifying the action to be taken and specific facts that permit the action. The grantee shall have 35 calendar days after the receipt of the notice to request a formal hearing (see 77 Ill. Adm. Code 100) to show why recovery is not justified or proper.
- d) If a grantee requests a hearing pursuant to subsection (c), the Department shall hold a hearing at which the grantee or the grantee's attorney is permitted to present evidence and witnesses to show why the action should not be taken.

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- e) After the conclusion of the hearing, the Department shall issue a written final order setting forth its findings of fact and decision. A copy of the order shall be sent to the grantee.
- f) The Department may suspend payment of grants at any time for failure to comply with Section 596.80 or any situation that constitutes a threat to the public health, safety, or welfare. Notice of opportunity for hearing will be provided with the Notice of Suspension. If a grantee requests a hearing pursuant to subsection (c), the Department may not take any action of recovery until at least 35 calendar days after the Department has issued a final recovery order pursuant to subsection (e). If a grantee does not request a hearing, the Department may proceed with recovery of the grant funds identified in the notice at any time after the expiration of the 35-calendar-day request period established in subsection (c).
- g) Any notice or mailing required or permitted by this Part shall be deemed received five business days after the notice or mailing is deposited in the U.S. mail, properly addressed with the grantee's current business address and with sufficient U.S. postage affixed.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 596.95 Rural/Downstate Health Access Fund

As referenced in Section 5.5 of the Act, the Rural/Downstate Health Access Fund is a special fund in the State Treasury. Moneys from gifts, grants, or donations made to the Center for Rural Health shall be deposited into the Fund.

- a) Subject to appropriation, moneys in the fund shall be used for rural health programs. Disbursements from the fund will be based on the following percentages:
 - 1) 60.2% shall be distributed to the Department of Public Health;
 - 2) 26.3% shall be distributed to the Board of Trustees of Southern Illinois University; and

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- 3) 13.5% shall be distributed to the Board of Trustees of the University of Illinois.
- b) The Department's Center for Rural Health shall administer the Fund. (Section 5.5 of the Act)

(Source: Added at 35 Ill. Reg. _____, effective _____)

SUBPART B: GRANTS TO DEVELOP COMMUNITY-BASED
PRIMARY CARE CENTERS

Section 596.120 Project Requirements

- a) Projects ~~to be~~ funded through this ~~Subpart~~Part shall respond to requests for proposals distributed by the Department and ~~delineating~~delineate project expectations.
- b) Requests for proposals prepared by the Department shall address one or more of the following goals:
- 1) ~~Use of~~ innovative methods ~~that~~which expand the ability of existing health and social service providers located in or near the service area to meet the overall primary care needs within a project's service area;
 - 2) ~~Increase~~increase the numbers or types of primary health care providers within a designated shortage area;
 - 3) ~~Increase~~increase the level of collaborative working arrangements among a variety of health and social service providers in a project service area;
 - 4) ~~address public health priorities set forth in the March 1993 draft report Statewide Health Needs Assessment: Towards a Healthy Illinois 2000;~~
 - 45) ~~Target~~target those rural areas (identified by ~~either the federal or State government~~the Center in the report (Rural Primary Health Care Needs Assessment) as having the greatest need for primary health care, ~~as determined by the HPSA score~~and public health interventions.

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- c) Projects shall have a director who is responsible for administrative and fiscal management of the project.
- d) ~~Project directors shall annually submit fiscal and program objective reports as detailed in the Department's request for proposals.~~
- de) Projects ~~that~~which establish a primary health care clinic using grant funds under this Subpart shall meet the following minimum requirements:
- 1) ~~When provide at a minimum the level of services required by the Rural Health Clinic Act, and when~~ eligible, seek certification as either a Rural Health Clinic, ~~or~~ a Federally Qualified Health Center or an FQHC Look-Alike~~look-alike~~;
 - 2) ~~Make~~make services available and accessible to all residents of the project's service area;
 - 3) ~~Ensure~~ensure that physicians with whom the clinic contracts or whom the clinic employs ~~shall~~ have staff privileges at a minimum of one hospital in or near the service area and ~~are~~shall be responsible for arranging 24 hour coverage; and
 - 4) ~~Have~~have referral arrangements with other service providers to assist clinic patients in receiving needed health and social services.
- ef) Projects shall demonstrate development of a consortium of agencies and providers, with involvement of a minimum of two separate agencies or service providers. Consortium members may include urban entities, ~~including those in the counties of Cook, Lake, Kane, McHenry, DuPage and Will.~~ Services shall be targeted to residents of rural and downstate areas, and the majority of funds shall be used and the applicant shall be located in a rural or downstate area.
- fg) Evidence of the solicitation and consideration of input and potential participation in the project by the local health department, and other health and social service providers in or near the service area, shall be included in an application. ~~This~~Such evidence may include copies of correspondence soliciting input.
- gh) Projects selected for funding ~~that~~which build on existing activities shall

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demonstrate an increase in service recipients and ~~a~~-maintenance of or an increase in the level of previously available funds used to support the project prior to receipt of funds under this Part.

- hi) Projects ~~that~~which propose to provide health care diagnostic and treatment services shall have written statements of cooperation between any other service area providers receiving state or federal grant support for related services.
- ij) Projects ~~that~~which propose to provide health care diagnostic and treatment services shall submit as part of the application a projected budget estimating entire project costs and all revenue sources.
- jk) Projects shall document that local funds (~~i.e., non-State~~non-state, non-federal) equivalent to 5025 percent of the annual project cost will be available and used.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 596.130 Application for Grants (Repealed)

- ~~a) Applications shall be prepared and available from the Department for eligible applicants.~~
- ~~b) Applications submitted to the Department shall describe the applicants' proposed methods to achieve the goal(s) specified in the Department's request for proposals.~~
- ~~c) Application formats shall include, but not be limited to:
 - ~~1) Summary statement of the applicant's plan of action to address the goal(s) described in the Department's request for proposals;~~
 - ~~2) A description of the geographic area or special population group to be served by the applicant's project, a statement of the special needs of the area or groups, and a thorough explanation of the manner in which the proposed project would meet those needs;~~
 - ~~3) A statement of the measurable and relevant objectives the applicant proposes to achieve in the grant year as well as its longer term goals;~~~~

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- 4) ~~A work plan and timetable for achievement of the objectives;~~
 - 5) ~~An evaluation plan which will allow documentation of the project's progress in meeting the particular needs of the area or group described in subsection (c)(2) of this Section.~~
 - 6) ~~A detailed budget with narrative description of the request; and~~
 - 7) ~~A plan and timetable for development of the project's self sufficiency.~~
- d) ~~Applications for projects that will develop or enhance a health care diagnostic and treatment clinic shall include the following in addition to the above subsection (c)(1) through (7) of this Section:~~
- 1) ~~staffing plan for the clinic;~~
 - 2) ~~referral arrangements for services not available at the clinic;~~
 - 3) ~~plan for quality assurance and continuing professional education for clinic staff;~~
 - 4) ~~plan for after hours coverage.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

Section 596.140 Selection Criteria (Repealed)

- a) ~~Priority in the selection of applicants for funding shall be given to those projects that can demonstrate the greatest impact on accessibility and availability of primary health care services for residents of designated shortage areas or for population groups with special needs. Such an impact shall be demonstrated by detailing the expected number of recipients who were previously unserved or underserved and who will now be served by the project.~~
- b) ~~Additional selection criteria which will cause an application to receive priority consideration include:~~

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- 1) ~~projects which are closest to operational status at time of application;~~
 - 2) ~~projects which have the broadest range of health and social service providers and other types of community organizations actively participating in the organization and on-going policy decisions;~~
 - 3) ~~projects which have the broadest base of financial support and can become self-supporting when grant funds end;~~
 - 4) ~~projects which propose the greatest expenditure of grant dollars in rural areas when a consortium includes urban providers.~~
- e) ~~Of the applications that propose to provide diagnostic and treatment services priority consideration will be given to those that have the following characteristics:~~
- 1) ~~those that are eligible for any cost-based reimbursement programs available now (Rural Health Clinic and Federally Qualified Health Center programs) or any that develop in the future;~~
 - 2) ~~those that plan to serve as sites for educational experiences for a variety of health and social service profession students.~~
- d) ~~For those projects not developing clinic sites or the direct provision of health care diagnostic and treatment services, priority consideration will be given to those which can be self-sustaining at least by the end of four calendar years of funding.~~
- e) ~~For those projects which develop clinic sites or directly provide health care diagnostic and treatment services, priority consideration will be given to those which can be self-sustaining at least by the end of six calendar years of funding.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

SUBPART C: GRANTS TO HOSPITALS LOCATED IN MEDICALLY UNDERSERVED
AREAS OR HEALTH PROFESSIONAL SHORTAGE AREAS

Section 596.220 Project Requirements

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- a) Projects ~~to be~~ funded through this Subpart shall respond to requests for proposals distributed by the Department and delineating project expectations.
- b) Requests for proposals prepared by the Department shall address one or more of the following goals:
- 1) Adapting to changes in service needs and expectations in the hospital's service areas;
 - 2) Collaborating with other providers to efficiently and effectively provide services;
 - 3) Improving access to primary health care or emergency services;
 - 4) Using interactive telecommunications technologies.
- c) Projects shall have a director who is responsible for administrative and fiscal management of the project.
- ~~d) Project directors shall annually submit fiscal and program objective reports as detailed in the Department's request for proposals.~~
- ~~de) Projects ~~that~~which establish a clinic using grant funds shall provide, at a minimum, the level of services required by the Rural Health Clinic Act and, when eligible, shall seek certification as either a Rural Health Clinic or a Federally Qualified Health Center or ~~FQHC Look-Alike~~look-alike.~~
- ~~ef) Projects shall develop a consortium of agencies and providers, with involvement of a minimum of two additional agencies or service providers, local businesses, institutions, service organizations, and other health and social service providers. Consortium members may include urban entities, but services shall be targeted to residents of rural and downstate areas. The majority of funds shall be used in and the applicant shall be located in a rural ~~or~~ downstate area.~~
- ~~fg) Projects selected for funding ~~that~~which build on existing activities shall demonstrate an increase in service recipients and maintenance or increase in the level of previously available funds used to support the project prior to receipt of funds under this Part.~~

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- g) Projects ~~that which~~ propose to provide health care diagnostic and treatment services shall have written statements of cooperation with any other service area providers receiving State or federal grant support for related services.
- h) Projects ~~that which~~ propose to provide health care diagnostic and treatment services shall submit as part of the application a cost report documenting entire project costs and all revenue sources and amounts.
- i) Projects shall document that local funds, cash or in-kind services, equivalent to 50 percent of the annual project cost, will be available and used to support the operations of the project.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 596.230 Application for Grants (Repealed)

- a) ~~Applications shall be prepared and distributed by the Department to eligible applicants.~~
- b) ~~Applications submitted to the Department shall describe the applicants' proposed methods to achieve the goal(s) specified in the Department's request for proposals.~~
- e) ~~Application formats shall include, but not be limited to:~~
 - 1) ~~Summary statement of the applicant's plan of action to address the goal(s) described in the Department's request for proposals;~~
 - 2) ~~A thorough description of the need for the proposed project and the expected impact of the project on the hospital and the community served by the hospital;~~
 - 3) ~~A statement of the measurable and relevant objectives the applicant proposes to achieve in the grant year as well as its longer term goals;~~
 - 4) ~~A work plan and timetable for achievement of the objectives;~~

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- 5) ~~An evaluation plan which will allow documentation of the project's progress in meeting the particular needs described in subsection (c)(2) of this Section.~~
- 6) ~~A detailed budget with narrative description of the requested amounts; and~~
- 7) ~~A plan and timetable for development of the project's self-sufficiency.~~
- d) ~~Applications for projects that will develop or enhance a health care diagnostic and treatment clinic shall include, in addition to subsection (c) of this Section, the following:~~
 - 1) ~~Staffing plan for the clinic;~~
 - 2) ~~Referral arrangements for services not available at the clinic;~~
 - 3) ~~Plan for quality assurance and continuing professional education for clinic staff;~~
 - 4) ~~Plan for after-hours coverage.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

Section 596.240 Selection Criteria (Repealed)

- a) ~~Priority in the selection of applicants for funding shall be given to those projects that can demonstrate the greatest impact on accessibility and availability of primary health care services for residents of the service area or the greatest impact on the fiscal strength of the hospital. Such an impact shall be demonstrated by detailing the expected number of service area residents who were previously unserved or underserved and who will now be served by the project or by demonstrating an improvement in financial status of the hospital.~~
- b) ~~Additional selection criteria which will cause an application to receive priority consideration include:~~
 - 1) ~~Projects which are closest to operational status or are already functioning at time of application;~~

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- 2) ~~Projects which have the broadest range of health and social service providers and other types of community and business organizations actively participating in the organization and on-going policy decision;~~
- 3) ~~Projects which develop the highest level of financial support and can become self-supporting when grant funds end.~~
- e) ~~Of the applications that propose to provide health care diagnostic and treatment services, priority consideration will be given to those that have the following characteristics:~~
 - 1) ~~Eligible for any cost-based reimbursement programs available (Rural Health Clinic and Federally Qualified Health Center programs) or any that develop in the future;~~
 - 2) ~~Intent to serve as sites for educational experiences for students in a variety of health and social service professions.~~
- d) ~~For those projects not developing clinic sites or directly providing health care diagnostic and treatment services, priority consideration will be given to those which can be self-sustaining at least by the end of six calendar years of funding.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

SUBPART D: GRANTS TO SUPPORT EXPANSION OF
COMMUNITY HEALTH CENTERS' PROGRAMS

Section 596.300 Eligibility for Grants

The following entities are eligible to apply for grants through this SubpartPart:

- a) Health centers funded through sectionsSections 329, 330 or 340 of the federal Public Health Service Act;
- b) Federally qualified health centers, including FQHC Look-Alikeslook-alikes, as designated by the federal Public Health Service or by the Department; and

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- c) Not-for-profit organizations with an advisory board meeting the FQHC requirements and having the goal to become an FQHC or ~~FQHC Look-Alike~~ ~~look-alike~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 596.320 Project Requirements

- a) Projects ~~to be~~ funded through this ~~Subpart~~ ~~Part~~ shall respond to requests for proposals distributed by the Department and delineating project expectations.
- b) Requests for proposals prepared by the Department shall address one or more of the following goals:
- 1) ~~Use of~~ innovative methods ~~that which~~ expand the ability of existing health and social service providers located in or near the service area to meet the overall primary care needs within a project's targeted area;
 - 2) ~~Increase~~ ~~increase~~ the numbers or types of primary health care providers within a designated shortage area;
 - 3) ~~Increase~~ ~~increase~~ the level of collaborative working ~~arrangements~~ ~~arrangement~~ among a variety of health and social service providers in a project's service area;
 - 4) ~~Target~~ ~~target~~ those rural areas identified by the Department as having the greatest need for primary health care and public health interventions.
- c) Projects funded through this Part *shall avoid duplicating resources in areas where primary health care services are already available* (Section 4.1 of the Act) and are meeting health care demands.
- d) Projects shall identify a project director who shall be responsible for administrative and fiscal management of the project.
- e) ~~Project directors shall annually submit fiscal and program objective reports as detailed in the Department's request for proposals.~~

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- ef) Projects ~~that~~~~which~~ establish a primary health care clinic using grant funds under this Subpart shall meet the following minimum requirements:
- 1) ~~Seek~~~~seek~~ designation as a Federally Qualified Health Center or FQHC ~~Look-Alike~~~~look-alike~~;
 - 2) ~~Make~~~~make~~ services available and accessible to all residents of the project's service area;
 - 3) ~~Ensure~~~~ensure~~ that physicians with whom the clinic contracts or whom the clinic employs ~~shall~~ have staff privileges at a minimum of one hospital in or near the service area and ~~are~~~~shall be~~ responsible for arranging 24-hour coverage; and
 - 4) ~~Have~~~~have~~ referral arrangements with other service providers, including such as the local health departments, local mental health agencies, dentists, senior services agencies, pharmacies, and, where available, transportation providers to assist clinic patients in receiving needed health and social services.
- fg) Evidence of the solicitation and consideration of input and potential participation in the project by the local health department and other health and social service providers in the service area shall be included in an application. ~~This~~~~Such~~ evidence may include copies of correspondence soliciting input.
- gh) Projects selected for funding ~~that~~~~which~~ build on existing activities shall demonstrate an increase in service recipients and, at a minimum, the maintenance of or an increase in the level of previously available funds used to support the project prior to receipt of funds under this Part.
- hi) Projects ~~that~~~~which~~ propose to provide health care diagnostic and treatment services shall submit as part of the application a projected budget estimating entire project costs and all revenue sources.
- ij) Projects developed under the auspices of a Public Health Service Act, ~~section~~~~Section~~ 329, 330, or 340, funded entity, ~~or a Federally Qualified Health Center an FQHC~~ ~~Look-Alike~~~~look-alike~~, ~~that~~~~which~~ are outside their service areas, and ~~that~~~~which~~ develop a primary health care clinic, shall develop a board of

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directors representative of the new service area.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 596.330 Application for Grants (Repealed)

- a) ~~Applications shall be prepared and distributed by the Department to eligible clients.~~
- b) ~~Applications submitted to the Department shall describe the applicants' proposed methods to achieve the goals specified in the Department's request for proposals.~~
- e) ~~Application formats shall include, but not be limited to:~~
 - 1) ~~a summary statement of the applicant's plan of action to address the goal(s) described in the Department's request for proposals;~~
 - 2) ~~a description of the geographic area or special population group to be served by the applicant's project, a statement of the special needs of the area or group, and a thorough explanation of the manner in which the proposed project would meet those needs;~~
 - 3) ~~a statement of the measurable and relevant objectives the applicant proposes to achieve in the grant year, as well as the applicant's longer term goals;~~
 - 4) ~~a work plan and timetable for achievement of the objectives;~~
 - 5) ~~an evaluation plan which will allow documentation of the project's progress in meeting the particular needs of the area or group described in subsection (c)(2) of this Section;~~
 - 6) ~~a detailed budget with a narrative description of the request;~~
 - 7) ~~a plan and timetable for development of the project's self-sufficiency; and~~

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- ~~8) evidence of service area support for the project, such as letters of organizational support, local funding, and local participation in the original needs assessment.~~
- ~~d) Applications for projects that will develop or enhance a primary health care diagnostic and treatment clinic shall include, in addition to the requirements of subsection (c) of this Section, the following:
 - ~~1) a staffing plan for the clinic;~~
 - ~~2) referral arrangements for services not available at the clinic;~~
 - ~~3) a plan for quality assurance and continuing professional education for clinic staff;~~
 - ~~4) a plan for after hours coverage.~~~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

Section 596.340 Selection Criteria (Repealed)

- ~~a) Priority in the selection of applicants for funding shall be given to those projects that can demonstrate the greatest impact on accessibility and availability of primary health care services for residents of designated shortage areas or for population groups with special needs. Such an impact shall be demonstrated by detailing the expected number of recipients who were previously unserved or underserved and who will now be served by the project.~~
- ~~b) Priority consideration will be given to applications received from health centers funded through Sections 329, 330 and 340 of the Public Health Service Act or from FQHC look-alikes.~~
- ~~e) Priority consideration will be given to projects which will be developed outside the existing service area of the applicant.~~
- ~~d) Additional selection criteria which will cause an application to receive priority consideration include:~~

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- 1) ~~projects that are closest to operational status at time of application;~~
 - 2) ~~projects that have the broadest range of health and social service providers and other types of community organizations actively participating in the organization and on-going policy decisions;~~
 - 3) ~~projects that have the broadest base of financial support and can become self-supporting when grant funds end.~~
- e) ~~Of the applications that describe projects which will provide primary health care diagnostic and treatment services, priority consideration will be given to those that have the following characteristics:~~
- 1) ~~projects which are eligible for any cost-based reimbursement program currently available (Rural Health Clinic and Federally Qualified Health Center programs) or any such programs that develop in the future; and~~
 - 2) ~~projects which will serve as a site for educational experiences for a variety of health and social service professions students.~~
- f) ~~For those projects not developing clinic sites or directly providing primary health care diagnostic and treatment services, priority consideration will be given to those projects that can be self-sustaining at least by the end of four calendar years of funding.~~
- g) ~~For those projects developing clinic sites or directly providing primary health care diagnostic and treatment services, priority consideration will be given to those projects that can be self-sustaining at least by the end of six calendar years of funding.~~
- h) ~~When the number of applications is sufficient to support a geographical separation of applicants, efforts will be made to distribute new awards among all geographical regions represented by applicants as follows:~~
- 1) ~~metropolitan Chicago, including the counties of Cook, Kane, Lake, McHenry, DuPage, and Will;~~
 - 2) ~~downstate urban; and~~

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3) ~~rural.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Community Health Center Expansion
- 2) Code Citation: 77 Ill. Adm. Code 975
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
975.100	Amend
975.105	New
975.110	Amend
975.210	Amend
975.220	Amend
975.221	New
975.222	New
975.223	New
975.250	Amend
975.251	New
975.252	New
975.260	Amend
- 4) Statutory Authority: Community Health Center Expansion Act [410 ILCS 66]
- 5) A Complete Description of the Subjects and Issues Involved: Part 975 will be amended to add definitions for several terms. New Sections are proposed to describe application standards and to integrate requirements from the Grant Funds Recovery Act. Enhanced reporting requirements are also proposed for Section 975.260. In addition, the requirements of Public Act 96-1064 will be incorporated into this Part. Specifically, grantees (whose grants equal or exceed \$250,000 for capital construction costs or professional services) are now required to provide certifications that the grantee will comply with the Business Enterprise Program Practices for minority-owned businesses, female-owned businesses and business owned by persons with disabilities as stipulated in the Business Enterprise for Minorities, Females and Persons with Disabilities Act. Further, grantees will also need to certify that they will comply with Section 2-105 of the Illinois Human Rights Act regarding equal employment opportunities and affirmative action policies. Finally, existing requirements for notification, application filing and legal notice are being expanded and placed in separate Sections.

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

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The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 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 create or expand a State Mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

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

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

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Community health centers
 - B) Reporting, bookkeeping or other procedures required for compliance: Requirements for grant applications, progress reports and project completion are set forth in the rules.

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- C) Types of professional skills necessary for compliance: Skills necessary to complete the grant application and monitor compliance with the requirements of this Part (e.g., accounting).

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

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICESPART 975
COMMUNITY HEALTH CENTER EXPANSION

SUBPART A: GENERAL PROVISIONS

Section	
975.100	Definitions
975.105	Administrative Hearings
975.110	Incorporated and Referenced Materials

SUBPART B: GRANTS TO EXPAND
FEDERALLY QUALIFIED HEALTH CENTER PROGRAMS

Section	
975.200	Grants
975.210	Sustainability Funding
975.220	Eligibility for Grant
975.221	Notification
975.222	Legal Notice
975.223	Grant Application
975.230	Program Requirements
975.240	Use of Grant Moneys
975.250	Application Evaluation Process
975.251	Grant Awards, Terms and Conditions
975.252	Grant Funds Recovery
975.260	Reporting
975.270	Public Comment

AUTHORITY: Implementing and authorized by the Community Health Center Expansion Act [410 ILCS 66].

SOURCE: Adopted at 33 Ill. Reg. 14152, effective September 25, 2009; amended at 35 Ill. Reg. _____, effective _____.

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SUBPART A: GENERAL PROVISIONS

Section 975.100 Definitions

"Act" means the Community Health Center Expansion Act [410 ILCS 66].

"Acquire a new physical location" means acquisition through leasing arrangements or construction of existing or new space *for the purpose of delivering primary health care services*. The purchase of land is excluded. (Section 20(2) of the Act)

"Administrative cost" means costs to control and direct an organization but not directly identifiable with financing or operations. These costs relate to the entire organization as opposed to specific departments or units.

"Administrative law judge" shall have the meaning ascribed in the Department's Practice and Procedure in Administrative Hearings.

"Authorized representative" means a person who has authority to act on behalf of the legal entity or person that is an applicant or grantee. Authorized representatives are: for a corporation, any of its officers or members of its board of directors; for a limited liability company, any of its managers or members; for a partnership, any of its general partners; and for a sole proprietor, the individual who is the sole proprietor.

"Benefits" means compensation that is in addition to direct wages or salary, including paid time off, pension, social security and insurance.

"Business day" means Monday through Friday. It does not include a federal or State government declared holiday, Saturday or Sunday.

"Calendar day" means all days in a month or prescribed time frame. It includes weekends and federal or State government declared holidays.

"Center" means the Center for Rural Health of the Illinois Department of Public Health.

"Certified mail" means mail for which proof of delivery is obtained.

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"Community health center" or "CHC" means a migrant health center or community health center or health care program for the homeless or for residents of public housing supported under section 330 of the federal Public Health Service Act, and Federally Qualified Health Centers, including FQHC Look-Alikes, as designated by the Secretary of the United States Department of Health and Human Services, that operate at least one federally designated primary health care delivery site in the State of Illinois.

"Community health center site" means a new physical site where a community health center will provide primary health care services either to a medically underserved population or area or to the uninsured population of this State. (Section 5 of the Act)

"Community provider" means a Federally Qualified Health Center or FQHC Look-Alike (community health center or health center), designated as such by the Secretary of the United States Department of Health and Human Services, that operates at least one federally designated primary health care delivery site in the State of Illinois. (Section 5 of the Act)

"Construction costs" or "modernization costs" means expenses from a construction contract.

"Data Universal Numbering System" or "DUNS" is a system that assigns a unique numeric identifier, referred to as a DUNS number, to a single business entity.

"Department" means the Illinois Department of Public Health. (Section 5 of the Act)

"Director" means the Director of the Illinois Department of Public Health.

"Due diligence" means action taken toward the completion of a project with the diligence and foresight that persons of ordinary prudence and care would exercise under similar circumstances.

"Eligible applicant" means a Federally Qualified Health Center or an FQHC Look-Alike.

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"Equipment cost" means the cost of movable equipment, including movable medical equipment, and the cost of making this equipment operational (e.g., installation costs).

"Federal Employer Identification Number" or "FEIN" means a unique nine-digit number assigned by the Internal Revenue Service to business entities operating in the United States.

"Federally Qualified Health Center" or "FQHC" means a health center funded under section 330 of the Public Health Service Act (42 USC 254b).

"Fiscal year" means the financial operating year of Illinois State government. It begins on July 1 and ends on June 30 of the next calendar year.

"FQHC Look-Alike" means an organization that meets the requirements for receiving a grant under section 330 of the Public Health Service Act, but does not receive federal grants under that authority.

"Funding period" means the time frame during which grant funds are to be expended by a grantee (usually corresponding with the Department's fiscal year).

"Grant" refers to funds awarded to a Community Health Center under the Act *for the purpose of establishing new community health center sites to provide primary health care services to medically underserved populations or areas or provide primary health care services to the uninsured* (Section 10(a) of the Act) or to provide *sustaining funds to grantees that have met the initial proposed project objectives and can demonstrate continued financial need.* (Section 10.5 of the Act).

"Grantor agency" means any agency of State government which dispenses grant funds. (Section 2(a) of the Illinois Grant Funds Recovery Act)

"Grant agreement" means the agreement entered into between the Department and any person or entity for obligation, capital expenditure or use for a specific purpose.

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"Grantee" means a person or entity which may use grant funds. (Section 2(c) of the Illinois Grant Funds Recovery Act) refers to a community health center that is the recipient of an expansion grant or sustainability grant award.

"Grant funds" means public funds dispensed by the Department to any person or entity for obligation, expenditure or use for a specific purpose. (Section 2(b) of the Illinois Grant Funds Recovery Act)

"Historic resource" shall have the meaning ascribed in Section 3(c) of the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].

"Initial proposed project objectives" refers to objectives included in the application that was approved and funded under a Community Health Center Expansion Act ~~grant~~Grant.

"Legal holiday" means a holiday set by statute, during which government and business working hours are suspended.

"Local health department" means a county, multi-county, municipal or district public health agency certified by the Department.

"Medically underserved area" or "MUA" means an urban or rural area designated by the Secretary of the United States Department of Health and Human Services as an area with a shortage of personal health services. (Section 5 of the Act)

"Medically underserved population" or "MUP" means the population of an urban or rural area designated by the Secretary of the United States Department of Health and Human Services as an area with a shortage of personal health services or a population group designated by the Secretary as having a shortage of those services. (Section 5 of the Act)

"Metropolitan statistical area" or "MSA" means one or more adjacent counties that have at least one urban core area of at least 50,000 in population, plus adjacent territory that has a high degree of social and economic integration with the core as measured by commuting ties.

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"Newspaper of general circulation" means newspapers other than those intended to serve a particular defined population, including the publications of professional and trade associations (see Section 30(b) of the Act).

"Not-for-profit" means a corporation or entity described in the General Not-for-Profit Corporation Act of 1986.

"Obligation" or "Obligated" means a requirement for a grantee to make future payments from grant funds that result from financial transactions that have occurred.

"Personal services" means costs associated with wages and salaries for individuals employed by the grantee.

"Primary health care services" means the following:

Basic health services consisting of the following:

Health services related to family medicine, internal medicine, pediatrics, obstetrics, or gynecology that are furnished by physicians and, if appropriate, physician assistants, nurse practitioners, and nurse midwives.

Diagnostic laboratory and radiologic services.

Preventive health services, including the following:

Prenatal and perinatal services.

Screenings for breast, ovarian, and cervical cancer.

Well-child services.

Immunizations against vaccine-preventable diseases.

Screenings for elevated blood lead levels, communicable diseases, and cholesterol.

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Pediatric eye, ear, and dental screenings to determine the need for vision and hearing correction and dental care.

Voluntary family planning services.

Preventive dental services.

Emergency medical services.

Pharmaceutical services as appropriate for particular health centers.

Referrals to providers of medical services and other health related services (including substance abuse and mental health services).

Patient case management services (including counseling, referral, and follow-up services) and other services designed to assist health center patients in establishing eligibility for and gaining access to federal, State, and local programs that provide or financially support the provision of medical, social, educational, or other related services.

Services that enable individuals to use the services of the health center (including outreach and transportation services and, if a substantial number of the individuals in the population are of limited English-speaking ability, the services of appropriate personnel fluent in the language spoken by a predominant number of those individuals).

Education of patients and the general population served by the health center regarding the availability and proper use of health services.

Additional health services consisting of services that are appropriate to meet the health needs of the population served by the health center involved and that may include the following:

Environmental health services, including the following:

Detection and alleviation of unhealthful conditions associated with water supply.

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Sewage treatment.

Solid waste disposal.

Detection and alleviation of rodent and parasite infestation.

Field sanitation.

Housing.

Other environmental factors related to health.

Special occupation-related health services for migratory and seasonal agricultural workers, including the following:

Screening for and control of infectious diseases, including parasitic diseases.

Injury prevention programs, which may include prevention of exposure to unsafe levels of agricultural chemicals, including pesticides. (Section 5 of the Act)

"Project completion" means that the project has been brought to a conclusion based on the objectives in the grant agreement.

"Project service area" means the geographic area to be served by the grantee.

"Proof of publication" means documentation provided by a newspaper verifying that a legal notice was published.

"Recipient" refers to a community provider that is or will become a community health center and meets the application requirements outlined in Section 975.220.

"Rural" means any geographic area not located in a U.S. Bureau of the Census Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less; or a community located within a Metropolitan Statistical Area but having a population of 2,500 or less.

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"Service area" is the geographic area composed of the Medically Underserved Area or Medically Underserved Population.

"Supplies" means general purpose consumable items that have a shorter life span than equipment and that are stocked for recurring use.

"Sustainability funding" means an additional three years of funding by the Department after the initial three-year expansion grant period. These funds *shall be in an amount up to 50% of a grantee's third-year grant funding*~~shall be in an amount up to 50% of a grantee's third-year grant funding~~ for each of three additional years. (Section 10.5 of the Act)

"Travel" means the cost incurred by a grantee's employees to travel to fulfill specific job requirements. These costs could include, but are not limited to, air travel, local transportation, per diem, mileage allowance and lodging.

"Uninsured population" means persons who do not own private health care insurance, are not part of a group insurance plan, and are not eligible for any State or federal government-sponsored health care program. (Section 5 of the Act)

"Urban" means any geographic area that does not meet the designated as a definition of "rural" area in this Section.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 975.105 Administrative Hearings

Administrative hearings conducted concerning the provisions of this Part shall be governed by the Department's Practice and Procedure in Administrative Hearings.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 975.110 Incorporated and Referenced Materials

The following materials are incorporated and referenced in this Part:

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- a) The following Illinois statutes and rules are referenced in this Part:
- 1) Community Health Center Expansion Act [410 ILCS 66]
 - 2) ~~Illinois Grant Funds Recovery Act [30 ILCS 705]~~~~Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)~~
 - 3) ~~General Not-for-Profit Corporation Act of 1986 [805 ILCS 105]~~
 - 4) ~~Business Enterprise for Minorities, Females and Persons with Disabilities Act [30 ILCS 575]~~
 - 5) ~~Illinois Human Rights Act [775 ILCS 5]~~
 - 6) ~~Illinois Administrative Procedure Act [5 ILCS 100]~~
 - 7) ~~Department of Public Health: Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)~~
 - 8) ~~Department of Natural Resources: Construction in Floodways of Rivers, Lakes and Streams (17 Ill. Adm. Code 3700)~~
 - 9) ~~State Finance Act [30 ILCS 105]~~
- b) ~~The following Illinois Executive Order is referenced in this Part:~~
- ~~Executive Order #5 (2006): Construction Activities in Special Flood Hazard Areas~~
- c)b) The following federal statute is referenced in this Part:
- Public Health Service Act (42 USC 201 et seq.)
- d)e) The following federal guidelines are incorporated in this Part:
- 1) "Defining Scope of Project and Policy for Requesting Changes" (Policy Information Notice (PIN number 2008-010), December 31, 2007, U.S. Department of Health and Human Services, Health Resources and

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Services Administration, Bureau of Primary Health Care Policy, Office of Grants Management, 4350 East West Highway, Bethesda, Maryland 20814

- 2) "Federally Qualified Health Center Look-Alike Guidelines and Application" (PIN) number 2003-21), August 26, 2003, U.S. Department of Health and Human Services, Health Resources and Services Administration, Bureau of Primary Health Care Policy, Office of Grants Management, 4350 East West Highway, Bethesda, Maryland 20814

~~e)d~~ The following federal regulation is incorporated in this Part:

Grants for Community Health Services (42 CFR 51c, October 1, 2007)

~~f)e~~ All incorporations by reference of federal regulations and guidelines refer to materials on the date specified and do not include any subsequent amendments or editions.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: GRANTS TO EXPAND
FEDERALLY QUALIFIED HEALTH CENTER PROGRAMS

Section 975.210 Sustainability Funding

- a) *Sustaining funds shall be available to grantees under Section 10 of the Act that have met the initial proposed project objectives and can demonstrate continued financial need. These funds shall be provided by the Department for a 3-year period, subject to appropriation. Funds granted each year under this Section shall be in an amount up to 50% of a grantee's third-year-grant funding under Section 975.200. (Section 10.5 of the Act)*
- b) Sustaining grant funding will be awarded to grantees meeting the following requirements:
 - 1) Be a prior recipient of a Community Health Center Expansion Act ~~grant~~Grant;

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- 2) Be able to document successful accomplishment of goals and objectives from the originally funded project; and
- 3) Be able to document the need for additional funding from the Community Health Center Expansion Act ~~Grant~~ for the continuation of the goals and objectives presented in the original application.

c) Grantees shall be limited to three years of initial funding and three years of sustainability funding. (See Sections 10(b) and 10.5 of the Act.)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 975.220 Eligibility for Grant

To be eligible for a grant under the Act and this Part, a recipient must be a community provider as defined in Section 975.100. (Section 15 of the Act)

- a) Applicants shall also meet the following requirements:
 - 1) Be an FQHC or FQHC Look-Alike as defined in Section 975.100;
 - 2) Serve, in whole or in part, a designated MUA or MUP as defined in Section 975.100;
 - 3) Meet requirements for FQHC grantees and FQHC Look-Alikes under section 330 of the Public Health Service Act; and
 - 4) Offer primary health care services as defined in Section 975.100.
- b) Applicants may not apply for funding that would allow a community health center site to receive two or more Community Health Center Expansion Act grants at the same time.
- e) Letter of intent
The applicant shall send a letter of intent (LOI) and an application to apply for grant funds to the Department that include the following:
 - 1) The proposed grant project description, location and applicant.

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- ~~2) The proposed users of the primary health care services and project service area, including identification of any MUA or MUP designations.~~
 - ~~3) Issues creating a high need for primary health care services, including any significant or unique barriers to care.~~
 - ~~4) Other providers of care in the project service area, including any other FQHCs under section 330 of the Public Health Service Act.~~
 - ~~5) All primary health care services to be provided, including mental health, substance abuse, and oral health care services, as well as the mechanism for providing each service (e.g., direct service, referral).~~
 - ~~6) Project stage of development and the ability of the applicant to meet the requirements of this Part for program compliance.~~
 - ~~7) The readiness to receive funding, including the ability of the facility and providers at the new access point or expanded facility to be operational within 120 days after the warrant for payment of the grant award is issued by the Office of the Comptroller.~~
- d) **Application**
The application format shall include, but not be limited to:
- ~~1) A summary of the applicant's plan of action to address the goals of either:
 - ~~A) Establishing a new community health center (CHC) site to provide primary health care services to medically underserved populations or areas or to provide primary health care services to the uninsured population of Illinois; or~~
 - ~~B) Expanding the services of an existing CHC site to provide primary health care services to medically underserved populations or areas or primary health care services to the uninsured population of Illinois. (Section 10(a) of the Act)~~~~
 - ~~2) A project narrative that shall include the following information:~~

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- A) ~~Proposed service area and applicant description;~~
 - B) ~~Statement of need for the project;~~
 - C) ~~Project objectives;~~
 - D) ~~Plan of operation;~~
 - E) ~~Project evaluation; and~~
 - F) ~~Budget.~~
- e) ~~Notification process~~
~~As soon as the decision to apply is made, the prospective applicant shall send a copy of the "Notification of Application for State Funding of Community Health Center Expansion" to each of the following entities in the geographic area of the FQHC for their input. The application packet submitted to the Department shall include a copy of the completed notification form, as well as the names and addresses of individuals to whom the forms were sent, the organizations that the individuals represent, and the date of the notification.~~
- 1) ~~Local health department administrator;~~
 - 2) ~~Local hospital administrators;~~
 - 3) ~~Illinois State Medical Society;~~
 - 4) ~~Illinois Primary Health Care Association;~~
 - 5) ~~Other FQHCs and FQHC Look-Alikes in the service area;~~
 - 6) ~~Illinois State Dental Society;~~
 - 7) ~~Illinois Public Health Association; and~~
 - 8) ~~At least one newspaper of general circulation in the geographic area of the FQHC.~~

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 975.221 Notification

- a) Prior to submitting a grant application, an applicant shall submit a "Notification of Application for State Funding of Community Health Center Expansion" to the Department. Copies of the notification form are available from the Department.
- 1) The notification shall be submitted to the Department with enough time so that it can be reviewed and deemed complete at least 45 calendar days prior to the submission of a grant application.
 - 2) The notification shall contain the following information:
 - A) The legal name of the applicant;
 - B) The applicant's mailing address;
 - C) The site of the proposed project, including its legal address;
 - D) A description of the project, including its estimated cost;
 - E) A description of the project's service area, including the boundaries of the service area and the target population to be served;
 - F) Identification of any MUA or MUP designations in the project's service area;
 - G) The users of the primary health care services proposed in the project;
 - H) A description of the issues creating a high need for primary health care services, including any significant or unique barriers to care;
 - I) A list of other providers of care in the project service area, including FQHCs, FQHC Look-Alikes, local health departments

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and hospitals. This list shall include the name of the facility and its address and phone number;

J) A list of all primary health care services to be provided, including mental health, substance abuse, and oral health care services, as well as the mechanism for providing each service (e.g., direct service, referral);

K) The project's stage of development and the ability of the applicant to meet the requirements of this Part for program compliance; and

L) The readiness to receive funding, including the ability of the facility and providers at the new access point or expanded facility to be operational within 120 calendar days after the warrant for payment of the grant award is issued by the Illinois Office of the Comptroller.

b) In addition to providing notice to the Department, the applicant shall also provide the notification to entities referenced in this subsection. The notification shall be sent to the entities at least 45 calendar days prior to submitting a grant application to the Department.

1) The applicant shall send (via certified mail) the notification to the following entities in the project service area for their input. When the notification is received, the contacted entities may submit responses to both the applicant and the Department.

A) Local health department administrators;

B) Local hospital administrators; and

C) Other FQHCs and FQHC Look-Alikes.

2) The applicant shall also send (via certified mail) the notification to the following entities for their input. When the notification is received, the contacted entities may submit responses to both the applicant and the Department.

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- A) Illinois State Medical Society;
 - B) Illinois Primary Health Care Association;
 - C) Illinois State Dental Society;
 - D) Illinois Academy of Family Physicians; and
 - E) Illinois Public Health Association.
- 3) The application packet submitted to the Department shall include a copy of the completed notification form and documentation that the notification was sent by certified mail, as well as the names and addresses of individuals to whom the notification was sent, the organizations that the individuals represent, and the date of the notification.
- c) The Department will review the notification to ensure that all required elements in subsections (a) and (b) are included. If all required elements are not included, the Department will contact the applicant and request a revised notification. The revised notification shall be sent to both the Department and the entities listed in subsection (b). Once the Department receives the revised notification and determines that all required elements are included, the 45 calendar day period (see subsection (a)(1)) will commence.
- d) A notification is valid for 90 calendar days after receipt by the Department, provided that it meets the requirements of subsections (a) through (c).
- e) The Department will not review a grant application until the notification requirements of this Section are fulfilled.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 975.222 Legal Notice

Notification of a 30-day general public comment period shall be given to the community into which a grant applicant proposes to expand by publication in at least one newspaper of general circulation in that community. (Section 30(b) of the Act)

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- a) Forty-five calendar days prior to submitting an application, the applicant shall publish a legal notice that provides an opportunity for written comments from the public. The notice shall be published in a newspaper of general circulation in the community where the project is proposed (see definition of newspaper of general circulation in Section 975.100). If the proposed project will be located in a community that does not have a newspaper of general circulation, the notice shall be published in another community in a newspaper of general circulation that covers news and events that occur in the community where the project is proposed.
- b) The applicant shall provide the Department with copies of the legal notice and the newspaper's proof of publication at least 30 calendar days prior to submitting the application.
- c) The legal notice shall contain the following:
- 1) Identification of the proposed project, including the name of the applicant, the address of the proposed project, a brief description of the project and the project's estimated cost;
 - 2) Information regarding where the public may view a copy of the application and how copies of the application may be obtained;
 - 3) A statement that any person has the right to submit written comments on the proposed project;
 - 4) Instructions that written comments shall be submitted to the:

Illinois Department of Public Health
Center for Rural Health
535 West Jefferson Street, Ground Floor
Springfield, Illinois 62761-0001
217-782-2547 (fax)
e-mail: DPH.CRH@illinois.gov
 - 5) The date (which shall be 20 calendar days from the date of publication of the notice) by which the Department shall receive written comments;

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- 6) Written comments shall contain the name and address of the person submitting the comments; and
- 7) Written comments shall be on paper and not exceed 8½" by 11".
- d) If the Department determines that the notice does not fulfill the requirements of subsection (c), the Department will contact the applicant and require that a new notice be published. The revised notice shall meet the information requirements of subsection (c) and the time frame requirements of subsections (a) and (b). The Department will not evaluate an application (see Section 975.200) until a legal notice that meets the requirements of this Section is published.
- e) If the applicant submits a grant application without first submitting the required legal notice and proof of publication, the grant application will be deemed incomplete (see Section 975.223(c)(2)).
- f) The Department shall not begin the application evaluation process (per Section 975.250) until the public comment time frame is concluded.
- g) The Department shall consider the contents of written comments only as part of the overall grant review process. (Section 30(c) of the Act)
- h) Notice to all persons shall be deemed to have been provided by publication of the notice in a newspaper of general circulation.
- i) At the conclusion of the 30-day comment period, the Department shall no longer accept written comments. (Section 30(b) of the Act) Comments received after this time frame will be returned to the individual who submitted the comments.
- j) The Department will include written comments addressed and submitted as described in this Section as part of the application, provided that the comments were received within the prescribed time frame and in accordance with the requirements of this Section.
- k) Persons submitting comments are responsible for assuring that the Department receives the comments within the prescribed time frame.

(Source: Added at 35 Ill. Reg. _____, effective _____)

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Section 975.223 Grant Application

- a) Once the applicant fulfills the requirements of Sections 975.221 and 975.222, a grant application can be submitted. The application shall include the following:
- 1) The legal name of the applicant;
 - 2) The name and title of the applicant's chief officers and key managers;
 - 3) The applicant's address;
 - 4) A general description of the applicant, including its business and business experience;
 - 5) The applicant's telephone number and fax number;
 - 6) The applicant's FEIN;
 - 7) The applicant's Illinois Department of Human Rights number;
 - 8) The applicant's DUNS number;
 - 9) The project director's name and e-mail address;
 - 10) A detailed description of the project for which grant funding is requested. This will include a summary of the applicant's plan of action to address the goals of either:
 - A) Establishing a new CHC site to provide primary health care services to medically underserved populations or areas or to provide primary health care services to the uninsured population of Illinois; or
 - B) Expanding the services of an existing CHC site to provide primary health care services to medically underserved populations or areas or primary health care services to the uninsured population of Illinois. (Section 10(a) of the Act)

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- 11) A project narrative that includes the following:
- A) The proposed service area, including a map depicting the boundaries of the service area and the identification of other FQHCs, FQHC Look-Alikes, local health departments and hospitals within the service area;
 - B) A statement of need for the project, including a brief description of the project and its needs and expected accomplishments. The narrative shall also provide a brief description of the financial and facility resources for the project;
 - C) The project objectives, documenting the measurable objectives that the project will accomplish, including appropriate measuring metrics;
 - D) A plan of operation describing the implementation plan for the objectives and a timetable for their achievement;
 - E) A plan describing how the project will be evaluated to ascertain if the objectives have been achieved, including documenting the project's progress in meeting the particular needs of the project's service area; and
 - F) A budget listing the total dollar amount needed for the project, including the amount to be provided by the applicant and other funding sources and the amount of funding requested through the grant. The applicant shall identify all revenue sources and amounts and provide budget estimates, including expenditures for the duration of the project. The project's budget shall include the following costs (if applicable):
 - i) Personal services, including salaries and hourly compensation for officers, directors, and key employees;
 - ii) Benefits;

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- iii) Travel;
 - iv) Commodities/supplies;
 - v) Equipment;
 - vi) Facility construction/renovation;
 - vii) Contractual;
 - viii) Printing;
 - ix) Telecommunications;
 - x) Patient/client care; and
 - xi) Administrative costs.
- b) Flood Plain and Historic Preservation Requirements. For construction or modernization projects, the applicant must document:
- 1) Whether the project is or is not in a flood plain and that the location of the project complies with Executive Order #5 (2006): Construction Activities in Special Flood Hazard Areas and the requirements of the Illinois Department of Natural Resources regarding construction in floodways (Construction in Floodways of Rivers, Lakes and Streams; and
 - 2) That the Illinois Historic Preservation Agency has determined that the project does not affect historic resources. Information on preservation requirements is at: www.illinoishistory.gov/ps/index.htm.
- c) When the Department receives a grant application, the following process will occur:
- 1) The Department will determine whether the applicant is eligible to apply in accordance with the requirements of the Act and Section 975.220. If the applicant is ineligible to apply, the Department will contact the applicant in writing with the determination.

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- 2) If the applicant is eligible to apply, the Department will determine whether the application is complete. A review will determine whether all applicable criteria have been addressed and whether all required materials and documentation have been submitted. The Department will also determine whether the applicant has fulfilled the requirements of Sections 975.221 and 975.222.
- A) If the application is deemed complete, the Department will proceed with the application evaluation process (see Section 975.250).
- B) If the application is deemed incomplete, the Department will notify the applicant via certified mail. An applicant has 30 calendar days from the date of receipt of the certified letter to address the issues that the Department has identified and submit a revised application. If the applicant does not respond to the Department's determination within the prescribed time frame or if a revised application fails to address the issues identified by the Department, the application will be deemed null and void.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 975.250 Application Evaluation Process

- a) Once the Department determines that applications are complete and that the public comment period has concluded, grant proposals will be forwarded to the Department's grant review committee for consideration.
- b) Applicants shall be allowed to amend the application or provide additional supporting documentation during the evaluation process if requested by the Department's grant review committee.
- c) Upon completion of the grant review committee's evaluation, the Department will award grants to the applicants that meet all of the applicable requirements of the Act and this Part.

~~The Department will review applications for completeness and eligibility. Applications meeting all requirements will be forwarded to a review committee. Those applications that are~~

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~~determined to be ineligible or incomplete will be returned to the applicant and will not be eligible for review.~~

- ~~a) The review committee will consist of volunteers who have worked with uninsured populations or MUA or MUP and, when possible, have prior grant review experience and who represent different geographic areas in the State.~~
- ~~b) The review committee will review the grant applications. Applications are assigned a point score based on the following criteria:
 - ~~1) Documented need for the project (0-25 Points)~~
 - ~~2) Increased access to health care for service area residents (0-20 Points)~~
 - ~~3) Ability to implement the proposed plan (0-20 Points)~~
 - ~~4) Description of project expectations to be accomplished (0-20 Points)~~
 - ~~5) Realistic budget for the development of the project (0-15 Points)~~~~
- ~~c) Upon completion of the review committee's evaluation, the Department will assign bonus points to applications based on the following criteria:
 - ~~1) Applicants who have never been a grantee of the Community Health Center Expansion Grant program (0-10 points).~~
 - ~~2) Applicants who are not currently receiving grant funds under the Community Health Center Expansion Grant program (0-5 points).~~~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 975.251 Grant Awards, Terms and Conditions

To issue a grant award, the Department and grantee will enter into a grant agreement. This agreement will describe the requirements the grantee must fulfill, based on the goals and objectives in the application, and how the grantee will ensure compliance with all applicable stipulations and conditions.

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- a) The grant agreement will contain, at a minimum, the following:
- 1) Identifying information of the grantee, including name, mailing address, phone number, fax number, and e-mail address;
 - 2) A description of the grant's purpose;
 - 3) Information on how payments to the grantee will be made;
 - 4) Details on what constitutes permissible expenditure of grant funds;
 - 5) Reporting requirements applicable to the grant, including the filing of quarterly reports, at a minimum (for grants exceeding \$25,000), that describe the project's progress and a detailed report of funds expended;
 - 6) The time period of the grant; and
 - 7) Certification that the grantee will comply with all applicable provisions of the Illinois Grant Funds Recovery Act.
- b) Grant funds that the grantee does not expend or obligate by the end of the grant agreement shall be returned to the Department within 45 calendar days. (see Section 4(b)(5) of the Illinois Grant Funds Recovery Act). The 45 calendar day time frame begins the day after the grant agreement expires. Returned funds will be deposited into the fund from which the original grant disbursement to the grantee was made.
- c) Grantees are required to keep proper, complete and accurate accounting records of all grant funds received from the Department.
- d) If a grantee dispenses part or all of the grant funds to another person or entity for obligation or expenditure, those dispensed funds shall be viewed and treated as grant funds. (Section 12 of the Illinois Grant Funds Recovery Act) Thus, the person or entity that receives the grant funds from the grantee will be subject to all applicable Sections of this Part.
- e) Each award by grant of State funds of \$250,000 or more for capital construction costs or professional services is conditioned upon the recipient's written

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certification that the recipient will comply with the business enterprise program practices for minority-owned businesses, female-owned businesses, and businesses owned by persons with disabilities of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and the equal employment practices of Section 2-105 of the Illinois Human Rights Act. (Section 45 of the State Finance Act)

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 975.252 Grant Funds Recovery

- a) If a grantee fails to comply with this Part or the terms of the grant agreement, the Department, after notice and opportunity for hearing, shall suspend or revoke the grant or recover any grant funds previously disbursed to the grantee.
- b) If the Department believes that a grant should be suspended, revoked, or recovered because of a grantee's failure to comply with this Part or the terms of the grant agreement, the grantee shall have the opportunity for at least one informal hearing before the Department or the Department's designee to determine the facts and issues and to resolve any conflicts as amicably as possible before any formal recovery action is taken. (Section 7 of the Illinois Grant Funds Recovery Act)
- c) If, based on the outcome of the informal hearing, the Department believes that a grant should be suspended, revoked or recovered because of a grantee's failure to comply with this Part or the terms of the grant agreement, written notice of the proposed action shall be given to the grantee identifying the action to be taken and specific facts that permit the action. The grantee shall have 35 calendar days after the receipt of the notice to request a formal hearing (see 77 Ill. Adm. Code 100) to show why recovery is not justified or proper.
- d) If a grantee requests a hearing pursuant to subsection (c), the Department shall hold a hearing at which the grantee or the grantee's attorney is permitted to present evidence and witnesses to show why the action should not be taken.
- e) After the conclusion of the hearing, the Department shall issue a written final order setting forth its findings of fact and decision. A copy of the order shall be sent to the grantee.

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- f) The Department may suspend payment of grants at any time for failure to comply with Section 975.260 or in any situation that constitutes a threat to the public health, safety, or welfare. Notice of opportunity for hearing will be provided with the notice of suspension. If a grantee requests a hearing pursuant to subsection (c), the Department may not take any action of recovery until at least 35 calendar days after the Department has issued a final recovery order pursuant to subsection (e). If a grantee does not request a hearing, the Department may proceed with recovery of the grant funds identified in the notice at any time after the expiration of the 35 calendar day request period established in subsection (c).
- g) Any notice or mailing required or permitted by this Part shall be deemed received five business days after the notice or mailing is deposited in the U.S. mail, properly addressed with the grantee's current business address and with sufficient U.S. postage affixed.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 975.260 Reporting

The reporting requirements of this Section apply to a grantee that has either an initial or sustainability grant. Failure of a grantee to comply with the requirements of this Section shall result in the Department's withholding future grant funds to the grantee (see Section 4.1 of the Illinois Grant Funds Recovery Act).

- a) Quarterly Progress Report. For grants that exceed \$25,000, each grantee shall submit (at a minimum) written progress reports to the Department every three months. The reports are due within 10 calendar days after the quarterly reporting period has expired (see Section 4(b)(2) of the Illinois Grant Funds Recovery Act).
- b)a) Annual Report.
Within 60 days after the first and second years of a grant under the Act and this Part, the grant recipient must submit a progress report to the Department. The Department may assist each grant recipient in meeting the goals and objectives stated in the original grant proposal submitted by the recipient, and may assist the grant recipient in ensuring that grant moneys are being used for appropriate purposes, and that residents of the community are being served by the new

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community health center sites established with grant moneys. (Section 25 of the Act)

- c) Both the quarterly progress reports and annual reports shall include the following information:
- 1) Current status of the project;
 - 2) Project components finished and project components yet to be finished;
 - 3) Costs incurred to date and an itemized listing of the total current estimated project costs compared to the approved amounts; and
 - 4) Signature of an authorized official of the grantee stating that this is a true and complete report on the project's status.
- d)b) Final Report.
Grantees shall submit a final report within 60 calendar days after the conclusion of year three of the initial grant and after year three of the sustainability grant. The degree to which each objective in the grant proposal has been met shall be fully addressed in this report. The final report shall contain the following information:
- 1) A brief narrative summarizing project accomplishments;
 - 2) Data on the number of unduplicated recipients served and the number of recipients that were new users of the health center;
 - 3) A description of any new activities or modifications made to the project as presented in the original grant application, including the causes for change, implementation timetable and expected outcomes;
 - 4) A description of problems that developed and how they were addressed;
 - 5) A listing of all project costs and sources of funds for the current grant year as well as a cumulative total for the entire grant period;

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- 6) A certification, in the form of a notarized statement signed by an authorized representative of the grantee, attesting that:
- A) All funds attributed to the grant have been expended;
 - B) The costs reported are the final costs required to complete the project and there are no additional or associated costs; and
 - C) Funds used for the project were approved by the Department;
- 7) A grantee's failure to comply with the requirements of this Section will be considered a material breach of the performance required by the grant agreement and shall be the basis to initiate proceedings to recover all grant funds disbursed to the grantee.
- ~~e) Grantees receiving sustainability funding shall submit a progress report 60 days after the conclusion of each year of funding.~~
- ~~d) Grantees shall annually provide progress and fiscal reports.~~
- ~~e) Grantees shall be limited to three years of initial funding and three years of sustainability funding.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3)

<u>Section Number:</u>	<u>Emergency Action:</u>
112.150	Amendment
112.151	Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13] and P. L. 111-312
- 5) Effective date of amendments: April 6, 2011
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: These emergency amendments will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: April 6, 2011
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (PL 111-312) was signed into law on December 17, 2010. It includes a provision that exempts federal income tax refunds received after December 31, 2009 and before January 1, 2013, from consideration as income and an asset for all programs.

Families will begin to file their 2010 tax returns very shortly and will, in turn, begin to receive tax refunds soon. Low-income families that had earnings in 2010 can receive sizable refunds on the basis of refundable tax credits such as the EITC. Thus, swift implementation of this provision is important to ensure that tax refunds are properly disregarded in eligibility decisions. In addition, because the provision applies to all refunds received after December 31, 2009, individuals applying or updating their eligibility in 2011 may have received a tax refund in 2010 that now needs to be disregarded.

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Not exempting the federal income tax refunds immediately would threaten the welfare of eligible families. This rulemaking addresses the threat by exempting federal income tax refunds beginning December 31, 2009 through December 31, 2012, to help eligible families during these economic times.

- 10) A complete description of the subject and issues: Public Law 111-312 includes a provision that requires the Department to exempt federal income tax refunds received after December 31, 2009 and before January 1, 2013, from consideration as income and an asset for TANF. As a result of this rulemaking, federal income tax refunds received after December 31, 2009 and before January 1, 2013, will be considered an exempt asset for TANF.

Companion amendments are also being proposed to 89 Ill. Adm. Code 113 and 89 Ill. Adm. Code 114.

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

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
112.10	Amendment	35 Ill. Reg. 1818; February 4, 2011

- 12) Statement of statewide policy objectives: This rulemaking does not create or expand a State mandate.

- 13) Information and questions regarding these emergency amendments shall be directed to:

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

217/785-9772

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

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers
- 112.54 Assignment of Medical Support Rights
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative

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112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section

- 112.70 Employment and Work Activity Requirements
- 112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
- 112.72 Participation/Cooperation Requirements
- 112.73 Adolescent Parent Program (Repealed)
- 112.74 Responsibility and Services Plan
- 112.75 Teen Parent Personal Responsibility Plan (Repealed)
- 112.76 TANF Orientation
- 112.77 Reconciliation and Fair Hearings
- 112.78 TANF Employment and Work Activities
- 112.79 Sanctions
- 112.80 Good Cause for Failure to Comply with TANF Participation Requirements
- 112.81 Responsible Relative Eligibility for JOBS (Repealed)
- 112.82 Supportive Services
- 112.83 Teen Parent Services
- 112.84 Employment Retention and Advancement Project
- 112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section

- 112.86 Project Advance (Repealed)
- 112.87 Project Advance Experimental and Control Groups (Repealed)
- 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.90 Project Advance Sanctions (Repealed)
- 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
- 112.93 Individuals Exempt From Project Advance (Repealed)
- 112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

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Section
112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100 Unearned Income
112.101 Unearned Income of Parent
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump-Sum Payments
112.128 Protected Income (Repealed)
112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Employed Applicants
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-contractual School Employees
112.137 Termination of Employment
112.138 Transitional Payments (Repealed)
112.140 Exempt Earned Income
112.141 Earned Income Exemption
112.142 Exclusion from Earned Income Exemption
112.143 Recognized Employment Expenses
112.144 Income from Work-Study and Training Programs
112.145 Earned Income From Self-Employment
112.146 Earned Income From Roomer and Boarder
112.147 Income From Rental Property
112.148 Payments from the Illinois Department of Children and Family Services
112.149 Earned Income In-Kind

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112.150 Assets

| EMERGENCY

112.151 Exempt Assets

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112.152 Asset Disregards

112.153 Deferral of Consideration of Assets

112.154 Property Transfers (Repealed)

112.155 Income Limit

112.156 Assets for Independence Program

SUBPART H: PAYMENT AMOUNTS

Section

112.250 Grant Levels

112.251 Payment Levels

112.252 Payment Levels in Group I Counties

112.253 Payment Levels in Group II Counties

112.254 Payment Levels in Group III Counties

112.255 Limitation on Amount of TANF Assistance to Recipients from Other States
(Repealed)

SUBPART I: OTHER PROVISIONS

Section

112.300 Persons Who May Be Included in the Assistance Unit

112.301 Presumptive Eligibility

112.302 Reporting Requirements for Clients with Earnings

112.303 Budgeting

112.304 Budgeting Schedule

112.305 Strikers

112.306 Foster Care Program

112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96

112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After
8/22/96

112.309 Institutional Status

112.310 Child Care for Representative Payees

112.315 Young Parents Program (Renumbered)

112.320 Redetermination of Eligibility

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- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard
(Repealed)
112.340 New Start Payments to Individuals Released from Department of Corrections
Facilities (Repealed)

SUBPART J: CHILD CARE

Section

- 112.350 Child Care (Repealed)
112.352 Child Care Eligibility (Repealed)
112.354 Qualified Provider (Repealed)
112.356 Notification of Available Services (Repealed)
112.358 Participant Rights and Responsibilities (Repealed)
112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364 Rates of Payment for Child Care (Repealed)
112.366 Method of Providing Child Care (Repealed)
112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

- 112.400 Transitional Child Care Eligibility (Repealed)
112.404 Duration of Eligibility for Transitional Child Care (Repealed)
112.406 Loss of Eligibility for Transitional Child Care (Repealed)
112.408 Qualified Child Care Providers (Repealed)
112.410 Notification of Available Services (Repealed)
112.412 Participant Rights and Responsibilities (Repealed)
112.414 Child Care Overpayments and Recoveries (Repealed)
112.416 Fees for Service for Transitional Child Care (Repealed)
112.418 Rates of Payment for Transitional Child Care (Repealed)

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

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978;

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emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory 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; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; 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; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory 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; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory 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; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective

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October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a

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maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency

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amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999,

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for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17167, effective October 20, 2008; preemptory amendment at 32 Ill. Reg. 18051, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4977, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12763, effective September 8, 2009; amended at 33 Ill. Reg. 13831, effective September 17, 2009; amended at 33 Ill. Reg. 16828, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6930, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 10085, effective July 1, 2010; amended at 35 Ill. Reg. 998, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6933, effective April 6, 2011, for a maximum of 150 days.

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SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.150 Assets**EMERGENCY**

- a) The value of nonexempt assets shall be considered in determining eligibility for an assistance payment.
- b) The entire equity value of a jointly-held liquid asset or the client's proportional share of a jointly-held non-liquid asset shall be considered in determining eligibility for an assistance payment, unless:
 - 1) the asset is a joint income tax refund;
 - 2) the client can document the amount of his or her legal interest in the asset, and that such amount is less than the entire value of the asset, the documented amount shall be considered. Appropriate documentation, may include, but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders;
 - 3) the asset is held jointly with a client or clients of any Department assistance program other than food stamps;
 - 4) the client documents that he or she does not have access to the asset. Appropriate documentation may include but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders;
 - 5) the client documents that the asset or a portion of the asset is not owned by the client and the client's accessibility to the asset is changed (see subsections (b)(2) and (4) of this Section for examples of documentation);
 - 6) the co-owner refuses to make the asset available; or
 - 7) the co-owner has engaged in violent activity against a family member in the past.
- c) A federal income tax refund received after December 31, 2009 and before January

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1, 2013, is considered an exempt asset. All income~~Income~~ tax refunds on or after January 1, 2013, shall be considered available assets and are to be considered against the appropriate non-exempt asset limitation of the assistance unit. One-half of joint tax refunds shall be considered available for each payee. A client who declares that less than one-half of the joint income tax was received may claim an exception. Only the amount claimed to be received shall be considered.

- d) An applicant or recipient can appeal the Department's decision relating to consideration of assets in accordance with 89 Ill. Adm. Code 14.
- e) Pension plans are exempt from consideration as an asset, including accounts owned solely by an individual, such as an Individual Retirement Account (IRA), 401 K or Keogh Plan.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 6933, effective April 6, 2011, for a maximum of 150 days)

Section 112.151 Exempt Assets**EMERGENCY**

- a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:
 - 1) A home that is the usual residence of the assistance unit.
 - 2) Clothing, personal effects and household furnishings.
 - 3) One automobile per assistance unit.
 - 4) The value of the coupon allotment under the Food Stamp Act of 1977 (7 USC 2011 et seq.).
 - 5) The value of the U.S. Department of Agriculture donated foods (surplus commodities).
 - 6) The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 USC 1771 et seq.) and the special food service program for children under the National School Lunch Act (42 USC 1751

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et seq.).

- 7) The principal and interest of a trust fund which the court refuses to release and one-time only payments released for a specific purpose other than income maintenance needs of the child.
- 8) Burial spaces and additions or improvements to a burial space.
- 9) Prepaid Funeral Agreements worth \$1500 or less per person.
- 10) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (that is, not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.
- 11) A nonrecurring lump-sum SSI payment and a nonrecurring lump-sum SSA payment based on the individual's disability and made to that individual in a TANF assistance unit is exempt as an asset for the month of receipt and the following month. For the third month, any remainder must be counted as a nonexempt asset.
- 12) The value of any savings in which the money is accumulated from the earning of a child. The interest is also exempt as well as gifts to the child not exceeding \$50 per quarter.
- 13) The value of micro-equipment and inventory needed for a functioning self-employment enterprise or being held in accordance with a Responsibility and Services Plan for the establishment of a self-employment enterprise.
- 14) Funds held in Individual Development Accounts meeting the requirements of Section 404(h) of the Social Security Act or in a program approved by the Department.
- 15) [A federal income tax refund received after December 31, 2009 and before January 1, 2013.](#)

b) In addition to the above, the following assets are exempt. The assets listed in this

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subsection (b) remain exempt only as long as they can be separately identified if they are added to an existing account. If the amount of combined assets at any time, from the time of the receipt of the exempt asset or assets until the date of the eligibility determination or redetermination, fall below the amount of the exempted assets, only the lowest balance remains exempt.

- 1) The assets of a stepparent for purposes of determining the stepchild's eligibility.
- 2) Any benefits received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965 (42 USC 3045 et seq.), as amended.
- 3) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601 et seq.).
- 4) Any payments distributed per capita or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134 or P.L. 94-540.
- 5) Tax-exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 USC 1601 et seq.).
- 6) Federally subsidized housing payments under Section 8 of the Housing and Community Development Act of 1974 (42 USC 1437f) of the U.S. Housing Act of 1937.
- 7) Effective October 17, 1975, receipts distributed to certain Indian Tribal members of marginal land held by the United States government.
- 8) Payments for supporting services or reimbursement for out-of-pocket expenses made to volunteers serving as senior health aides, senior companions, foster grandparents, and persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to Section 418 of P.L. 93-113.
- 9) Any grant or loan to an undergraduate student for educational purposes made or insured under any programs administered by the Commissioner of Education.

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- 10) For those individuals who have approved self-employment plans under Section 112.78, business assets must be separate from personal assets. Business assets are those assets that are directly related to producing goods and services that have been purchased after the business begins or as part of an approved self-employment plan (see Section 112.78). Business assets are considered exempt unless it is determined that the equity value (the value for which the asset can be sold less any amount owned on the asset) exceeds \$1,000. If the assets are determined to exceed \$1,000 but are less than \$5,000, the case will be reviewed in the DHS central office to ensure that the assets in excess of \$1,000 are appropriate as business assets. A determination of business assets will be completed two years after the plan is approved.
- 11) Any payments received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 USC 1989b through 1989b-8).
- 12) Any payment received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 USC 1989c through 1989c-8).
- 13) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump-sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201.
- 14) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921.
- 15) Assets accumulated from income earned through employment under the federal "Health Start" Project.
- 16) Disaster relief payments provided by federal, State or local government or a disaster assistance organization.
- 17) Earmarked child support payments received by a client for the support of a child not included in the assistance unit.

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- 18) Payments received under the federal Radiation Exposure Compensation Act (42 USC 2210 nt).
- 19) Payments made to individuals because of their status as victims of Nazi persecution pursuant to P.L. 103-286.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 6933, effective April 6, 2011, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: 113.107 Emergency Action: Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and PL 111-312
- 5) Effective date of amendment: April 6, 2011
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: April 6, 2011
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (PL 111-312) was signed into law on December 17, 2010. It includes a provision that exempts federal income tax refunds received after December 31, 2009 and before January 1, 2013, from consideration as income and an asset for all programs.

Families will begin to file their 2010 tax returns very shortly and will, in turn, begin to receive tax refunds soon. Low-income families that had earnings in 2010 can receive sizable refunds on the basis of refundable tax credits such as the EITC. Thus, swift implementation of this provision is important to ensure that tax refunds are properly disregarded in eligibility decisions. In addition, because the provision applies to all refunds received after December 31, 2009, individuals applying or updating their eligibility in 2011 may have received a tax refund in 2010 that now needs to be disregarded.

Not exempting the federal income tax refunds immediately would threaten the welfare of eligible families. This rulemaking addresses the threat by exempting federal income tax

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refunds beginning December 31, 2009 through December 31, 2012, to help eligible families during these economic times.

- 10) A complete description of the subject and issues: Public Law 111-312 includes a provision that requires the Department to exempt federal income tax refunds received after December 31, 2009 and before January 1, 2013, from consideration as income and an asset for AABD. As a result of this rulemaking, federal income tax refunds received after December 31, 2009 and before January 1, 2013, will be considered an exempt asset for AABD.

Companion amendments are also being proposed to 89 Ill. Adm. Code 112 and 89 Ill. Adm. Code 114.

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

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
113.10	Amendment	35 Ill. Reg. 1832; February 4, 2011

- 12) Statement of statewide policy objectives: This rulemaking does not create or expand a State mandate.

- 13) Information and questions regarding this emergency amendment shall be directed to:

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

217/785-9772

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

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NOTICE OF EMERGENCY AMENDMENT

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

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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

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EMERGENCY

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

SUBPART D: PAYMENT AMOUNTS

Section

- 113.245 Payment Levels for AABD

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

SUBPART E: OTHER PROVISIONS

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

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SUBPART F: INTERIM ASSISTANCE

Section

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

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

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

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1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg.

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10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993;

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amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12469, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 648, effective December 16, 2004; amended at 29 Ill. Reg. 5703, effective April 11, 2005; amended at 29 Ill. Reg. 10176, effective July 5, 2005; amended at 30 Ill. Reg. 16065, effective September 21, 2006; amended at 31 Ill. Reg. 6981, effective April 30, 2007; amended at 31 Ill. Reg. 11306, effective July 19, 2007; amended at 32 Ill. Reg. 17187, effective October 16, 2008; peremptory amendment at 32 Ill. Reg. 18065, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4993, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7337, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12775, effective September 8, 2009; emergency amendment at 33 Ill. Reg. 12850, effective September 4, 2009, for a maximum of 150 days; emergency expired January 31, 2010; amended

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at 33 Ill. Reg. 13846, effective September 17, 2009; amended at 33 Ill. Reg. 15033, effective October 22, 2009; amended at 33 Ill. Reg. 16845, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6944, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7255, effective May 10, 2010; amended at 35 Ill. Reg. 1012, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6951, effective April 6, 2011, for a maximum of 150 days.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 113.107 Lump-Sum Payments and Income Tax Refunds**EMERGENCY**

- a) A lump-sum payment is a one time payment such as retroactive VA, SSA or UI benefits, lottery winnings, insurance settlements, etc. If the amount of the lump-sum payment and other countable monthly income is sufficient to meet the client's needs prospectively for a period of at least one month, eligibility for assistance does not exist. However, if continued eligibility exists, the lump-sum payment is budgeted against the payment month following the month in which the lump-sum payment was received. Any amount remaining in the client's possession after the month of receipt is considered an asset subject to the appropriate asset disregard. AGENCY NOTE: A child's SSI lump-sum payment that is paid directly, on behalf of a child, into a dedicated account is not countable as income when received or as an asset in the month(s) following the month of receipt.
- b) When a lump-sum payment is from SSI, and is not paid into a dedicated account, if continued eligibility for financial assistance does not exist, continue to provide medical assistance only. An SSI lump-sum payment paid into a dedicated account does not affect financial assistance eligibility.
- c) A federal income tax refund received after December 31, 2009 and before January 1, 2013, is considered an exempt asset. All income~~Income~~ tax refunds on or after January 1, 2013, shall be considered available assets and are to be considered against the appropriate non-exempt asset limitation of the assistance unit. One-half of joint tax refunds shall be considered available for each payee. A client who declares that less than one-half of the joint income tax was received may claim an exception. Only the amount claimed to be received shall be considered.
- d) If a client is the beneficiary of a life insurance policy any portion of those

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proceeds not in excess of \$1500 used to pay for the funeral/burial expenses of the insured shall be exempt as income.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 6951, effective April 6, 2011, for a maximum of 150 days)

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- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
114.250	Amendment
114.251	Amendment
- 4) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13] and P.L. 111-312
- 5) Effective date of amendments: April 6, 2011
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: These emergency amendments will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: April 6, 2011
- 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 Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (PL 111-312) was signed into law on December 17, 2010. It includes a provision that exempts federal income tax refunds received after December 31, 2009 and before January 1, 2013, from consideration as income and an asset for all programs.

Families will begin to file their 2010 tax returns very shortly and will, in turn, begin to receive tax refunds soon. Low-income families that had earnings in 2010 can receive sizable refunds on the basis of refundable tax credits such as the EITC. Thus, swift implementation of this provision is important to ensure that tax refunds are properly disregarded in eligibility decisions. In addition, because the provision applies to all refunds received after December 31, 2009, individuals applying or updating their eligibility in 2011 may have received a tax refund in 2010 that now needs to be disregarded.

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Not exempting the federal income tax refunds immediately would threaten the welfare of eligible families. This rulemaking addresses the threat by exempting federal income tax refunds beginning December 31, 2009 through December 31, 2012, to help eligible families during these economic times.

- 10) A complete description of the subject and issues: Public Law 111-312 includes a provision that requires the Department to exempt federal income tax refunds received after December 31, 2009 and before January 1, 2013, from consideration as income and an asset for GA. As a result of this rulemaking, federal income tax refunds received after December 31, 2009 and before January 1, 2013, will be considered an exempt asset for GA.

Companion amendments are also being proposed to 89 Ill. Adm. Code 112 and 89 Ill. Adm. Code 113.

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

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
114.10	Amendment	35 Ill. Reg. 1844; February 4, 2011

- 12) Statement of statewide policy objectives: This rulemaking does not create or expand a State mandate.

- 13) Information and questions regarding these emergency amendments shall be directed to:

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

217/785-9772

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

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section

- 114.1 Description of the Assistance Program
- 114.2 Determination of Not Employable
- 114.3 Advocacy Program for Persons Receiving State Transitional Assistance
- 114.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 114.9 Client Cooperation
- 114.10 Citizenship
- 114.20 Residence
- 114.30 Age
- 114.40 Relationship
- 114.50 Living Arrangement
- 114.52 Social Security Numbers
- 114.60 Work Registration Requirements (Outside City of Chicago only)
- 114.61 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
- 114.62 Job Service Registration (Outside City of Chicago only)
- 114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
- 114.64 Responsibility to Seek Employment (Outside City of Chicago only)
- 114.70 Initial Employment Expenses (Outside City of Chicago only)
- 114.80 Downstate General Assistance Work and Training Programs
- 114.85 Downstate General Assistance – Food Stamps Employment and Training Pilot Project
- 114.90 Work and Training Programs
- 114.100 General Assistance Jobs Program (Repealed)

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114.101 Persons Ineligible for TANF Due to Time Limits

SUBPART C: PROJECT ADVANCE

Section

114.108 Project Advance (Repealed)
114.109 Project Advance Participation Requirements of Adjudicated Fathers (Repealed)
114.110 Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)
114.111 Project Advance Sanctions (Repealed)
114.113 Project Advance Good Cause for Failure to Comply (Repealed)
114.115 Individuals Exempt From Project Advance (Repealed)
114.117 Project Advance Supportive Services (Repealed)

SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section

114.120 Employment and Training Requirements
114.121 Persons Required to Participate in Project Chance (Repealed)
114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
114.124 Employment and Training Participation/Cooperation Requirements (Repealed)
114.125 Employment and Training Program Orientation (Repealed)
114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
114.127 Employment and Training Program Components (Repealed)
114.128 Employment and Training Sanctions (Repealed)
114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
114.130 Employment and Training Supportive Services (Repealed)
114.135 Conciliation and Fair Hearings (Repealed)
114.140 Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section

114.200 Unearned Income

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114.201	Budgeting Unearned Income
114.202	Budgeting Unearned Income of Applicants
114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits (Repealed)
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump-Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses
114.240	Income From Work/Study/Training Program (Repealed)
114.241	Earned Income From Self-Employment
114.242	Earned Income From Roomer and Boarder
114.243	Earned Income From Rental Property
114.244	Earned Income In-Kind
114.245	Payments from the Illinois Department of Children and Family Services
114.246	Budgeting Earned Income for Contractual Employees
114.247	Budgeting Earned Income for Non-contractual School Employees
114.250	Assets

EMERGENCY

114.251 Exempt Assets

EMERGENCY

114.252	Asset Disregards
114.260	Deferral of Consideration of Assets (Repealed)
114.270	Property Transfers (Repealed)
114.280	Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section

114.350 Payment Levels

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- 114.351 Payment Levels in Group I Counties
- 114.352 Payment Levels in Group II Counties
- 114.353 Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section

- 114.400 Persons Who May Be Included In the Assistance Unit
- 114.401 Eligibility of Strikers
- 114.402 Special Needs Authorizations (Repealed)
- 114.403 Institutional Status
- 114.404 Budgeting
- 114.405 Budgeting Schedule
- 114.406 Limitation on Amount of General Assistance to Recipients from Other States (Repealed)
- 114.408 Responsibility of Sponsors of Non-citizens Entering the Country On or After 8/22/96
- 114.420 Redetermination of Eligibility
- 114.430 Extension of Medical Assistance Due to Increased Income from Employment
- 114.440 Attorney's Fees for VA Appellants
- 114.442 Attorney's Fees for SSI Applicants

SUBPART H: CHILD CARE

Section

- 114.450 Child Care (Repealed)
- 114.452 Child Care Eligibility (Repealed)
- 114.454 Qualified Provider (Repealed)
- 114.456 Notification of Available Services (Repealed)
- 114.458 Participant Rights and Responsibilities (Repealed)
- 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
- 114.464 Rates of Payment for Child Care (Repealed)
- 114.466 Method of Providing Child Care (Repealed)

SUBPART I: TRANSITIONAL CHILD CARE

Section

- 114.500 Transitional Child Care Eligibility (Repealed)

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114.504	Duration of Eligibility for Transitional Child Care (Repealed)
114.506	Loss of Eligibility for Transitional Child Care (Repealed)
114.508	Qualified Provider (Repealed)
114.510	Notification of Available Services (Repealed)
114.512	Participant Rights and Responsibilities (Repealed)
114.514	Child Care Overpayments and Recoveries (Repealed)
114.516	Fees for Service for Transitional Child Care (Repealed)
114.518	Rates of Payment for Transitional Child Care (Repealed)

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

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory 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; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; 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; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory

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amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at

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NOTICE OF EMERGENCY AMENDMENTS

17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 16356, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19820, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 588, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1619, effective January 20, 1999; amended at 23 Ill. Reg. 6067, effective May 4, 1999; amended at 23 Ill. Reg. 6434, effective May 15, 1999; amended at 23 Ill. Reg. 6948, effective May 30, 1999; emergency amendment at 23 Ill. Reg. 8661, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13863, effective November 19, 1999; amended at 24 Ill. Reg. 2338, effective February 1, 2000; amended at 24 Ill. Reg. 5688, effective March 20, 2000; amended at 25 Ill. Reg. 10325, effective August 3, 2001; amended at 26 Ill. Reg. 164, effective January 1, 2002; amended at 26 Ill. Reg. 9821, effective June 24, 2002; emergency amendment at 26 Ill. Reg. 11009, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17198, effective November 15, 2002; amended at 27 Ill. Reg. 7263, effective April 7, 2003; amended at 27 Ill. Reg. 18433, effective November 20, 2003; amended at 28 Ill. Reg. 5682, effective March 22, 2004; amended at 29 Ill. Reg. 5487, effective April 1, 2005; emergency amendment at 32 Ill. Reg. 10622, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; preemptory amendment at 32 Ill. Reg. 18076, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 5004, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7355, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12785, effective September 8, 2009; amended at 33 Ill. Reg. 13857, effective September 17, 2009; amended at 33 Ill. Reg. 16863, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6955, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 35 Ill. Reg. 1023, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6962, effective April 6, 2011, for a maximum of 150 days.

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 114.250 Assets**EMERGENCY**

- a) The value of non-exempt assets shall be considered in determining eligibility for an assistance payment.
- b) The entire equity value of jointly held assets shall be considered in determining eligibility for an assistance payment, unless:
 - 1) The asset is a joint income tax refund; or
 - 2) The client documents that he/she does not have access to the asset. Appropriate documents may include, but are not limited to, bank documents, signature cards, trust documents, divorce papers, and papers from court proceedings; or
 - 3) The client can document the amount of his legal interest in the asset, and that such amount is less than the entire value of the asset, then the documented amount shall be considered. Appropriate documentation may include, but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders; or
 - 4) The asset is held jointly with a client of any Illinois Department of Human Services assistance program, other than Food Stamps; or
 - 5) The client documents that the asset or a portion of the asset is not owned by the client and the client's accessibility to the asset is changed (see subsections (b)(2) and (b)(3) for documentation examples).
- c) Income tax refunds
 - 1) A federal income tax refund received after December 31, 2009 and before January 1, 2013, is considered an exempt asset. All income tax refunds on or after January 1, 2013, shall be considered available assets and are to be considered against the appropriate nonexempt asset limitation of the assistance unit. One-half of joint tax refunds shall be considered available for each payee.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 2) A client who declares that less than one-half of the joint income tax was received may claim an exception. Only the amount claimed to be received shall be considered.
- d) Trust Fund for the Benefit of a Dependent Child
- 1) When trust fund exists in the name of a child or for the benefit of a child included in the assistance unit and the amount of the trust fund by itself or combined with other nonexempt assets of the assistance unit exceeds the asset disregard, the caretaker shall be allowed 45 days to petition the court for release of the funds. When someone other than the caretaker is the trustee of the trust fund, the caretaker is responsible for taking action within 45 days of the Department's becoming aware of the existence of the trust fund to petition the court to order the trustee to release the funds. The child for whom the trust fund was established shall remain in the assistance unit for the 45 days.
 - 2) When the trust fund combined with other nonexempt assets of the assistance unit does not exceed the asset disregard, petitioning the court for release of the funds is not required.
 - 3) At the end of 45 days, if the caretaker:
 - A) does not provide verification that the court has been petitioned, the amount of the trust fund shall be considered a nonexempt asset and shall be applied to the asset disregard of the assistance unit. When the trust fund and other nonexempt assets exceed the asset disregard, the child may be deleted or if the child is the only child in the assistance unit, the case may be changed to an adult only case. The eligibility of all other members of the assistance unit shall not be affected unless the child with the trust fund is the only child in the assistance unit, or
 - B) provides verification that the court has been petitioned and the court denied the request for release of the funds, the amount of the trust fund shall be considered an exempt asset, or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- C) provides verification the court will release the funds for the child, the released amounts shall be considered as follows:
- i) When the petition and court order direct the money be used for the child's income maintenance needs or do not specify a purpose, payments shall be budgeted as nonexempt unearned income. The caretaker may request the child be removed from the assistance unit if the earmarked income meets the child's needs. The earmarked income shall be considered available to meet the needs of the child only and the other assistance unit members remain eligible.
 - ii) When the petition and court order direct the money be used for the child's income maintenance needs or do not specify a purpose, a one-time only release of the money shall be considered an asset subject to the asset disregard. If the payment plus other nonexempt assets exceed the asset disregard, the caretaker may choose to delete the child from the assistance unit. The other assistance unit members shall remain eligible.
 - iii) When the petition and court-order direct the money be used for a specific purpose other than the income maintenance needs of the child, the money shall be considered exempt and does not affect eligibility, or
- D) provides verification the court was petitioned but a decision was not made, assistance shall be continued for the child and a control established for 30 days.
- e) Pension plans are exempt from consideration as an asset, including accounts owned solely by an individual, such as an Individual Retirement Account (IRA), 401 K or Keogh Plan.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 6962, effective April 6, 2011, for a maximum of 150 days)

Section 114.251 Exempt Assets

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

EMERGENCY

- a) The following assets are exempt from consideration in determining eligibility for assistance:
- 1) Homestead property.
 - 2) Household furnishings.
 - 3) Clothing and personal effects.
 - 4) One motor vehicle.
 - 5) The principal and interest of a court-ordered trust fund established for a child which, upon petition, the court refuses to release and one-time only payments released for a specific purpose other than the income maintenance needs of the child.
 - 6) Donations or benefits from fund raisers held for a seriously ill client provided the client or responsible relative of the client does not have control over the donations or benefits or the disbursement of the donations or benefits and the donations or benefits are not available to the client or the responsible relative.
 - 7) [A federal income tax refund received after December 31, 2009 and before January 1, 2013.](#)
- b) The following payments are also exempt:
- 1) The value of any savings in which the money is accumulated from the earnings of a child.
 - 2) Any payment received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b through 1989b-8).
 - 3) Any payment received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c through 1989c-8).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 4) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921.
- 5) Disaster relief payments provided by federal, State or local governments or a disaster assistance organization.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 6962, effective April 6, 2011, for a maximum of 150 days)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Interstate And Federal Cooperation
- 2) Code Citation: 56 Ill. Adm. Code 2714
- 3) The Notice of Adopted Amendments being corrected appeared at: 35 Ill. Reg. 6108, dated April 8, 2011.
- 4) The Information being corrected is as follows: In response to Question 3, under Section Numbers, Section 2714.220 is erroneously listed as Section 2720.220.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Debt Settlement Consumer Protection Act
- 2) Code Citation: 38 Ill. Adm. Code 145
- 3) The Notice of Adopted Rules being corrected appeared at 35 Ill. Reg. 6364, dated April 15, 2011
- 4) The Information being corrected is as follows: Item #11 on the Notice of Adopted Rules page should also include the following:

- 11) Differences between proposal and final version:

In Section 110.110, the Department added to the advertising section a requirement that debt settlement providers must include in their advertisements that they cannot provide legal advice and that they recommend consumers consult with their attorney.

Section 110.120 "Receipts" was added to define what a debt settlement provider must provide in receipts that they issue to consumers.

Section 110.130 "Name Change" was added to disclose the fee of \$300 that a debt settlement provider must pay for a name change and to state that they must provide the articles of incorporation or other organizational papers when they change their name.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2011 FIRST QUARTER INCOME TAX SUNSHINE INDEX

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

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1

2. Summary of information: Index of Department of Revenue Sales and Miscellaneous Tax Private Letter Rulings and General Information Letters issued for the First Quarter of 2011. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the applications of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) Federal information letters are used by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters are designed to provide general background information on topics of interest to taxpayers. *General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

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

Automobile Renting Tax	Nexus
Computer Software	Public Utility Taxes
Construction Contactors	Repairs
Enterprise Zones	Rolling Stock Exemption
Food	Sale at Retail
Food, Drugs & Medical Appliances	Service Occupation Tax
Gross Receipts	Telecommunication Excise Tax
Leasing	Use Tax
Medical Appliances	
Miscellaneous	

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NOTICE OF PUBLIC INFORMATION

2011 FIRST QUARTER INCOME TAX SUNSHINE INDEX

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov/.

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

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

Marie Keeney
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794

Telephone: 217/782-2844

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2011 FIRST QUARTER INCOME TAX SUNSHINE INDEX

AUTOMOBILE RENTING TAX

ST 11-0001-GIL 01/07/2011 Persons who are engaged in the business of renting automobiles in Illinois under rental terms of one year or less are subject to the Automobile Renting Occupation and Use Tax set forth at 35 ILCS 155/1 *et seq.* See 86 Ill. Adm. Code 180.101.

COMPUTER SOFTWARE

ST 11-0004-GIL 01/11/2011 This letter concerns computer software maintenance agreements. See 86 Ill. Adm. Code 130.1935.

ST 11-0005-GIL 01/11/2011 This letter concerns computer software maintenance agreements. See 86 Ill. Adm. Code 130.1935.

ST 11-0015-GIL 03/29/2011 This letter concerns the taxation of computer software transactions. See 86 Ill. Adm. Code 130.1935.

CONSTRUCTION CONTRACTORS

ST 11-0016-GIL 03/29/2011 Construction contractors who physically incorporate tangible personal property into real estate owned by exempt organizations or governmental entities that hold tax exempt "E" numbers can purchase such property tax free by providing their suppliers with the certification described in 86 Ill. Adm. Code 130.2075(d). See 86 Ill. Adm. Code Section 130.2075.

ENTERPRISE ZONES

ST 11-0008-GIL 02/28/2011 This letter concerns the exemption for tangible personal property used or consumed in the operation of pollution control facilities located in enterprise zones. See 35 ILCS 120/1e.

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2011 FIRST QUARTER INCOME TAX SUNSHINE INDEX

FOOD

ST 11-0007-GIL 02/28/2011 This letter concerns the 6.25% State rate of tax applicable to candy. 86 Ill. Adm. 130.310.

FOOD, DRUGS & MEDICAL APPLIANCES

ST 11-0011-GIL 03/28/2011 This letter concerns the low 1% State rate of tax applicable to certain food. See 86 Ill. Adm. Code 130.310.

GROSS RECEIPTS

ST 11-0003-GIL 01/10/2011 If a seller receives a reimbursement or rebate for a discount, the amount of that reimbursement or rebate is considered part of the gross receipts received by the seller and is subject to Retailers' Occupation Tax. If a seller provides a discount to a purchaser and does not receive a reimbursement or rebate for that discount, only the (discounted) amount received by the seller is taxable. See 86 Ill. Adm. Code 130.2125.

LEASING

ST 11-0010-GIL 03/09/2011 Information regarding sales tax liabilities in lease situations may be found at 86 Ill. Adm. Code 130.220 and 130.2010.

MEDICAL APPLIANCES

ST 11-0001-PLR 02/07/2011 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.311.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2011 FIRST QUARTER INCOME TAX SUNSHINE INDEX

- ST 11-0002-PLR 02/07/2011 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.311.
- ST 11-0003-PLR 02/28/2011 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.311.
- ST 11-0018-GIL 03/29/2011 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.311.

MISCELLANEOUS

- ST 11-0009-GIL 03/03/2011 This letter discusses various issues, including donor/donee situations, drop shipments and claims for credit. See 86 Ill. Adm. Code 150.305(c), 130.225 and 130.1501.
- ST 11-0013-GIL 03/28/2011 The Department will not approve the accuracy of private legal publications. This letter provides reference to Department rules concerning exempt organizations. See 86 Ill. Adm. Code 130.2005 and 130.2007.

NEXUS

- ST 11-0017-GIL 03/29/2011 This letter discusses nexus. See *Quill Corp. v. North Dakota*, 112 S.Ct. 1904 (1992).

PUBLIC UTILITY TAXES

- ST 11-0004-PLR 03/02/2011 On-bill financing charges are not subject to Gas Revenue Tax liability. See 86 Ill. Adm. Code 470.101.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2011 FIRST QUARTER INCOME TAX SUNSHINE INDEX

REPAIRS

ST 11-0020-GIL 03/31/2011 The taxability of maintenance agreements depends upon whether charges for the agreements are included in the selling price of the tangible personal property. See 86 Ill. Adm. Code 140.301.

ROLLING STOCK EXEMPTION

ST 11-0002-GIL 01/07/2011 This letter concerns the rolling stock exemption. See 86 Ill. Adm. Code Section 130.340.

SALE AT RETAIL

ST 11-0012-GIL 03/28/2011 This letter provides references to other Department-issued letters that discuss the taxation of satellite TV equipment provided to customers who sign up for satellite TV service. See 86 Ill. Adm. Code 130.401.

SERVICE OCCUPATION TAX

ST 11-0014-GIL 03/29/2011 If tangible personal property is transferred incident to sales of service, this will result in either Service Occupation tax liability or Use Tax liability for the serviceman depending upon his or her activities. See 86 Ill. Adm. Code 140.101.

TELECOMMUNICATIONS EXCISE TAX

ST 11-0019-GIL 03/31/2011 Generally, the treatment of discounts under the Telecommunications Excise Tax Act is similar to the treatment of discounts under the Retailers' Occupation Tax Act. See 35 ILCS 630/2 and 86 Ill. Adm. Code 130.2125(b).

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2011 FIRST QUARTER INCOME TAX SUNSHINE INDEX

USE TAX

ST 11-0006-GIL 02/09/2011 This letter concerns Use Tax liability as a result of a merger.
See 805 ILCS 5/11.50.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

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

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue income Tax Private Letter Rulings and General Information Letters issued for the 1st Quarter of 2011. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

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

Alternative Apportionment

Credits – Foreign Tax

Estimated Tax

Net Operating Loss and Net Operating Loss Deduction

Partnerships

Public Law 86-272 Nexus

Subtraction Modifications – Enterprise and Foreign Trade Zones

Subtraction Modifications – Pensions

Subtraction Modifications – Other Rulings

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov/.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

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

Linda Settle
Illinois Department of Revenue
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794

Telephone: 217/782-7055

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ALTERNATIVE APPORTIONMENT

IT 11-0001-PLR 01/31/2011 Alternative Apportionment – Settlement proceeds from antitrust litigation are excluded from the numerator and denominator of the financial organization apportionment formula under 86 Ill. Adm. Code Section 100.3380(c)(4).

CREDITS – FOREIGN TAX

IT 11-0007-GIL 03/22/2011 Taxpayer under audit by Iowa is entitled to an Illinois refund if, as the result of the audit, the taxpayer's Iowa tax and, therefore, the credit allowable for taxes paid to another state are increased and a timely refund claim is filed.

ESTIMATED TAX

IT 11-0004-GIL 03/02/2011 Taxpayers may elect to apply overpayments against their estimated income tax obligations only on original returns, and only to apply the overpayment against the following year's obligations.

NET OPERATING LOSS AND NET OPERATING LOSS DEDUCTION

IT 11-0005-GIL 03/08/2011 Individuals take into account in computing their base income the net operating loss properly allowed in computing their federal adjusted gross income, and are not allowed any carryover not allowed on their federal returns.

PARTNERSHIPS

IT 11-0003-GIL 02/04/2011 Discussion of correct computation and apportionment of partnership's Illinois net income.

PUBLIC LAW 86-272/NEXUS

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

IT 11-0006-GIL 03/11/2011 Nexus issues are not generally suitable for resolution by letter ruling.

SUBTRACTION MODIFICATIONS – ENTERPRISE AND FOREIGN TRADE ZONES

IT 11-0002-GIL 01/21/2011 Dividends do not qualify for the subtraction for the enterprise zone subtraction unless the corporation paying the dividends conducts at least 95% of its business activities in the enterprise zone.

SUBTRACTION MODIFICATIONS – PENSIONS

IT 11-0008-GIL 03/23/2011 Information provided by the taxpayer does not support the claim that payments from a partnership qualify as retirement payments.

SUBTRACTION MODIFICATIONS – OTHER RULINGS

IT 11-0001-GIL 01/03/2011 Federal itemized deductions may not be subtracted in computing base income of an individual.

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 April 5, 2011 through April 11, 2011 and have been scheduled for review by the Committee at its May 10, 2011 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>
5/19/11	<u>Department of Employment Security,</u> Disqualifying Income and Reduced Benefits (56 Ill. Adm. Code 2920)	2/14/11 35 Ill. Reg. 2543	5/10/11
5/19/11	<u>Department on Aging, Community Care</u> Program (89 Ill. Adm. Code 240)	7/30/10 34 Ill. Reg. 10595	5/10/11
5/19/11	<u>Illinois Student Assistance Commission,</u> Grant Program for Dependents of Correctional Officers (23 Ill. Adm. Code 2731)	1/21/11 35 Ill. Reg. 1335	5/10/11
5/19/11	<u>Illinois Student Assistance Commission,</u> Grant Program for Dependents of Police or Fire Officers (23 Ill. Adm. Code 2732)	1/21/11 35 Ill. Reg. 1339	5/10/11
5/19/11	<u>Illinois Student Assistance Commission,</u> Community College Transfer Grant (CCTG) Program (23 Ill. Adm. Code 2740)	1/21/11 35 Ill. Reg. 1343	5/10/11
5/19/11	<u>Illinois Student Assistance Commission,</u> Illinois Special Education Teacher Tuition Waiver (SETTW) Program (23 Ill. Adm. Code 2765)	1/21/11 35 Ill. Reg. 1349	5/10/11
5/25/11	<u>Illinois Racing Board,</u> Admissions and Credentials (11 Ill. Adm. Code 1428)	2/14/11 35 Ill. Reg. 2574	5/10/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

5/25/11	<u>Illinois Racing Board</u> , Racing Rules (11 Ill. Adm. Code 1318)	2/14/11 35 Ill. Reg. 2566	5/10/11
5/25/11	<u>Illinois Racing Board</u> , Security and Admissions (11 Ill. Adm. Code 1325)	2/14/11 35 Ill. Reg. 2570	5/10/11
5/25/11	<u>Illinois Racing Board</u> , Approval of Racing (11 Ill. Adm. Code 422)	2/14/11 35 Ill. Reg. 2560	5/10/11

PROCLAMATIONS

2011-82**Talk Like Shakespeare Day (Revised)**

WHEREAS, launching its 25th Anniversary Season this year, Chicago Shakespeare Theater is a Tony award-winning theater company based in a state-of-the-art facility on Navy Pier; and,

WHEREAS, over the past twenty-five years, Chicago Shakespeare Theater has grown from a modest Shakespeare theater operating out of a dance auditorium on Chicago's north side to become one of Chicago's leading cultural institutions and one of America's largest and most respected nonprofit theaters; and,

WHEREAS, with the plays of William Shakespeare forming the core of the company's work, Chicago Shakespeare Theater offers a broad spectrum of theatrical experiences year-round, engaging and entertaining audiences from all walks of life and from around the world; and,

WHEREAS, Chicago Shakespeare Theater strives to share its uniquely American brand of Shakespeare with the world, while also bringing to Chicago some of the best international theatrical productions the world has to offer, presenting new cultural expressions and experiences for audiences and artists alike; and,

WHEREAS, Chicago Shakespeare Theater is committed to making theater an expansive, ever-changing and lifelong relationship, providing performances geared towards family audiences, and conducting educational outreach programs in classrooms throughout the Midwest; and,

WHEREAS, for the past several years, on Shakespeare's birthday, April 23, Chicago Shakespeare Theater has marked the event by creating Talk Like Shakespeare Day – a day on which all citizens are encouraged to express their inner thespian, incorporating Shakespearian lines into everyday conversation; and,

WHEREAS, over the course of his life, Shakespeare wrote 38 plays and 154 sonnets, but, Shakespeare's writings were not only a monumental contribution to literature, they also greatly influenced the English language; and,

WHEREAS, Shakespeare single-handedly contributed over 1,700 words and innumerable phrases to the English language, including but not limited to "laughable," majestic," "eyeball," "full circle," "a sorry sight," and "strange bedfellows"; and,

WHEREAS, this year, the 447th birthday of William Shakespeare has particular significance to the people of the Land of Lincoln as Chicago Shakespeare Theater once again celebrates Talk Like Shakespeare Day, in conjunction with its 25th Anniversary Season:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 23, 2011 as **TALK LIKE SHAKESPEARE DAY** in Illinois, in recognition of Chicago Shakespeare Theater's artistic achievements and contributions to the growth of theatre locally and nationally, and encourage all citizens to celebrate Shakespeare and the legacy of the language on this day.

Issued by the Governor March 17, 2011
Filed by the Secretary of State April 8, 2011

2011-96**Esophageal Cancer Awareness Month**

WHEREAS, esophageal cancer (EC) is cancer that forms in the esophagus, the muscular tube leading from the mouth into the stomach; and,

WHEREAS, esophageal cancer is predominately of two types: squamous cell carcinoma of the esophagus and esophageal adenocarcinoma; and,

WHEREAS, men are at least three times more likely to develop esophageal cancer than women; and,

WHEREAS, esophageal cancer patients are generally older adults, with a median age in the 50's - 60's, but EC is being diagnosed more frequently in younger adults in recent years; and,

WHEREAS, squamous cell carcinoma, which is usually found in the upper half of the esophagus, is the most common type of esophageal cancer worldwide. Major risk factors linked with squamous cell carcinoma of the esophagus are smoking, alcohol abuse, and perhaps dietary factors; and,

WHEREAS, in the United States and Western Europe, esophageal adenocarcinoma, which develops in the lower half of the esophagus, is the most common type of esophageal cancer; and,

WHEREAS, esophageal adenocarcinoma now is the fastest increasing of all cancers in the United States, and has risen from approximately 10,000 cases in 2000 to more than 15,500 in 2007. Unfortunately, esophageal adenocarcinoma also has the second highest death rate, with more than 13,000 deaths annually; and,

WHEREAS, one major factor thought to lead to esophageal adenocarcinoma is frequent exposure of the esophagus to stomach acid, or acid reflux. Acid reflux may give rise to gastric-esophageal reflux disease or GERD, which in time may develop into a condition called Barrett's

PROCLAMATIONS

esophagus in which the cells lining the esophagus are structurally altered by long term exposure to stomach acid; and,

WHEREAS, although Barrett's esophagus itself does not affect the health of a person, in a small number of people there is a chance that these altered cells will develop into an early cancerous state and eventually into a tumor; and,

WHEREAS, individuals who have more than two consecutive weeks of acid reflux are urged to see their physicians immediately. Unfortunately, there may be few warnings these changes have occurred until swallowing becomes difficult. Many patients also may develop esophageal adenocarcinoma with no history of serious acid reflux or difficulty swallowing until the cancer is very advanced; and,

WHEREAS, progress has been made in the last few years in treating both types of esophageal cancer, and the survival rate is improving every year, however there is need for more awareness:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2011 as **ESOPHAGEAL CANCER AWARENESS MONTH** in Illinois.

Issued by the Governor March 30, 2011

Filed by the Secretary of State April 8, 2011

2011-97**Fair Housing Month**

WHEREAS, April 11, 2011 marks the 43rd anniversary of the passage of the U.S. Fair Housing Act, which enunciated a national policy of fair housing and today bars discrimination based on race, color, religion, national origin, sex, familial status or disability; and,

WHEREAS, this year also marks the 32nd anniversary of the Illinois Human Rights Act, which bars discrimination in housing based on race, color, religion, national origin, sex (including sexual harassment), physical or mental disability, familial status, age (40 and over), ancestry, marital status, disability, military status, unfavorable discharge from military service, sexual orientation (including gender-related identity), or order of protection status; and,

WHEREAS, decent, safe and affordable housing is part of the American dream and a right of all Illinois residents. Acts of housing discrimination and barriers to equal housing opportunity should be eliminated in order to create a decent and fair society; and,

PROCLAMATIONS

WHEREAS, economic stability, community health and human relations in all communities of the State of Illinois are improved by diversity and integration; and,

WHEREAS, stable, integrated and balanced residential patterns can be threatened by discriminatory acts and unlawful housing practices, which can result in segregation of residents and opportunities in Illinois communities; and,

WHEREAS, the talents of grassroots and non-profit organizations, housing service providers, financial institutions, elected officials, state agencies and others must be combined to promote and preserve integration, fair housing and equal opportunity; and,

WHEREAS, Illinois residents are encouraged to embrace diversity, recognize the importance of equal opportunity in housing, and to promote appropriate activities by private and public entities intended to provide or advocate for integration and equal housing opportunities for all residents and prospective residents of the State of Illinois:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2011 as **FAIR HOUSING MONTH** in Illinois, in commemoration of the signing of the U.S. Fair Housing Act and the Illinois Human Rights Act, as well as to promote integration and equal housing opportunities for everyone.

Issued by the Governor March 30, 2011

Filed by the Secretary of State April 8, 2011

2011-98**National Runaway Switchboard Volunteer Recognition Day**

WHEREAS, the National Runaway Switchboard (NRS), a Chicago-based not for profit organization, celebrates its 40th anniversary in 2011. NRS' mission is to keep America's runaway and at-risk youth safe and off the streets; and,

WHEREAS, the National Runaway Switchboard was established in 1971 to fill a need for comprehensive crisis intervention for young people in Chicago; and,

WHEREAS, the National Runaway Switchboard was conceived as a centralized organization with free 24-hour services, expertise in all youth-related issues and as an information clearinghouse of youth services. Today the organization serves as the federally designated national communication system for runaway and homeless youth; and,

PROCLAMATIONS

WHEREAS, the National Runaway Switchboard's 1-800-RUNAWAY crisis hotline is available 24-hours a day throughout the United States and its territories, and handles more than 100,000 calls each year; and,

WHEREAS, the National Runaway Switchboard provides education and solution-focused interventions, offers non-sectarian, non-judgmental support, respects confidentiality, collaborates with volunteers, and responds to at-risk youth and their families 24 hours a day; and,

WHEREAS, the outstanding efforts of the National Runaway Switchboard over the last four decades would not be possible without the dedication and commitment of countless volunteers who have worked tirelessly to help the NRS fulfill its important mission; and,

WHEREAS, the month of April is recognized as National Volunteer Month, established as the official time to recognize and celebrate the efforts of volunteers at the local, state, and national levels; and,

WHEREAS, volunteers are vital to our future as a caring and productive society, and the giving of oneself in service to another empowers both the giver and the recipient; and,

WHEREAS, volunteers and donors, for the past forty years, have been and will continue to be crucial in making manifest the mission of the National Runaway Switchboard, and it is entirely fitting that we should set aside a time to recognize these very special people who have selflessly given of their time and talents, care and compassion:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 11, 2011 as **NATIONAL RUNAWAY SWITCHBOARD VOLUNTEER RECOGNITION DAY** in Illinois, in appreciation of forty years of service by the National Runaway Switchboard and its volunteers.

Issued by the Governor March 30, 2011
Filed by the Secretary of State April 8, 2011

2011-99
Illinois Equal Pay Day

WHEREAS, according to the U.S. Census Bureau, year-round, full-time working women in 2009 earned only 77 percent of the earnings of year-round, full-time working men, indicating little change or progress in pay equity; and,

PROCLAMATIONS

WHEREAS, according to the most recent data from the Bureau of Labor Statistics, Illinois women in 2008 earned 78 percent of every dollar earned by Illinois men based on median weekly earnings of full-time workers; and,

WHEREAS, equal pay for equal work strengthens the security of families today and eases future retirement costs while enhancing Illinois' economy; and,

WHEREAS, in 2003, the Illinois Equal Pay Act became law, prohibiting employers from paying unequal wages to men and women for doing the same or substantially similar work; and,

WHEREAS, the Illinois Department of Labor promotes and protects the rights, wages, welfare, working conditions and safety and health of Illinois workers through enforcement of state labor laws; and,

WHEREAS, the Illinois Department of Labor is a state agency dedicated to advancing pay equity in the workplace and protecting workers from gender-based wage discrimination through its enforcement of the Illinois Equal Pay Act; and,

WHEREAS, Tuesday, April 12 symbolizes the time in the new year in which wages paid to American women catch up to wages paid to men from the previous year and raises awareness of the wage gap between men and women:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 12, 2011 as **ILLINOIS EQUAL PAY DAY**, in recognition of the value of women's skills and contributions to the labor force, and I call on all employers to provide equal pay for equal work, both as a matter of fairness and as a matter of good business.

Issued by the Governor March 30, 2011

Filed by the Secretary of State April 8, 2011

2011-100
Earth Month

WHEREAS, the Illinois Constitution states that each person has the right to a healthful environment, and that the public policy of the state of Illinois and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations; and,

WHEREAS, the state is committed to conserving, improving and protecting natural resources and the environment; preventing water, air and land pollution; minimizing greenhouse gas emissions; and enhancing the health and safety of its residents; and,

PROCLAMATIONS

WHEREAS, the state of Illinois is working to encourage green practices in order to create a healthier, safer state that encourages and implements sustainable growth and maintenance; and,

WHEREAS, the Illinois Green Governments Coordinating Council was established to encourage cost-effective sustainability measures that enhance health and safety, reduce the consumption of energy and fuels, conserve water, minimize emissions and reduce solid and hazardous wastes; and,

WHEREAS, by making sustainable choices, the state of Illinois can lead by example in minimizing potential environmental and health impacts, while saving taxpayer money; and,

WHEREAS, to build a better future for forthcoming generations, we all must work together to develop a greater respect for our environment, to protect our water, land and air, and to maintain environmental stability; and,

WHEREAS, although every day should be Earth Day, and every month should be Earth Month, the month of April, which includes both Earth Day on April 22 and Arbor Day on April 29, provides the perfect time to raise awareness of environmental conservation efforts:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2011 as **EARTH MONTH** in Illinois, and encourage all citizens to act as responsible stewards of our planet during this month and throughout the entire year.

Issued by the Governor April 1, 2011

Filed by the Secretary of State April 8, 2011

2011-101
Cancer Registrars Week

WHEREAS, chartered in May 1974, the National Cancer Registrars Association (NCRA) is a non-profit organization that represents more than 4,000 cancer registry professionals and Certified Tumor Registrars. The mission of NCRA is to promote education, credentialing, and advocacy for cancer registry professionals; and,

WHEREAS, cancer registrars are healthcare professionals and data management experts that capture a complete summary of patient history, diagnosis, treatment, and status for every cancer patient in the United States, and other countries as well. This data is fundamental to the nation's cancer prevention and treatment efforts; and,

PROCLAMATIONS

WHEREAS, cancer registrars advocate at state and local levels on issues related to cancer surveillance and privacy of patient medical records. This year's theme is "Cancer Registrars Pave the Way to a Cure," to acknowledge the vital role played by cancer registrars in the nation's response to public health challenges; and,

WHEREAS, researchers who work on epidemiological studies and public health officials who develop cancer prevention programs use data collected by cancer registrars. Local and state data is also submitted to the National Cancer Database, a nationwide oncology outcomes database maintained by the American College of Surgeons that provides the basis for many patterns of care studies; and,

WHEREAS, during the week of April 11-15, Cancer Registrars will be honored by observing National Cancer Registrars Week. This annual observance, organized by the National Cancer Registrars Association, honors their members and Cancer Registry professionals whose vision and core values are set in making a difference in the "war on cancer":

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 11-15, 2011 as **CANCER REGISTRARS WEEK** in Illinois, and encourage all citizens to recognize these healthcare professionals for their tireless work in the fight against cancer.

Issued by the Governor April 1, 2011

Filed by the Secretary of State April 8, 2011

2011-102**District 8 Toastmasters Week**

WHEREAS, the State of Illinois holds in high esteem those organizations that are dedicated to improving the lives of their members through an emphasis on education and service; and,

WHEREAS, the ability to speak in a clear and effective manner is an important skill that can help overcome barriers to effective performance in virtually every endeavor and line of work; and,

WHEREAS, by assisting in the development of essential communication skills, Toastmasters International performs a valuable service for its members and those who carry the message of opportunity, initiative, and good fellowship; and,

WHEREAS, boasting more than eight decades of outstanding achievement, Toastmasters International has grown to over 11,000 clubs and 214,000 members in 92 countries worldwide; and,

PROCLAMATIONS

WHEREAS, this remarkable expansion is a direct result of the enhanced knowledge and experience Toastmasters International provides its members and clients; and,

WHEREAS, District 8 Toastmasters, which includes central and southern Illinois, was founded by Toastmasters International during 1940-41, from which time the local organization has enabled thousands of Illinois citizens from all walks of life to improve their communication and leadership skills; and,

WHEREAS, from April 24 to April 30, 2011, District 8 Toastmasters will celebrate "District 8 Toastmasters Week" to coincide with the organization's semiannual conference; and,

WHEREAS, District 8 Toastmasters has proven to be an exemplary component of Toastmasters International, and it is fitting and proper that we should recognize outstanding organizations such as District 8 Toastmasters:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois do hereby proclaim April 24 – 30, 2011 as **DISTRICT 8 TOASTMASTERS WEEK** in Illinois, and encourage all citizens to recognize the many accomplishments and opportunities in communication and public speaking that have been made possible by this organization.

Issued by the Governor April 1, 2011

Filed by the Secretary of State April 8, 2011

2011-103**Fibromyalgia Awareness Day**

WHEREAS, fibromyalgia is a debilitating disorder in which people experience long-term, body-wide pain and tender points in joints, muscles, tendons, and other soft tissues. Fibromyalgia has also been linked to fatigue, sleep problems, headaches, depression, anxiety, and other symptoms; and,

WHEREAS, an estimated 10 million people in the United States, have been diagnosed with fibromyalgia, a disorder for which there is no known cause or cure; and,

WHEREAS, fibromyalgia is a chronic pain disorder that interferes with even the simplest of daily activities – taking a toll emotionally, financially and socially on patients, their family, friends, and co-workers; and,

PROCLAMATIONS

WHEREAS, fibromyalgia prevents patients from contributing to society at the level they once did because of a myriad of symptoms that can come and go unpredictably and vary in severity; and,

WHEREAS, people with fibromyalgia are never completely symptom-free, they are always in pain, and this pain impacts every area of their lives; and,

WHEREAS, increased awareness and expanded knowledge of the realities of life with fibromyalgia will allow the community at large to better support those who struggle with the challenges of this chronic pain disorder; and,

WHEREAS, Fibromites Unite, the National Fibromyalgia Association, the Fibromyalgia Network, and other groups around the country will join together on May 12 to observe Fibromyalgia Awareness Day – a day to promote fibromyalgia awareness and support – including improved education, diagnosis, research, and treatment:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 12, 2011 as **FIBROMYALGIA AWARENESS DAY** in Illinois, and encourage all citizens to support the search for a cure and assist those individuals and families who deal with this devastating disorder every day.

Issued by the Governor April 1, 2011

Filed by the Secretary of State April 8, 2011

2011-104**National Women's Health Week**

WHEREAS, National Women's Health Week celebrates the extraordinary progress in women's health and recognizes that still more needs to be done to safeguard the health of women for generations to come; and,

WHEREAS, women from all walks of life and at every stage of life have unique health needs that should be addressed in their own right; and,

WHEREAS, keeping women healthy and safe and promoting awareness of women's health issues depends on partnerships with social, health, and other services; and,

WHEREAS, women can promote health and prevent disease and illness by taking simple steps to improve their physical, mental, social and spiritual health; and,

PROCLAMATIONS

WHEREAS, women's health remains a priority for families, communities, and government, and our commitment to keeping women healthy is stronger than ever:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 10 – 16, 2011 as **NATIONAL WOMEN'S HEALTH WEEK** in Illinois, and encourage all citizens to work together to promote and improve the health of women and to increase awareness and understanding of women's health issues.

Issued by the Governor April 1, 2011

Filed by the Secretary of State April 8, 2011

2011-105**Rabbi Herman Ezra Schaalman Day**

WHEREAS, on April 30, 2011, Rabbi Herman Ezra Schaalman's 95th birthday will be celebrated with a Benefit Concert for Congregation Emanuel hosted by Friends of Emanuel. This truly wonderful milestone is a cause for celebration for all Illinoisans; and,

WHEREAS, for more than fifty years, Rabbi Schaalman has served Temple Emanuel in Chicago, first leading the Congregation as Rabbi, and now continuing to strengthen and serve Emanuel through teaching, community involvement and participation in worship services as Rabbi Emeritus; and,

WHEREAS, an internationally known leader of Reform Judaism, Rabbi Schaalman is also a respected member of the interdenominational religious leadership in Chicago; and,

WHEREAS, not only has Rabbi Schaalman been a prominent figure and leader of Emanuel Congregation and a member of the religious community's leadership for over 50 years, but the Rabbi Herman E. Schaalman Chair at the Chicago Theologian Institute has help to foster a more tolerant and open dialogue in this great state and beyond; and,

WHEREAS, Rabbi Schaalman has been a tireless advocate for human rights, working for equality and justice for all people, and leading the call for Jewish LGBT and religious tolerance for more than five decades in Chicago and Illinois; and,

WHEREAS, the State of Illinois appreciates all individuals who, through their dedication and compassion, work to make our state a better place; and it is entirely fitting that we should set aside time to recognize such individuals who have dedicated their life's work to this cause; and,

PROCLAMATIONS

WHEREAS, Rabbi Herman Ezra Schaalman serves as living proof that social justice, tolerance and education are the bedrock of our community:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 30, 2011 as **RABBI HERMAN EZRA SCHAALMAN DAY** in Illinois, in celebration of the legacy of one of the most important spiritual and public figures in the Land of Lincoln.

Issued by the Governor April 1, 2011

Filed by the Secretary of State April 8, 2011

2011-106**Order Sons of Italy/Alzheimers Association "Partners in Progress" Day**

WHEREAS, the Order Sons of Italy in America (OSIA) was established in the Little Italy neighborhood of New York City on June 22, 1905, by Vincenzo Sellaro, M.D., and five other Italian immigrants who came to the United States during the great Italian migration (1880-1923); and,

WHEREAS, the OSIA's goal was to create a support system for all Italian immigrants that could assist them in becoming U.S. citizens, and providing their health/death benefits and educational opportunities; and,

WHEREAS, over the years, the OSIA has achieved much success in their goals of serving the public. Not only have they established free schools and centers to teach immigrants English and to help them become citizens, but they have also instituted orphanages and homes for the elderly, and helped to raise money for those in need; and,

WHEREAS, to date, OSIA members have given millions to educational programs, disaster relief, cultural preservation and promotion and medical research; and,

WHEREAS, the National Council of the Order Sons of Italy in America has adopted Alzheimer's disease as one of its primary charities, and plans to support this cause by implementing a fund raising campaign throughout the nation; and,

WHEREAS, joining their cause will be the Alzheimer's Association, a group that provides services and support to Alzheimer's patients and their families; and,

WHEREAS, on May 21, 2011, the OSIA and the Alzheimer's Association will hold an event to support the approximately 2.5 million Americans affected by Alzheimer's disease:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 21, 2011 as **ORDER SONS OF ITALY/ALZHEIMER'S ASSOCIATION "PARTNERS IN PROGRESS" DAY** in Illinois, and encourage all citizens to recognize and aid in the charitable work these organizations carry out for the benefit of others.

Issued by the Governor April 5, 2011

Filed by the Secretary of State April 8, 2011

2011-107**Emergency Medical Services for Children Day**

WHEREAS, Emergency Medical Services for Children (EMSC) recognizes that children have unique physiological responses to illness and injury; and,

WHEREAS, EMSC promotes a specialized approach to pediatric care; and,

WHEREAS, Illinois' emergency medical services system strives to integrate pediatric emergency care needs across a wide spectrum; and,

WHEREAS, in Illinois there are 15 standby emergency departments approved for pediatrics, 82 emergency departments approved for pediatrics, 10 pediatric critical care centers, 19,018 first responders, 22,688 basic EMTs, 989 intermediate EMTs, 13,769 paramedic EMTs, 4,478 emergency communications registered nurses and 2,671 trauma nurse specialists dedicated to promoting preventive measures, pre-hospital care, emergency department services, outpatient and specialized services, and inpatient and rehabilitative care; and,

WHEREAS, Illinois champions the nation's EMSC commitment to reduce childhood morbidity and mortality associated with severe illness and trauma:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, proclaim May 18, 2011, as **EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY** in Illinois, and encourage all citizens to commend those that use their advanced training and talents to help children in times of crisis.

Issued by the Governor April 5, 2011

Filed by the Secretary of State April 8, 2011

2011-108**Emergency Medical Services Week**

PROCLAMATIONS

WHEREAS, emergency medical services (EMS) embody the true concept of teamwork by recognizing the interdependent relationship among trauma centers, EMS system hospitals, ambulance providers, emergency and trauma physicians, emergency nurses, emergency medical technicians (EMTs) – basic, intermediate and paramedic, field nurses, emergency communication nurses, trauma nurse specialists, emergency dispatchers and first responders who are dedicated to saving lives; and,

WHEREAS, in Illinois there are 66 EMS resource hospitals and 64 trauma centers; there are also 19,018 first responders, 22,688 basic EMTs, 989 intermediate EMTs, 13,769 paramedic EMTs, 4,478 emergency communications registered nurses and 2,671 trauma nurse specialists selflessly providing 24-hour service to the people of Illinois; and,

WHEREAS, this year's national theme, "EMS – Everyday Heroes," underscores the immediate nature of the situations to which EMS personnel must respond; and,

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury, meaning the skills of these highly trained individuals save lives every day across our state:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 15-21, 2011, as **EMERGENCY MEDICAL SERVICES WEEK** in Illinois, and encourage all citizens to recognize the dedication and lifesaving work that the men and women of emergency medical services teams provide to the communities of this state.

Issued by the Governor April 5, 2011

Filed by the Secretary of State April 8, 2011

2011-109**Lincoln Pilgrimage Weekend**

WHEREAS, in 1926 R. Allan Stephens, a former Boy Scouts of America Commissioner of Springfield, Illinois, originated the idea of a Lincoln Trail Hike, believing that Boy Scouts would acquire a greater appreciation of the obstacles Abraham Lincoln overcame in his rise to the presidency if they also walked the same 20-mile route journeyed by Lincoln from New Salem to Springfield; and,

WHEREAS, Lincoln's outstanding example of perseverance caused Mr. Stephens to propose that Boy Scouts be encouraged to walk in Lincoln's steps from New Salem to Springfield and that an award be made to those who successfully completed the trail; and,

PROCLAMATIONS

WHEREAS, the trail is scenic and historically correct, and the Scouts foster environmental stewardship by picking up litter along the scenic roadway; and,

WHEREAS the Illinois Environmental Protection Agency teams with the Abraham Lincoln Council of the Boy Scouts of America in order to further earth stewardship and promote environmental consciousness; and,

WHEREAS, Illinois Environmental Protection Agency employees, American Radio Relay League amateur radio operators, and the Illinois Army National Guard support the Lincoln Trail Hike by volunteering their services to assist the scouts during the hike; and,

WHEREAS, the Lincoln Trail Hike is one of a series of events, collectively known as the Lincoln Pilgrimage, honoring the life, achievements and ideals of the 16th President; and,

WHEREAS, the 2011 Pilgrimage commemorates the centennial anniversary of the Boy Scouts of America, and thousands of Scouts will participate in the 66th Annual Lincoln Pilgrimage:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 30 – May 1, 2011 as **LINCOLN PILGRIMAGE WEEKEND** in the State of Illinois.

Issued by the Governor April 5, 2011

Filed by the Secretary of State April 8, 2011

2011-110**Foster Parent Appreciation Month**

WHEREAS, the Illinois Department of Children and Family Services' mission is to provide for the well-being of over 16,000 children and young people in the State of Illinois' care; and,

WHEREAS, foster parent caregivers provide a safe haven for children when they cannot safely be in their homes of origin due to abuse or neglect; and,

WHEREAS, foster caregivers are called upon to devote their time and energies to children, their parents and agency staff in order to reunite families when possible or support other permanency options; and,

WHEREAS, foster parent caregivers tirelessly tend to children's physical, emotional, material and educational needs, providing them the possibility to move from the child welfare system to safe and successful lives; and,

PROCLAMATIONS

WHEREAS, in return for the immeasurable effort they extend, foster parent caregivers deserve the respect and gratitude for their present contributions and the ongoing positive impact they have in their home communities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do proclaim May 2011 as **FOSTER PARENT APPRECIATION MONTH** in Illinois.

Issued by the Governor April 5, 2011

Filed by the Secretary of State April 8, 2011

2011-111
Building Safety Month

WHEREAS, our state's continuing efforts to address the critical issues of safety, energy efficiency, water conservation and sustainability in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound; and,

WHEREAS, our confidence is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings; and,

WHEREAS, these guardians develop and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship and play; and,

WHEREAS, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires and earthquakes; and,

WHEREAS, Building Safety Month reminds the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings; and,

WHEREAS, "Building Safety Month: An International Celebration of Safe and Sensible Structures" is the theme for Building Safety Month 2011 and encourages all Americans to raise awareness of the importance of building safety; green and sustainable building; pool, spa and hot tub safety and new technologies in the construction industry; and,

PROCLAMATIONS

WHEREAS, Building Safety Month 2011 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies; and,

WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments and federal agencies in protecting lives and property:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2011 as **BUILDING SAFETY MONTH** in Illinois, and encourage all citizens to join with their communities in participation in Building Safety Month activities.

Issued by the Governor April 5, 2011

Filed by the Secretary of State April 8, 2011

2011-112**National Nurses Day and Week**

WHEREAS, the nearly 3.1 million registered nurses in the United States comprise our nation's largest health care profession; and,

WHEREAS, the depth and breadth of the registered nursing profession meets the different and emerging health care needs of the American population in a wide range of settings; and,

WHEREAS, the American Nurses Association, as the voice for the registered nurses of this country, is working to chart a new course for a healthy nation that relies on increasing delivery of primary and preventive health care; and,

WHEREAS, a renewed emphasis on primary and preventive health care will require better utilization of all of our nation's registered nursing resources; and,

WHEREAS, professional nursing is an indispensable component in the safety and quality of care of hospitalized patients; and,

WHEREAS, the demand for registered nursing services will be greater than ever because of the aging American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and,

PROCLAMATIONS

WHEREAS, more qualified registered nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this community; and,

WHEREAS, the cost-effective, safe and quality health care services provided by registered nurses will be an ever more important component of the U.S. health care delivery system in the future; and,

WHEREAS, the American Nurses Association has declared the week of May 6-12 as National Nurses Week, with the theme "Nurses: Trusted to Care," in celebration of the ways in which registered nurses strive to provide safe and high quality patient care and map out the way to improve our health care system; and,

WHEREAS, National Nurses Week is celebrated annually from May 6, also known as National Nurses Day, through May 12, the birthday of Florence Nightingale, the founder of modern nursing:

THEREFORE, I, Pat, Quinn, Governor of the State of Illinois, do hereby proclaim May 6, 2011 as **NATIONAL NURSES DAY** and May 6 – 12, 2011 as **NATIONAL NURSES WEEK** in Illinois, and encourage all citizens to recognize and honor nurses in their communities for the hard work and invaluable services they provide.

Issued by the Governor April 5, 2011

Filed by the Secretary of State April 8, 2011

2011-113
ALS Awareness Month

WHEREAS, amyotrophic lateral sclerosis (ALS), known by many as Lou Gehrig's disease, is a progressive fatal neurodegenerative disease that attacks nerve cells in the brain and spinal cord, making even the simplest movements – walking, speaking, gesturing – nearly impossible; and,

WHEREAS, approximately 30,000 individuals in the United States are afflicted with ALS at any given time, with 5,000 new cases appearing each year; and,

WHEREAS, approximately 15 new cases of ALS are diagnosed every day, with a person losing their battle with the disease every 90 minutes; and,

WHEREAS, ALS strikes people regardless of race, sex, age, or ethnicity; and,

PROCLAMATIONS

WHEREAS, finding the causes of, and cure for, ALS will prevent the disease from robbing hundreds of thousands of Americans of their dignity and lives; and,

WHEREAS, aggressive treatments for the symptoms of ALS can extend the lives of those living with the disease; and,

WHEREAS, for over 50 years, the Muscular Dystrophy Association's (MDA) aggregate expenditures for services and research for ALS total more than \$270 million; and,

WHEREAS, MDA leads the search for treatments and a cure for ALS through its aggressive worldwide research and MDA/ALS clinical programs including those at Carle Clinic Association in Urbana, OSF Saint Frances Medical Center in Peoria, the SIU School of Medicine in Springfield, Rush University Medical Center in Chicago, Northwestern Memorial Faculty Foundation in Chicago, and the University of Illinois at Chicago; and,

WHEREAS, raising public awareness of this disease will facilitate the discovery of a cure and bring much needed support and services for families in Illinois dealing with ALS:

THEREFORE, I, Pat Quinn Governor of the State of Illinois, do hereby proclaim May 2011 as **ALS AWARENESS MONTH** in Illinois, and urge all citizens to become educated about ALS and to lend their aid to combating this disease by all means possible.

Issued by the Governor April 6, 2011

Filed by the Secretary of State April 8, 2011

2011-114**Chicago Child Care Society Day**

WHEREAS, 2011 marks the 162nd Anniversary of the Chicago Child Care Society, the oldest child welfare agency in Illinois; and,

WHEREAS, the Chicago Child Care Society (CCCS) was founded in 1849 as an orphanage to care for children left homeless by the cholera epidemic; and,

WHEREAS, over the years, the mission of CCCS has expanded, and today, the agency provides innovative, community-based education and social service programs that address the current and emerging needs of vulnerable children and their families; and,

PROCLAMATIONS

WHEREAS, the Chicago Child Care Society exists to protect vulnerable children and strengthen their families. Throughout their 162 year history they have sought to be among the premier providers of high quality and effective child welfare services; and,

WHEREAS, CCCS is dedicated to several core beliefs, among them that the quality of life for future generations depends upon the quality of care provided for children today; that children should be provided with services and opportunities that will enable them to reach their optimum physical, mental and social development; and that all children are entitled to the protection and nurturing care of adults, preferably within their birth families. However, if a family cannot fulfill these basic functions, society, by either public or private means, should provide the best alternative care; and,

WHEREAS, for the past 162 years CCCS has not wavered in its dedication to the children of our state. Through programs such as a pre-school for children two to five years old, teen parenting support, HIV/AIDS prevention and education for adolescents, and educational mentoring and family support, CCCS provides the chance for countless children to make positive choices and experience positive opportunities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 19, 2011 as **CHICAGO CHILD CARE SOCIETY DAY** in Illinois, in recognition of CCCS's steadfast commitment to addressing challenges that adversely affect children and their families.

Issued by the Governor April 6, 2011

Filed by the Secretary of State April 8, 2011

2011-115**Food Allergy Awareness Week**

WHEREAS, a food allergy occurs when the immune system mistakenly believes that a food is harmful, thereby causing a person to have a severe allergic reaction, or an anaphylaxis – a sudden, severe allergic reaction involving major organs in the body simultaneously. In severely allergic individuals it can cause death in a matter of minutes if untreated; and,

WHEREAS, research shows that the prevalence of food allergy is increasing among children. Approximately 12 million Americans suffer from food allergies, 3 million of them children under the age of 18; and,

WHEREAS, eight foods cause 90 percent of all food allergy reactions in the U.S.: shellfish, fish, milk, eggs, tree nuts, peanuts, soy, and wheat; and,

PROCLAMATIONS

WHEREAS, symptoms of a food-allergic reaction may include one or more of the following: a tingling sensation in the mouth, swelling of the tongue and the throat, difficulty breathing, hives, vomiting, abdominal cramps, diarrhea, drop in blood pressure, and loss of consciousness; and,

WHEREAS, symptoms typically appear within minutes to two hours after the person has eaten the food to which he or she is allergic; and,

WHEREAS, according to the Centers for Disease Control and Prevention, food allergy results in more than 300,000 ambulatory care visits a year involving children under 18. Reactions typically occur when an individual unknowingly eats food containing an ingredient to which they are allergic; and,

WHEREAS, the Food Allergy & Anaphylaxis Network (FAAN) is a national, nonprofit organization dedicated to raising awareness about food allergy and anaphylaxis; and,

WHEREAS, there is no cure for food allergies. Strict avoidance of the allergy-causing food is the only way to avoid a reaction:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 8 – 14, 2011 as **FOOD ALLERGY AWARENESS WEEK** in Illinois, to raise awareness of food allergies and to educate the public about the associated health risks.

Issued by the Governor April 6, 2011

Filed by the Secretary of State April 8, 2011

2011-116**Health Care Workers Day**

WHEREAS, the health and well-being of our citizens is the primary concern of Illinois health care professionals; and,

WHEREAS, the Chicago area is recognized as a preeminent medical resource and its commitment to the community is evident in its health care organizations; and,

WHEREAS, a health care team, as a vital component in the provision of modern health care, consists of nurses, allied health professionals, support staff, financial services personnel, administrative staff, physicians and volunteers, and each of those individuals are all integral parts of a successful health care delivery team; and,

PROCLAMATIONS

WHEREAS, health care employees make valuable contributions to every health care facility and help increase the greater Chicagoland area's reputation for health care excellence; and,

WHEREAS, the more than 150 hospitals and health care organizations that are members of the Metropolitan Chicago Healthcare Council honor health care workers for their many contributions to the health and well-being of the people in their communities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 11, 2011 as **HEALTH CARE WORKERS DAY** in Illinois, and urge all citizens to recognize the achievements of these dedicated workers.

Issued by the Governor April 6, 2011

Filed by the Secretary of State April 8, 2011

2011-117**Huntington's Disease Awareness Day**

WHEREAS, Huntington's disease is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12-15 year period; and,

WHEREAS, currently, Huntington's disease affects approximately 30,000 patients and 200,000 genetically "at risk" individuals in the United States; and,

WHEREAS, since the discovery of the gene that causes Huntington's disease in 1939, the pace of its research has accelerated; and,

WHEREAS, although no effective treatment or cure currently exists, scientists and researchers are hopeful that breakthroughs will be forthcoming; and,

WHEREAS, researchers are conducting important research projects involving Huntington's disease; and,

WHEREAS, the Huntington's Disease Society of America (HDSA) dedicates its tireless efforts to advocating for families, educating the public, and providing support and services to affected families living with this disease; and,

WHEREAS, on May 22, 2011 the Illinois Chapter of HDSA will hold its 7th Annual TEAM HOPE - Walk For A Cure to raise funds for research into a cure or treatment for Huntington's Disease:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 22, 2011 as **HUNTINGTON'S DISEASE AWARENESS DAY** in Illinois, to raise awareness of this devastating disease and in support of the efforts of the Illinois Chapter of the Huntington's Disease Society of America.

Issued by the Governor April 6, 2011

Filed by the Secretary of State April 8, 2011

2011-118**Lyme Disease Awareness Month**

WHEREAS, ticks carrying the bacteria *Borrelia burgdorferi* that causes Lyme Borreliosis, commonly known as Lyme disease, continue to spread across Illinois; and,

WHEREAS, the number of reported cases of Lyme disease among residents of Illinois have steadily increased, yet the Centers for Disease Control estimate that on average there are 10 missed cases for every case reported; and,

WHEREAS, Lyme disease is difficult to diagnose because it imitates other conditions and no reliable laboratory test can prove who is infected or bacteria-free, which often leads to misdiagnosis; and,

WHEREAS, early indicators of infection include flu-like symptoms characterized by chills, headache, fatigue, muscle and joint aches and swollen lymph nodes; and,

WHEREAS, weeks or months later, patients with untreated or under-treated Lyme disease can suffer from serious, permanent and sometimes life-threatening damage to the brain, joints, heart, eyes, liver, spleen, blood vessels and kidneys. For this reason it is imperative that all who develop this disease receive immediate treatment; and,

WHEREAS, the best solution to the threat of Lyme disease is to educate people about the seriousness of the illness and the need to practice personal prevention techniques when engaging in outdoor activities, such as frequent tick checks, use of tick repellents and proper tick removal; and,

WHEREAS, in an effort to raise awareness about Lyme disease, Illinois is proud to take part in the annual observance of Lyme Disease Awareness Month this May:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2011 as **LYME DISEASE AWARENESS MONTH** in Illinois, to draw attention to this disease and the importance of early detection and treatment.

Issued by the Governor April 6, 2011

Filed by the Secretary of State April 8, 2011

2011-119**National Association of Letter Carriers Food Drive Day**

WHEREAS, founded in 1889, the National Association of Letter Carriers, AFL-CIO (NALC) is the union of city letter carriers employed by the United States Postal Service; and,

WHEREAS, there are approximately 300,058 active and retired members of the NALC, of which about 214,084 are active city delivery letter carriers; and,

WHEREAS, last year these letter carriers delivered 176 billion pieces of mail, six days a week, to over 148 million homes and businesses in every city, suburb and town in America; and,

WHEREAS, each year, the National Association of Letter Carriers and the United States Postal Service conduct a nationwide food drive to help stock food banks and food pantries within the communities they serve; and,

WHEREAS, the NALC Food Drive is the largest one-day food drive in the nation, collecting over 77.1 million pounds of food in 2010, and raising the total amount of donations over the past 18 years to 1 billion pounds; and,

WHEREAS, letter carriers in Illinois collected over 2.1 million pounds of food across the Land of Lincoln in 2010; and,

WHEREAS, the need for food assistance has never been greater. According to the U.S. Department of Agriculture's most recent study of food security in the United States in 2009, the number of Americans living in so-called "food insecure" homes topped 50 million. Of those, 17.2 million are children; and,

WHEREAS, letter carriers all over the State of Illinois are preparing to once again help "Stamp Out Hunger" in their communities; and,

PROCLAMATIONS

WHEREAS, the national drive, in which food is collected by letter carriers as they deliver mail along their postal routes, is held each year on the second Saturday in May—which falls on May 14 this year:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 14, 2011 as **NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE DAY** in Illinois, in recognition of the NALC's efforts to combat hunger.

Issued by the Governor April 6, 2011

Filed by the Secretary of State April 8, 2011

2011-120**National Biomedical/Clinical Engineering Appreciation Week**

WHEREAS, as medical technology advances, healthcare facilities must keep pace by employing quality, well-trained professionals capable of understanding the complexity of medical equipment operations and applications; and,

WHEREAS, the complexity of medical technology today and in the future makes it essential that those individuals responsible for the care, safety, and accuracy of this equipment are recognized as an invaluable resource to the healthcare industry; and,

WHEREAS, biomedical equipment technicians, clinical engineers, and other medical technology professionals uniquely serve patients and the medical community while utilizing new technology developments to improve the quality of today's healthcare; and,

WHEREAS, these professionals research, recommend, install, inspect, and repair medical devices and other complicated medical systems, as well as advise and train others concerning the safe and effective use of medical devices, thereby controlling healthcare costs and improving patient safety; and,

WHEREAS, the Association for the Advancement of Medical Instrumentation (AAMI) is a unique alliance of more than 6,000 members united by a common goal to increase the understanding and beneficial use of medical instrumentation; and,

WHEREAS, AAMI's Technology Management Council (TMC) seeks to advance the interests of biomedical equipment technicians, clinical engineers, and other medical technology professionals; and,

PROCLAMATIONS

WHEREAS, the AAMI has designated the week of May 22-28, 2011 as National Biomedical/Clinical Engineering Appreciation Week. This annual celebration is specifically designed to promote the awareness of, and appreciation for, biomedical and clinical engineering professionals:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 22-28, 2011 as **NATIONAL BIOMEDICAL/CLINICAL ENGINEERING APPRECIATION WEEK** in Illinois, and encourage all citizens to recognize these dedicated professionals for their contributions to improving the healthcare system and patient outcomes in our state.

Issued by the Governor April 6, 2011

Filed by the Secretary of State April 8, 2011

2011-121**National Day of Prayer**

WHEREAS, in times of peril both at home and abroad, many American citizens turn to prayer for help and guidance; and,

WHEREAS, millions of men and women across the nation gratefully continue the tradition of prayer in churches, synagogues, temples, mosques, and other houses of worship across our country; and,

WHEREAS, established in 1952 by an act of Congress, the National Day of Prayer is now observed nationally every year on the first Thursday in May; and,

WHEREAS, the National Day of Prayer is a celebration of American citizens' freedom of religion, set forth in the First Amendment. Americans treasure their religious freedom, which embraces the many diverse communities of faith that have infused our society and our cultural heritage over more than two centuries; and,

WHEREAS, in past years, U.S. presidents and governors have signed proclamations designating a National Day of Prayer; and,

WHEREAS, the State of Illinois is pleased to join governors across the nation and President Barack Obama by issuing a proclamation honoring the National Day of Prayer, while continuing to work with communities of faith to improve our state:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 5, 2011 as **NATIONAL DAY OF PRAYER** in Illinois.

PROCLAMATIONS

Issued by the Governor April 6, 2011

Filed by the Secretary of State April 8, 2011

2011-122

National Transportation Week and Day

WHEREAS, our transportation system not only gives us freedom and mobility, allowing us to move from place to place, but it also boosts the nation's economy and strengthens our nation's security; and,

WHEREAS, advancing knowledge of the transportation industry and increasing public awareness on the significant nature transportation plays in the nation's economy are two goals the National Defense Transportation Association (NDTA) has set forth for National Transportation Week; and,

WHEREAS, the first National Transportation Week was observed in 1953 with the help of the Women's Transportation Club of Houston. This group originally set up a scholarship program benefiting transportation degree students at the University of Houston; and,

WHEREAS, seeing that the students and the public were virtually unaware and uninterested in the transportation industry, attempts were then made to sway past Presidents of the United States to proclaim National Transportation Week as a way of promoting the transportation industry; and,

WHEREAS, in Illinois, not only has our Department of Transportation been expanding the road system and supporting public transportation, but they have also been successful in reducing highway fatalities, improving opportunities for small, women, and minority owned businesses and upgrading process management throughout the organization; and,

WHEREAS, the observance of National Transportation Week, including National Transportation Day, provides an opportunity for the transportation community to join together for greater awareness about the importance of transportation and also focuses on making youth aware of transportation-related careers:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 15-21, 2011 as **NATIONAL TRANSPORTATION WEEK and May 20, 2011 as NATIONAL TRANSPORTATION DAY** in Illinois, in recognition of the dedicated transportation professionals and military service members for their tireless efforts to make America's transportation network the best in the world.

PROCLAMATIONS

Issued by the Governor April 6, 2011
Filed by the Secretary of State April 8, 2011

2011-123
Playground Safety Week

WHEREAS, the safety and well being of children is a priority of the State of Illinois; and,

WHEREAS, more than 200,000 children are injured on playgrounds in the United States each year, equaling an average of one playground-related emergency room visit every two-and-one-half minutes; and,

WHEREAS, the National Program for Playground Safety was created at the University of Northern Iowa to help inform the nation about playground injuries and possible ways to reduce them; and,

WHEREAS, the National Program for Playground Safety has identified key areas that could help to substantially reduce the number of playground injuries and keep our children SAFE – providing: proper Supervision, Age appropriate equipment, materials to soften Falls to the surface, and Equipment maintenance; and,

WHEREAS, spring is often a time that children head to the playground, as a result, a large percentage of playground injuries occur in the months of April through June; and,

WHEREAS, child care centers, schools, parks and other public facilities are preparing for summer season and associated playground use. It is essential that we take the time to inspect, repair, and sustain the many playgrounds that provide our children with much needed exercise and enjoyment; and,

WHEREAS, the State of Illinois is committed to ensuring that no children play on unsafe playgrounds:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 25 – 29, 2011 as **PLAYGROUND SAFETY WEEK** in Illinois, and encourage all citizens to help to keep our children safe on community playgrounds.

Issued by the Governor April 6, 2011
Filed by the Secretary of State April 8, 2011

PROCLAMATIONS

2011-124**Provider Appreciation Day**

WHEREAS, early childhood is the most critical developmental period for all children; and,

WHEREAS, our future depends on the quality of the early childhood experiences provided to young children today; and,

WHEREAS, high quality early childcare services represent a worthy commitment to our children's future; and,

WHEREAS, of the 20 million children under age five in America, over 11 million are in some form of child care setting at least part time; and,

WHEREAS, seeing the need for a day to appreciate and recognize child care providers, a group of volunteers started Provider Appreciation Day in 1996; and,

WHEREAS, by calling attention to the importance of high quality child care services for all children and families in our state, these provider groups aim to improve the quality and availability of such services:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 6, 2011 as **PROVIDER APPRECIATION DAY** in Illinois, and urge all citizens to join me in recognizing Illinois' child care providers for their commitment and dedication to our children.

Issued by the Governor April 6, 2011

Filed by the Secretary of State April 8, 2011

2011-125**Public Works Week**

WHEREAS, public works infrastructure, facilities and services are of vital importance to the health, safety and well-being of the people of Illinois; and,

WHEREAS, such facilities and services would not be possible without the dedicated efforts of public works professionals, engineers and administrators- representing state and local units of government, who are responsible for and must design, build, operate and maintain the transportation, water supply, sewage and refuse disposal systems, public buildings and other structures and facilities essential to serving our citizens; and,

PROCLAMATIONS

WHEREAS, it is in the public interest for the citizens and civic leaders of this country to gain knowledge of, and to maintain a progressive interest in the public works needs and programs of their respective communities; and,

WHEREAS, this year marks the 51st Anniversary of National Public Works Week, sponsored by the American Public Works Association:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 15-21, 2011 as **PUBLIC WORKS WEEK** in Illinois, and encourage all citizens to join with representatives of governmental agencies and the American Public Works Association in activities and ceremonies designed to pay tribute to public works professionals, engineers and administrators, and to recognize the substantial contributions they have made to our national health and welfare.

Issued by the Governor April 6, 2011

Filed by the Secretary of State April 8, 2011

2011-126**Red, White, and BBQ Competition Days**

WHEREAS, on May 27th through May 29th, the Westmont Lions Club will hold their fifth annual "Red, White, and Bar-B-Q Competition and Festival" in Westmont, Illinois; and,

WHEREAS, the "Red, White, and Bar-B-Q Competition and Festival," is an Illinois State Competition that allows professional teams to qualify for national level barbecue competitions; and,

WHEREAS, this event, a Kansas City Barbecue Society (KCBS) sanctioned event, will bring together amazing entertainment and award winning BBQ competitors, as well as raise funds for the Westmont Lions Club for their many charitable works with the blind and hard of hearing; and,

WHEREAS, the State of Illinois is proud to recognize the many talented individuals who are putting their barbeque skills to the test during this event:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 27-29, 2011 as **RED, WHITE, AND BBQ COMPETITION DAYS** in Illinois, and recognize this event as an Illinois State Championship Competition.

Issued by the Governor April 6, 2011

PROCLAMATIONS

Filed by the Secretary of State April 8, 2011

2011-127
Tai Chi and Qigong Day

WHEREAS, Tai Chi, a traditional Chinese exercise, is a series of mindful relaxed movements, increasingly found to have many health benefits for people of all different fitness levels; and,

WHEREAS, a study by the Emory University School of Medicine in Atlanta has pointed to the benefits of Tai Chi as relieving stress and improving balance and coordination among the elderly, while another study conducted by the University of Miami School of Medicine showed improved behavior in adolescents with Attention Deficit and Hyperactivity Disorder who practiced Tai Chi; and,

WHEREAS, Tai Chi and Qigong are also being used as helpful stress managers and behavior modifiers for drug abusers and prison inmates in some penal institutions in the United States; and,

WHEREAS, World Tai Chi and Qigong Day is now celebrated in 65 nations annually; and,

WHEREAS, World Tai Chi and Qigong Day is meant to bring practitioners together and to allow people to learn more about Tai Chi and Qigong through this day of celebration and practice that will be observed around the world on April 30:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 30, 2011 as **TAI CHI AND QIGONG DAY** in Illinois.

Issued by the Governor April 6, 2011

Filed by the Secretary of State April 8, 2011

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

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