

2011

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Index Department
Administrative Code Division
111 E. Monroe St.
Springfield, IL 62756
217-782-7017
www.cyberdriveillinois.com



Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

January 7, 2011 Volume 35, Issue 2

PROPOSED RULES

AGING, DEPARTMENT ON	
Joint Rules of the Department on Aging and the Department of Financial and Professional Regulation: Financial Exploitation Training by Financial Institutions	
89 Ill. Adm. Code 271.....	324
COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF	
Angel Investment Credit Program	
14 Ill. Adm. Code 531.....	331
COMMERCE COMMISSION, ILLINOIS	
Licensure of Retail Electric Agents, Brokers, and Consultants	
83 Ill. Adm. Code 454.....	333
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
Joint Rules of the Department on Aging and the Department of Financial and Professional Regulation: Financial Exploitation Training by Financial Institutions	
38 Ill. Adm. Code 220.....	340
PUBLIC HEALTH, DEPARTMENT OF	
Practice and Procedure in Administrative Hearings	
77 Ill. Adm. Code 100.....	343

ADOPTED RULES

AGRICULTURE, DEPARTMENT OF	
Illinois Pesticide Act	
8 Ill. Adm. Code 250.....	351
COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF	
Small Business Job Creation Tax Credit Act	
14 Ill. Adm. Code 529.....	357
ENVIRONMENTAL PROTECTION AGENCY	
Procedures for Operation of the Clean Construction or Demolition Debris Fill Operation Fee System	
35 Ill. Adm. Code 1150.....	369
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Medical Assistance Programs	
89 Ill. Adm. Code 120.....	379
Medical Payment	
89 Ill. Adm. Code 140.....	394
Hospital Services	
89 Ill. Adm. Code 148.....	420
HUMAN SERVICES, DEPARTMENT OF	
Maternal and Child Health Services Code	
77 Ill. Adm. Code 630.....	452

POLLUTION CONTROL BOARD	
Organic Material Emission Standards and Limitations for the Chicago Area	
35 Ill. Adm. Code 218.....	469
Organic Material Emission Standards and Limitations for the Metro East Area	
35 Ill. Adm. Code 219.....	496
RACING BOARD, ILLINOIS	
Advance Deposit Wagering (ADW)	
11 Ill. Adm. Code 325.....	522
REVENUE, DEPARTMENT OF	
Electronic Filing of Returns or Other Documents	
86 Ill. Adm. Code 760.....	529
STATE TOLL HIGHWAY AUTHORITY, ILLINOIS	
State Toll Highway Rules	
92 Ill. Adm. Code 2520.....	535
EMERGENCY RULES	
COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF	
Angel Investment Credit Program	
14 Ill. Adm. Code 531.....	553
EXECUTIVE ETHICS COMMISSION	
Organization, Information, Rulemaking and Hearings	
2 Ill. Adm. Code 1620.....	563
PEREMPTORY RULES	
AGRICULTURE, DEPARTMENT OF	
Meat and Poultry Inspection Act	
8 Ill. Adm. Code 125.....	571
REGULATORY AGENDA	
AGING, DEPARTMENT ON	
Public Information, Rulemaking and Organization	
2 Ill. Adm. Code 725.....	586
CORRECTIONS, DEPARTMENT OF	
Records of Committed Persons	
20 Ill. Adm. Code 107.....	591
LABOR, DEPARTMENT OF	
Access to Information	
2 Ill. Adm. Code 1400.....	596
OFFICE OF THE ATTORNEY GENERAL	
Rulemaking and Organization	
2 Ill. Adm. Code 575.....	601
PUBLIC HEALTH, DEPARTMENT OF	
Emergency Medical Services and Trauma Center Code	
77 Ill. Adm. Code 515.....	607
REVENUE, DEPARTMENT OF	
Lottery (Hearings)	

11 Adm. Code 1700.....	624
STUDENT ASSISTANCE COMMISSION, ILLINOIS	
General Provisions	
23 Ill. Adm. Code 2700.....	657
TRANSPORTATION, DEPARTMENT OF	
Inspection Procedures for Type I and Type II School Buses	
92 Ill. Adm. Code 441.....	662
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	670
JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
January Agenda.....	671

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 11, 2011
8	February 7, 2011	February 18, 2011
9	February 15, 2011	February 25, 2011
10	February 21, 2011	March 4, 2011
11	February 28, 2011	March 11, 2011
12	March 7, 2011	March 18, 2011
13	March 14, 2011	March 25, 2011
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
33	August 1, 2011	August 12, 2011
34	August 8, 2011	August 19, 2011
35	August 15, 2011	August 26, 2011
36	August 22, 2011	September 2, 2011
37	August 29, 2011	September 9, 2011
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 11, 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 26, 2011
53	December 19, 2011	December 30, 2011

DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Joint Rules of the Department on Aging and the Department of Financial and Professional Regulation: Financial Exploitation Training by Financial Institutions
- 2) Code Citation: 89 Ill. Adm. Code 271
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
271.100	New Section
271.110	New Section
271.120	New Section
271.130	New Section
271.140	New Section
271.150	New Section
- 4) Statutory Authority: 20 ILCS 105/4.01(11) and 320 ILCS 20/3.5(g-1)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements PA 96-1103 and sets forth the purpose, definition, and the minimum training responsibilities for employees, officers, and agents of financial institutions (including currency exchanges) operating in Illinois regarding recognition and reporting of observed and suspected financial exploitation of older persons. This rulemaking also describes training information requirements, procedures for the approval of training programs by the Department on Aging, and reports about employee training by financial institutions to the Department of Financial and Professional Regulation.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rule contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or enlarge any State mandate.

DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed rulemaking within 45 days after the date of publication of this notice to:
- Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way
Springfield, IL 62702-1271
- 217/785-3346
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Financial institutions operating in Illinois (i.e., banks, credit unions, saving institutions, currency exchanges)
- B) Reporting, bookkeeping or other procedures required for compliance: Financial institutions must train employees, officers and agents who have direct customer contact regarding recognition and reporting of observed and suspected financial exploitation of older persons. Financial institutions must also make reports about employee training to the Department of Financial and Professional Regulation.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the most recent 2010 regulatory agendas because: of the Department on Aging because PA 96-1103 was enacted after its submission.

The full text of the Rule beings on the next page. (This Part is a joint rule of the Department on Aging and the Department of Financial and Professional Regulation.)

DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGINGPART 271
JOINT RULES OF THE DEPARTMENT ON AGING
AND THE DEPARTMENT OF FINANCIAL
AND PROFESSIONAL REGULATION:
FINANCIAL EXPLOITATION TRAINING
BY FINANCIAL INSTITUTIONS

Section

271.100	Purpose
271.110	Definitions
271.120	Financial Exploitation Training
271.130	Training Approval Process
271.140	Financial Institution Training Responsibilities
271.150	Reports

AUTHORITY: Implementing Section 3.5(g-1) of the Elder Abuse and Neglect Act [320 ILCS 20/3.5(g-1)] and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.01(11)].

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

Section 271.100 Purpose

The purpose of this Part is to implement Public Act 96-1103 by providing for the training of the employees, officers or agents of financial institutions who have direct customer contact in the proper recognition and reporting of suspected financial exploitation of older persons.

Section 271.110 Definitions

"Bi-annual report" means the report compiled by the Department of Financial and Professional Regulation and submitted to the Department on Aging, which will include aggregate figures on the numbers of employees, officers and agents of financial institutions who were trained pursuant to this Part in the previous two quarters.

"Department" means the Illinois Department on Aging.

DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

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

"Direct customer contact" means that the employee, officer or agent of the financial institution has face-to-face or telephonic contact with the older person.

"Elder Abuse and Neglect Program" means the program established pursuant to the Elder Abuse and Neglect Act [320 ILCS 2] and managed by the Department on Aging.

"Financial exploitation" means the misuse, conversion or withholding of an older person's financial resources and assets by a person not authorized to do so, to the disadvantage of the older person and/or the enrichment or advantage of the perpetrator.

"Financial institution" means a bank, credit union, savings institution or currency exchange operating in Illinois.

"Older person" means a resident of Illinois who is age 60 years or older.

Section 271.120 Financial Exploitation Training

- a) A training program shall include information on such subjects as:
 - 1) the Illinois Elder Abuse and Neglect Program;
 - 2) the problem of financial exploitation of older persons in Illinois;
 - 3) recognizing the indicators of the financial exploitation of older persons;
 - 4) properly reporting cases of suspected financial exploitation of older persons in Illinois to the Illinois Elder Abuse and Neglect Program or to appropriate law enforcement agencies;
 - 5) following up and cooperating with the Illinois Elder Abuse and Neglect Program or appropriate law enforcement agencies in financial exploitation cases; and
 - 6) the obligations of the financial institution under this Part.

DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

- b) A training program shall be provided by in-person training or other media, such as a DVD, video tape, or the Internet.
- c) A training program under this Section shall be not less than 50 minutes nor more than 60 minutes in length, although financial institutions may provide additional training to their staff as they deem necessary.

Section 271.130 Training Approval Process

- a) The training program used by a financial institution shall be one that has been designed or approved by the Department on Aging.
- b) A financial institution, provider of training services, trade association or other entity may apply to the Department on Aging for approval of a training program. An application must be made in writing using the form prescribed by the Department and include a copy of the training program or a link to an on-line program.
- c) The Department on Aging will review the application and respond within 30 calendar days. If approved, the Department will notify the applicant in writing and post the notice of the approval upon its Departmental website, subject to a periodic review by the Department. If the Department on Aging denies a program, it will state the basis for its denial in writing.
- d) The Department will review each approved training program:
 - 1) when there have been changes in State law requiring a modification of the training program;
 - 2) when the entity having produced the training program submits to the Department changes to the training program; or
 - 3) every three years after the date of the initial approval.
- e) The entity having produced a training program that is on the approved list shall not alter the training program, except with the prior approval of the Department.

DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

- f) If the Department on Aging, pursuant to a review of the training program, withdraws approval of the training program, the Department will notify the entity having produced the training program, advise that entity of the deficiencies of the training program, and request a re-submission of a revised version of the training program.

Section 271.140 Financial Institution Training Responsibilities

- a) Each employee, officer and agent of a financial institution must satisfactorily complete a training program designed or approved by the Department on Aging prior to that employee, officer or agent entering into a position requiring direct contact with customers and depositors of the financial institution.
- b) Initially, each financial institution shall make available a training program to its employees within 60 calendar days after a training program is approved by the Department. Current employees who have direct contact with customers must satisfactorily complete the training during this 60 calendar day time period.
- c) Subsequently, each financial institution shall make available the training program to its new employees, officers and agents prior to the new employee, officer or agent entering into a position requiring direct contact with customers and depositors.

Section 271.150 Reports

- a) An officer of each financial institution shall be designated to create and maintain a record of each employee, officer and agent of the financial institution who has satisfactorily completed a training program on the approved list.
- b) The list of the employees, officers and agents in each financial institution who have satisfactorily completed the training program shall be maintained by the institution and be available for inspection at all times by the Department of Financial and Professional Regulation. The financial institution shall, on a semi-annual basis, file a report with DFPR evidencing its training activities. These reports shall include the total number of employees, officers and agents having satisfactorily completed the training program.

DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

- c) DFPR will compile the reports into a statewide bi-annual report and submit that report to the Department on Aging not more than 45 calendar days following the close of the reporting period.

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Angel Investment Credit Program
- 2) Code Citation: 14 Ill. Adm. Code 531
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
531.10	New
531.20	New
531.30	New
531.40	New
531.50	New
531.60	New
531.70	New
531.80	New
531.90	New
- 4) Statutory Authority: Implementing Section 220 of the Illinois Income Tax Act [35 ILCS 5/220]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is charged with implementation of the Angel Investment Credit Program (PA 96-939) in order to provide tax credit awards to claimants to help stimulate job growth and expand capital investment in Illinois.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
None
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any proposed amendments containing incorporations by reference? No
- 11) Statement of Statewide Policy Objectives: The rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandate Act (30 ILCS 805).

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULES

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

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield, IL 62701

217/557-1820
217/782-0038
jolene.clarke@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses and small municipalities affected: Innovative businesses principally engage in: manufacturing, biotechnology, nanotechnology, communications, Agricultural sciences, clean energy creation/storage technology, processing or assembling products, pre-commercialization activity, research, etc.
- B) Reporting, bookkeeping or other procedures required for compliance: On or before March 1st of each year, the Department shall report to the Governor and to the General Assembly on the tax credit certificates awarded under this Section for the prior calendar year.
- C) Types of professional skills necessary for compliance: Reporting and bookkeeping

- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the Department did not anticipate the changes at the time the agendas were published.

The full text of the Proposed Rule is identical to that of the Emergency Rule and begins on page 553.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensure of Retail Electric Agents, Brokers, and Consultants
- 2) Code Citation: 83 Ill. Adm. Code 454
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
454.30	Amendment
454.90	Amendment
454.110	Amendment
454.140	Amendment
- 4) Statutory Authority: Implementing Section 16-115C of the Public Utilities Act [220 ILCS 5/16-115C] and authorized by Sections 16-115C and 10-101 of the Public Utilities Act [220 ILCS 5/16-115C and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: Part 454 sets forth licensing and code of conduct rules for the regulated persons. The proposed amendments implement statutory changes contained in PA 96-1385 regarding the applicability of the Part, the code of conduct, the reporting requirements and Commission oversight.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency amendments 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: 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:

Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 10-0733, with:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Elizabeth Rolando, Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations, unless they are jurisdictional entities.
 - B) Reporting, bookkeeping or other procedures required for compliance: Reporting requirements
 - C) Types of professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because the Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 454

LICENSURE OF RETAIL ELECTRIC AGENTS, BROKERS AND CONSULTANTS

Section

454.10	Purpose
454.20	Definitions
454.30	Applicability
454.40	Required Application Filings and Procedures
454.50	General Licensing Requirements
454.60	Managerial Licensing Requirements
454.70	Technical Licensing Requirements
454.80	Financial Licensing Requirements
454.90	Code of Conduct
454.100	Customer Records and Information
454.110	Reporting Requirements
454.120	Erroneous or Defective Reports
454.130	Complaint Procedures
454.140	Commission Oversight

AUTHORITY: Implementing Section 16-115C of the Public Utilities Act [220 ILCS 5/16-115C] and authorized by Sections 16-115C and 10-101 of the Public Utilities Act [220 ILCS 5/16-115C and 10-101].

SOURCE: Adopted at 33 Ill. Reg. 14466, effective November 1, 2009; amended at 35 Ill. Reg. _____, effective _____.

Section 454.30 Applicability

- a) The requirements of this Section shall apply to each ABC that:
 - 1) sells or attempts to sell electric power and energy on behalf of a RES; and/or
 - 2) procures or attempts to procure electric power and energy on behalf of a retail customer.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- b) The requirements of this Section shall not apply to the following:
- 1) The Illinois Power Agency or any of its employees;
 - ~~2)~~ Any RES offering retail electric service on its own behalf;
 - ~~32)~~ Any person or entity acting exclusively on behalf of a single RES on condition that exclusivity is disclosed to the customer;
 - ~~4)~~ Any person acting exclusively on behalf of a retail electric supplier on condition that exclusivity is disclosed to the customer;
 - ~~53)~~ Any person or entity representing a municipal power agency, as defined in Section 11-119.1-3 of the Illinois Municipal Code [65 ILCS 5/11-119.1-3];
 - ~~64)~~ Any person or entity that attempts to procure retail electric service on behalf of, or sell retail electric service to, a third party that has an aggregate billing demand of all of its affiliated electric service accounts in Illinois of greater than 1,500 kW;
 - ~~75)~~ A retail customer that operates or manages, either directly or indirectly, any facilities, equipment or property used or contemplated to be used to distribute electric power or energy if that retail customer is a political subdivision or public institution of higher education of this State; or
 - ~~86)~~ Any corporation, company, limited liability company, association, joint-stock company or association, firm, partnership or individual, or their lessees, trusts or receivers appointed by any court whatsoever that are owned or controlled by the political subdivision, or public institution of higher education, or are operated by any of its lessees or operating agents.

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

Section 454.90 Code of Conduct

Any person or entity required to be licensed pursuant to this Part shall:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- a) Disclose in plain language in writing the nature of the services offered by the ABC;
- b) Prior to the customer signing a contract, disclose that they are not employed by the electric utility operating in the applicable service territory;
- cb) Disclose in plain language in writing to all persons it solicits:
- 1) before July1, 2011, the total anticipated remuneration to be paid to it by any third party over the period of the proposed underlying customer contract; and
- 2) on or after July 1, 2011, the total price per kilowatt-hour, and the total anticipated cost, inclusive of all fees or commissions received by the licensee, to be paid by the customer over the period of the proposed underlying customer contract;-
- d) Any ~~such~~ disclosure required by subsection (c) must be made prior to entering into the contract and signed by the customer;
- e) Disclose if applicable, to all customers, prior to the customer signing a contract the fact that they will be receiving compensation from the supplier;
- fe) Not hold itself out as independent or unaffiliated with any RES, or both, or use words calculated to give that impression, unless the person or entity offering service under Section 16-115C of the Act has no contractual relationship with any RES or its affiliates regarding retail electric service in Illinois;
- gd) Not utilize false, misleading, materially inaccurate, defamatory or otherwise deceptive language or materials in the soliciting or providing of its services;
- he) Maintain copies of all marketing materials disseminated to third parties for a period of not less than three years;
- if) Maintain copies of all disclosure statements required in subsections (a) and (b) for a period of not less than three years;

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- | ~~j~~e) Not present electricity pricing information in a manner that favors one supplier over another, unless a valid pricing comparison is made utilizing all relevant costs and terms; and
- | ~~k~~h) Comply with the requirements of Sections 2EE, 2FF, 2GG and 2HH of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE, 2FF, 2GG and 2HH].

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

Section 454.110 Reporting Requirements

- a) By March 31 of each year, each licensee shall submit a report identified with the name of the ABC as it appears in the most recent Commission order granting the ABC a license and shall be titled "ABC Annual (year) Recertification Report under 83 Ill. Adm. Code 454". All reports required under this Section shall be under oath and shall be filed with the Chief Clerk of the Commission with copies to the Director of the Commission's Energy Division, the Director of the Financial Analysis Division, and the Director of the Consumer Services Division.
- b) The annual report required by subsection (a) of this Section shall list each RES the licensee had any contractual relationship with during the prior calendar year, and shall contain the following information:
 - 1) The type of contractual relationship (such as subcontractor, affiliate, commission compensated);
 - 2) The number of non-residential customers to which the licensee sold retail electric supply on behalf of each RES;
 - 3) The number of residential customers to whom the licensee sold retail electric supply on behalf of each RES;
 - 4) The number of non-residential customers for which the licensee procured retail electric service on behalf of the customer; and
 - 5) The number of residential customers on whose behalf the licensee procured retail electric service.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- c) The verified report under this Section shall not contain customer identifying information.
- d) A public redacted version of the verified report may be submitted to the Commission along with a proprietary version. The public redacted version may redact from the verified report the name or names of every certified electricity supplier contained in the report to protect against disclosure of competitively sensitive market share information. The information shall be afforded proprietary treatment for two years after the date of the filing of the verified report. The licensee shall file with its annual verified report a copy of its verified financial statement for the previous fiscal period.
- e) The licensee shall file with its annual verified report a verified statement of any changes to the original licensure qualifications and notice of continuing compliance with all requirements.

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

Section 454.140 Commission Oversight

- a) Upon complaint or on the Commission's own motion, the Commission may conduct an investigation of a licensee's actions under any Section of this Part. The Commission's findings of a violation of this Section after notice and hearing shall result in a progressive disciplinary scale as specified in Section 16-115C(g) of the Act.
- b) *For a first violation, the Commission ~~may, in its discretion, shall~~ suspend the license of the licensee so disciplined for a period of no less than one month. In determining the length of the suspension to be imposed, the Commission shall consider whether the violation was deliberate or inadvertent, the harm or potential for harm to customers, and the effect or potential effect on competition. For a second violation within a 5-year period, the Commission shall suspend the license of the disciplined licensee for a period of not less than 6 months. For a third or subsequent violation within a 5-year period, the Commission shall suspend the license of the disciplined licensee for a period of not less than 2 years. [220 ILCS 5/16-115C(g)]*

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Joint Rules of the Department on Aging and the Department of Financial and Professional Regulation: Financial Exploitation Training by Financial Institutions
- 2) Code Citation: 38 Ill. Adm. Code 220
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
220.100	New Section
220.110	New Section
220.120	New Section
220.130	New Section
220.140	New Section
220.150	New Section
- 4) Statutory Authority: Implementing Section 3.5(g-1) of the Elder Abuse and Neglect Act [320 ILCS 20/3.5(g-1)] and authorized by Section 6a of the Financial Institutions Code [20 ILCS 1205/6a] and Section 6(i) of the Division of Banking Act [20 ILCS 3205/6(i)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements PA 96-1103 and sets forth the purpose, definition, and the minimum training responsibilities for employees, officers, and agents of financial institutions (including currency exchanges) operating in Illinois regarding recognition and reporting of observed and suspected financial exploitation of older persons. This rulemaking also describes training information requirements, procedures for the approval of training programs by the Department on Aging, and reports about employee training by financial institutions to the Department of Financial and Professional Regulation.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or enlarge any State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed rulemaking within 45 days after the date of publication of this notice to:

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

217/785-0813
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Financial institutions operating in Illinois (i.e., banks, credit unions, saving institutions, currency exchanges)
 - B) Reporting, bookkeeping or other procedures required for compliance: Financial institutions must train employees, officers and agents who have direct customer contact regarding recognition and reporting of observed and suspected financial exploitation of older persons. Financial institutions must also make reports about employee training to the Department of Financial and Professional Regulation.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent 2010 regulatory agendas of the Department of Financial and Professional Regulation because PA 96-1103 was enacted after their submission.

The Part 220 Source Note of the Rule begins on the next page and the full text of the Rule is identical to the text of the Department of Aging's Rule that appears in this issue of the Illinois Register on Page 324. (This Part is a joint rule of the Department of Financial and Professional Regulation and Department on Aging.)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 220

JOINT RULES OF THE DEPARTMENT ON AGING AND
THE DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION:
FINANCIAL EXPLOITATION TRAINING BY FINANCIAL INSTITUTIONS

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

(Editor's Note: This Part is a joint rule of the Department on Aging and the Department of Financial and Professional Regulation. The text of the Part appears at 89 Ill. Adm. Code 271.)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Practice and Procedure in Administrative Hearings
- 2) Code Citation: 77 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
100.2	Amend
100.8	Amend
100.16	Repeal
- 4) Statutory Authority: Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)] and Sections 55 through 55.63 of the Civil Administrative Code of Illinois [20 ILCS 2310/55 through 55.63]
- 5) A Complete Description of the Subjects and Issues Involved: Section 100.2 is being amended to include a reference to Illinois Supreme Court Rule 63(C).

Section 100.8 is being amended in accordance with the Department's agreement with the Joint Committee on Administrative Rules (JCAR) to expand upon language concerning the disqualification of administrative law judges, in accordance with Section 10-20 of the Illinois Administrative Procedure Act [5 ILCS 100/10-20]. The rule will reference the Illinois Supreme Court Rules for disqualification of judges.

Section 100.16 is being repealed. The Department no longer uses this procedure. The administrative law judge submits a report and recommendations to the Director in accordance with Section 100.15, and the Director reads the record of each hearing. The procedure in Section 100.16 addressed a situation in which the Director would not have read the record.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? 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: Regulated entities that request hearings with the Department
- 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 the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER a: GENERAL RULES

PART 100
PRACTICE AND PROCEDURE IN ADMINISTRATIVE HEARINGS

SUBPART A: APPLICABILITY AND DEFINITIONS

Section

- 100.1 Authority and Applicability
- 100.2 Definitions and Referenced Materials

SUBPART B: GENERAL HEARINGS

Section

- 100.3 Parties to Hearings
- 100.4 Appearance – Right to Counsel
- 100.5 Emergency Action
- 100.6 Hearings Requested by Complainants
- 100.7 Initiation of a Contested Case
- 100.8 Motions
- 100.9 Form of Papers
- 100.10 Service
- 100.11 Prehearing Conferences
- 100.12 Discovery
- 100.13 Hearings
- 100.14 Subpoenas
- 100.15 Administrative Law Judge's Report and Recommendations
- 100.16 Proposal for Decision [\(Repealed\)](#)
- 100.17 Final Orders
- 100.18 Records of Proceedings
- 100.19 Miscellaneous

SUBPART C: ADMINISTRATIVE HEARINGS UNDER
THE SMOKE FREE ILLINOIS ACT

Section

- 100.25 Initiation of a Hearing

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

100.35	Parties to Hearings
100.40	Right to Counsel
100.45	Prehearing Conference
100.50	Motions
100.55	Discovery
100.60	Hearings
100.70	Report and Recommendations
100.80	Final Order and Payment of Fines
100.90	Record of Hearing

AUTHORITY: Implementing and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)] and Sections 55 through 55.63 of the Civil Administrative Code of Illinois [20 ILCS 2310/55 through 55.63].

SOURCE: Adopted at 2 Ill. Reg. 38, p. 91, effective September 23, 1978; amended and codified at 4 Ill. Reg. 43, p. 127, effective October 14, 1980; amended at 5 Ill. Reg. 14167, effective December 9, 1981; amended at 6 Ill. Reg. 2235, effective February 2, 1982; amended at 11 Ill. Reg. 1937, effective January 9, 1987; amended at 18 Ill. Reg. 5980, effective April 1, 1994; amended at 21 Ill. Reg. 3208, effective March 3, 1997; amended at 34 Ill. Reg. 11768, effective July 30, 2010; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: APPLICABILITY AND DEFINITIONS

Section 100.2 Definitions and Referenced Materials

a) Definitions

"Administrative law judge" or "hearing officer" shall mean any attorney licensed to practice law in Illinois, appointed by the Director to preside at an administrative hearing. For the purpose of hearings conducted pursuant to Sections 2-110(d) and 3-410 of the Nursing Home Care Act (NHCA), the Department's Regional Health Officer in the region in which the facility is located may act as administrative law judge.

"Alleged violator" shall mean a person or entity issued a citation under the Smoke Free Illinois Act.

"Citation" shall mean a document alleging a violation of the Smoke Free Illinois Act.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"Contested case" shall have the meaning ascribed to it in Section 1-30 of the IAPA and shall include hearings pursuant to the Smoke Free Illinois Act.

"Default" or "default judgment" shall mean a written order entered after due process requirements of adequate notice and opportunity for hearing have been provided and the respondent fails to appear, defend, or answer; or a written order entered as an ultimate sanction for improper conduct. This order is considered a final order.

"Department" shall mean the Illinois Department of Public Health.

"Director" shall mean the Director or the designee of the Director of the Department of Public Health.

"Enforcing agency" shall be as described in Section 40 of the Smoke Free Illinois Act.

"Final order" or "final decision" shall mean a written order that disposes of a case or action, either with or without the imposition of a penalty, sanction, or other action.

"License" shall have the meaning ascribed to it in Section 1-35 of the IAPA.

"Licensing" shall have the meaning ascribed to it in Section 1-40 of the IAPA.

"NHCA" shall mean the Nursing Home Care Act [210 ILCS 45].

"Person" shall have the meaning ascribed to it in Section 1-60 of the IAPA.

- b) Referenced Materials
The following federal laws, State laws and rules, and Illinois Supreme Court Rules are referenced in this Part:
- 1) Social Security Act (42 USC 1395 and 1396)
 - 2) Illinois Administrative Procedure Act (IAPA) [5 ILCS 100]
 - 3) Nursing Home Care Act [210 ILCS 45]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 4) Smoke Free Illinois Act (SFIA) [410 ILCS 82]
- 5) Code of Civil Procedure [735 ILCS 5]
- 6) Administrative Review Law [735 ILCS 5/Art. III]
- 7) Health Facilities and Services Review Board: Health Facilities Planning Procedural Rules (77 Ill. Adm. Code 1130)
- 8) Supreme Court Rule 216: Admission of Fact or of Genuineness of Documents
- 9) [Supreme Court Rule 63\(C\): Disqualification](#)

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

SUBPART B: GENERAL HEARINGS

Section 100.8 Motions

- a) Motions, unless made during a hearing, shall be made in writing and shall set forth the relief or order sought and the legal authority for the action requested. Except as otherwise provided in this Part or by a specific statute, motions may seek any relief or order recognized in the Code of Civil Procedure and Rules of the Illinois Supreme Court, and shall include a reference to the applicable Section of the Code or Rules. Motions based on a matter that does not appear of record shall be supported by affidavit.
- b) Written motions shall be titled as to the party making the motion and the nature of the relief sought. The title shall be in capital letters and shall be placed either below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other motion. Examples of properly-titled motions: Respondent's Motion to Dismiss, Respondent's Second Motion to Dismiss.
- c) Motions to the pleadings if not raised at the earliest opportunity shall be deemed waived. Motions to the pleadings shall not be granted if the pleadings do not conform to Section 100.7.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- d) The administrative law judge shall not have the authority to dismiss, postpone, vacate, or overturn an Order or Notice issued by the Director, but may make a recommendation to the Director at any time that circumstances merit such a recommendation.
- e) Motions for a continuance shall be granted only for good cause shown. Motions for a continuance shall be in writing and filed at least five working days prior to the hearing. Motions for a continuance shall be made immediately when the party learns that a continuance is needed. Statements as to when the party learned that a continuance was needed, steps that were taken to avoid the continuance, and the current reasons the continuance is needed shall be contained in the motion. After one continuance has been granted to a party, additional continuances may be granted to that party only if:
- 1) a hearing on the issue of whether to grant the continuance has been held and the administrative law judge finds that the moving party has presented sufficient evidence showing entitlement to another continuance; or
 - 2) there is an emergency; or
 - 3) all parties so stipulate.
- f) Whenever possible, as much of the hearing as possible shall be completed, and only those matters that must be continued shall be continued.
- g) If there is an unforeseen emergency, motions for a continuance may be made by telephone rather than in writing. Motions by telephone shall be made through a conference call involving the administrative law judge and all parties and shall be confirmed within three business days by the filing of a written motion.
- h) Responses shall be in writing unless made at a prehearing conference or a hearing.
- i) In accordance with the Illinois Supreme Court Rule 63(C), on ~~On~~ a motion made by any party, the administrative law judge who is the subject of the motion shall determine whether he or she should be disqualified on the basis of bias or conflict of interest ~~bias or conflict of interest~~, and shall remove himself or herself if a determination is made that bias or a conflict of interest exists. If the motion is granted, the Director shall appoint a new administrative law judge. *An adverse*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

ruling, in and of itself, shall not constitute bias or conflict of interest. (Section 10-30 of the IAPA)

- j) Demands for a Bill of Particulars shall not be allowed.

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

Section 100.16 Proposal for Decision (Repealed)

- a) ~~When the Director has not heard the contested case or read the record and his or her final decision would be adverse to any party other than the Department, a proposal for decision shall be served upon all parties to the proceedings. The proposal for decision shall contain:~~
- 1) ~~A statement of the reasons for the proposed decision;~~
 - 2) ~~A statement of each issue of fact or law necessary to the proposed decision. (Section 10-45 of the IAPA)~~
- b) ~~The proposal for decision shall be prepared by the persons who conducted the hearing or one who has read the record. (Section 10-45 of the IAPA)~~
- c) ~~Any party adversely affected by the proposed decision shall have 20 days from the receipt of the proposal for decision in which to file written exceptions and a brief. Failure to file written exceptions and a brief in the time provided for in the proposal for decision shall be deemed a waiver of the right to file exceptions and a brief. The Department shall have 10 days to respond to the exceptions or brief.~~
- d) ~~The proposal for decision shall be served on all parties personally or by certified mail.~~
- e) ~~The Director may provide for oral arguments on the proposal for decision. If oral arguments are allowed, they shall be scheduled as convenient to the Director.~~

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Illinois Pesticide Act
- 2) Code Citation: 8 Ill. Adm. Code 250
- 3) Section Number: 250.220 Adopted Action:
New Section
- 4) Statutory Authority: Illinois Pesticide Act [415 ILCS 60]
- 5) Effective Date of Amendment: January 1, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 6, 2010; 34 Ill. Reg. 10937
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Non-substantive technical changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Some public institutions charged with the maintenance and upkeep of publicly-owned lands such as park districts and forest preserve districts routinely rely on citizen volunteers to make very limited herbicide applications for the control of certain non-native plant species and noxious weeds on their lands. Under the former provisions of the Illinois Pesticide Act and rules, these individuals were required to successfully complete the current licensing process which includes passing one or more written examinations and submitting a license application to

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

the state. The amendment creates a streamlined certification process whereby individuals volunteering for such activities annually receive specific training from a properly licensed employee of the public institution regarding specific herbicide application(s) to be performed and, as a result, are authorized to make them without further licensing requirements. The certification process is very similar to the process for the special application of solid mosquito larvicides used by many counties, cities and villages, found at 8 IAC 250.210.

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

Linda Rhodes
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds
Springfield, Illinois 62794-9281

Telephone: 217/785-5713
Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER i: PESTICIDE CONTROLPART 250
ILLINOIS PESTICIDE ACT

Section	
250.10	Definitions
250.20	Registration of Pesticide Dealers Selling Restricted Use Pesticides or Certain Non-Restricted Use Pesticides
250.30	Registration of Pesticides
250.40	Registration of Experimental Use Pesticides
250.50	Registration of Special Local Need Pesticides
250.60	Emergency Exemption Registration
250.70	Method of Becoming Certified Applicators
250.80	Private Pesticide Applicators: Certification, Licensing, Testing and Training
250.90	Commercial Applicator, Commercial Not For Hire Applicator and Public Applicator: Certification, Testing and Licensing
250.100	Licensed Operator (Commercial Operator, Commercial Not For Hire Operator and Public Operator): Testing and Licensing
250.110	General Competency Standards to be Covered on the Tests
250.120	Technical Category Areas of Pesticide Use
250.130	Surety Bond or Liability Insurance
250.140	Interagency Committee on Pesticides
250.150	Record Keeping
250.160	Permits
250.170	Administrative Hearing
250.180	Administrative Penalties
250.190	Formulation Violations of Label Claim
250.200	Reporting of Pesticide Incidents or Misuse Complaints
250.210	Special Application of Solid Mosquito Larvicides
250.220	Special Application of Herbicides to Control Invasive Plants on Public Lands

AUTHORITY: Implementing and authorized by the Illinois Pesticide Act [450 ILCS 60]

SOURCE: Adopted at 5 Ill. Reg. 732, effective January 6, 1981; codified at 5 Ill. Reg. 10527; amended at 6 Ill. Reg. 3071, effective March 8, 1982; amended at 8 Ill. Reg. 855, effective January 5, 1984; amended at 8 Ill. Reg. 16407, effective August 29, 1984; amended at 10 Ill.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Reg. 7663, effective April 28, 1986; amended at 12 Ill. Reg. 12784, effective July 26, 1988; amended at 24 Ill. Reg. 7191, effective April 27, 2000; emergency amendment at 26 Ill. Reg. 13093, effective August 14, 2002, for a maximum of 150 days; emergency amendment expired January 10, 2003; amended at 27 Ill. Reg. 5715, effective March 18, 2003; amended at 30 Ill. Reg. 12756, effective July 14, 2006; amended at 35 Ill. Reg. 351, effective January 1, 2011.

Section 250.220 Special Application of Herbicides to Control Invasive Plants on Public Lands

- a) Any person who receives training, pursuant to subsection (b) of this Section from an individual possessing a current Category 6 Right-of-Way Pest Control applicator license issued by the Department, after receipt of a certificate issued by the Department, may apply a herbicide product for the control of invasive plants on public lands without further compliance with the licensing provisions of this Part if all of the following are met:
- 1) The individual providing training pursuant to subsection (b) must be a compensated employee of the organization that has direct control of the public lands upon which the herbicide product applications are to be made;
 - 2) The individual making herbicide product applications under the provisions of this Section shall not receive compensation for the herbicide product applications;
 - 3) The signal word contained on the herbicide product is "CAUTION";
 - 4) The herbicide product to be applied shall not be classified as a "restricted use" pesticide;
 - 5) The herbicide product application method is limited to the method or methods included in the training provided pursuant to subsection (b) of this Section;
 - 6) A review of the specific herbicide product's label must have been included in the training program described in subsection (b);
 - 7) The herbicide product application site or sites are limited to the public lands identified during the training provided pursuant to subsection (b)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

and the public lands must be under the direct control of the trainer who provided the training or the trainer's organization;

- 8) All mixing of the herbicide product and loading of the herbicide product into any required application device or devices shall be conducted by the trainer who provided the training or other licensed applicator possessing a current Category 6 Right-of-Way Pest Control applicator license issued by the Department; and
 - 9) Each individual making herbicide product applications under the provisions of this Section shall utilize the personal protective equipment specified on the herbicide product label for handlers during the application activity.
- b) The training shall be not less than one hour in duration and shall include a review of the herbicide product labels, use restrictions, application rates, application methods, first aid, potential environmental hazards, personal protective equipment, and any other information deemed appropriate by the trainer for the safe and effective use of the herbicide products that meet the criteria listed in subsection (a) of this Section.
 - c) Upon completion of the training, the trainer shall immediately provide to the Department a complete legible listing, including name, address, telephone number, birth date, and sponsoring organization for whom the herbicide product applications are to be made, of all individuals who received the training and are thus eligible to apply only the specific herbicide product or products set forth in this Section.
 - d) The trainer shall also provide to the Department the date and location of the training, the trainer's name, address, telephone number, pesticide applicator license number, pesticide applicator license expiration date, trainer's organization, and a legible copy of the specific herbicide product label or labels utilized in the training session.
 - e) An individual trained to apply a herbicide product under the provisions of this Section, and only after receiving the certificate issued by the Department, may only:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 1) apply the specific herbicide products included in the training described in this Section;
 - 2) make such applications on the public lands identified in the training; and
 - 3) make applications during the calendar year in which the training was received.
- f) For the purpose of this Section, a person shall mean any individual over 18 years of age.

(Source: Added at 35 Ill. Reg. 351, effective January 1, 2010)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Small Business Job Creation Tax Credit Act
- 2) Code Citation: 14 Ill. Adm. Code 529
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
529.10	New
529.20	New
529.30	New
529.40	New
529.50	New
529.60	New
529.70	New
529.80	New
529.90	New
529.100	New
529.110	New
- 4) Statutory Authority: Implementing Section 5 and authorized by Section 15 of the Small Business Job Creation Tax Credit Act [35 ILCS 25/5 and 15]
- 5) Effective Date of Rulemaking: December 21, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 34 Ill. Reg. 9699 on July 16, 2010.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Grammatical and stylistic changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED RULES

- 13) Will this rulemaking replace any emergency amendment currently in effect? No, the emergency rule expired 11/27/10
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This new law creates a \$2500 tax credit to be used against withholding tax for employers with 50 or fewer employees who hire new and full time employees during the 12 month incentive period.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Ms. Jolene Clarke
Rules Administrator
Illinois Department of Commerce and Economic Opportunity
500 East Monroe
Springfield, IL 62701

217/557-1820

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED RULES

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 529

SMALL BUSINESS JOB CREATION TAX CREDIT ACT

Section

529.10	Purpose
529.20	Definitions
529.30	Maximum Amount of Available Credits
529.40	Eligibility Determination
529.50	Application Format
529.60	Application Review
529.70	Application Approval/Denial
529.80	Determination of Credit Amount
529.90	Applicant Responsibilities
529.100	Tax Credit Certificate
529.110	Noncompliance

AUTHORITY: Implementing Section 5 and authorized by Section 15 of the Small Business Job Creation Tax Credit Act [35 ILCS 25/5 and 15].

SOURCE: Emergency rules adopted at 34 Ill. Reg. 10210, effective July 1, 2010, for a maximum of 150 days; emergency expired November 27, 2010; adopted at 35 Ill. Reg. 357, effective December 21, 2010.

Section 529.10 Purpose

The Department is charged with providing Tax Credit Awards to Illinois small businesses, *in order to assist in the reversal of high unemployment and to help spur the economic recovery in Illinois.* [35 ILCS 25/5]

Section 529.20 Definitions

The following definitions are applicable to this Part.

"Act" or "SBJC Act" means the Small Business Job Creation Tax Credit Act [35 ILCS 25/5].

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED RULES

"Applicant" means an person that is operating a business located within the State of Illinois that is engaged in interstate or intrastate commerce and has no more than 50 full-time employees, without regard to the location of employment of those employees at the beginning of the incentive period. In the case of any person that is a member of a unitary business group within the meaning of subdivision (a)(27) of Section 1501 of the Illinois Income Tax Act, "applicant" refers to the unitary business group (see 35 ILCS 5/1501(a)(27)). [35 ILCS 25/10]

"Basic Wage" means compensation for employment that is no less than \$13.75 per hour or the equivalent salary for a new employee. [35 ILCS 25/10] Salary shall consist of all basic wage compensation not including overtime pay, bonus pay, stock options, awards or any other equity based incentive, unreimbursed employee expenses or piecemeal rate of pay and any form of deferred compensation.

"Certificate" means the tax credit certificate issued by the Department under Section 35 of the Act. [35 ILCS 25/10]

"Certificate of eligibility" means the certificate issued by the Department under Section 20 of the Act. [35 ILCS 25/10]

"Credit" means the amount awarded by the Department to an applicant by issuance of a certificate under Section 35 of the Act for each new full-time equivalent employee hired or job created. [35 ILCS 25/10]

"Department" means the Illinois Department of Commerce and Economic Opportunity. [35 ILCS 25/10]

"Director" means the Director of the Illinois Department of Commerce and Economic Opportunity. [35 ILCS 25/10]

"Full-time employee" means an individual who is employed for a basic wage for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employee. [35 ILCS 25/10]

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED RULES

"Incentive period" means the period commencing on July 1, 2010 and ending on June 30, 2011. [35 ILCS 25/10]

"New employee" means a full-time employee first employed by an applicant within the incentive period, or any employee that was released from employment prior to January 1, 2010, whose hire results in a net increase in the applicant's full-time Illinois employees and who is receiving a basic wage as compensation. The term "new employee" does not include:

A person who was previously employed in Illinois by the applicant or a related member prior to the onset of the incentive period, except for any employee who was released from employment prior to January 1, 2010;

Any individual who has a direct or indirect ownership interest of at least 5 percent in the profits, capital, or value of the applicant or a related member; [35 ILCS 25/10]

An employee of the applicant who was previously employed in Illinois by the applicant or a related member of the applicant and whose employment was shifted to the taxpayer after the taxpayer applied for the Tax Certificate.

"Noncompliance date" means, in the case of an applicant that is not complying with the requirements of the provisions of the Act, the day following the last date upon which the taxpayer was in compliance with the requirements of the provisions of the Act, as determined by the Director, pursuant to Section 45 of the Act. [35 ILCS 25/10]

"Related member" means a person that, with respect to the applicant during any portion of the incentive period, is any one of the following:

An individual, if the individual and the members of the individual's family (as defined in section 318 of the Internal Revenue Code) own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the profits, capital, stock, or other ownership interest in the applicant.

A partnership, estate, or trust and any partner or beneficiary, if the partnership, estate, or trust and its partners or beneficiaries own directly,

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED RULES

indirectly, beneficially, or constructively, in the aggregate, at least 50% of the profits, capital, stock, or other ownership interest in the applicant.

A corporation, and any party related to the corporation in a manner that would require an attribution of stock from the corporation under the attribution rules of section 318 of the Internal Revenue Code, if the applicant and any other related member own, in the aggregate, directly, indirectly, beneficially, or constructively, at least 50% of the value of the corporation's outstanding stock.

A corporation and any party related to that corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code, if the corporation and all such related parties own, in the aggregate, at least 50% of the profits, capital, stock, or other ownership interest in the applicant.

A person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code, except that for purposes of determining whether a person is a related member under this paragraph, "20%" shall be substituted for "5%" whenever "5%" appears in section 1563(e) of the Internal Revenue Code. [35 ILCS 25/10]

Section 529.30 Maximum Amount of Available Credits

The Department shall limit the monetary amount of credits awarded under the Act to no more than \$50,000,000. If applications for a greater amount are received, credits shall be allowed on a first-come, first-served basis, based on the date on which each properly completed application for a certificate of eligibility is received by the Department. If more than one certificate of eligibility is received on the same day, the credits will be awarded based on the time of submission for that particular day. [35 ILCS 25/30]

Section 529.40 Eligibility Determination

- a) In order to qualify for credits under the Act, an applicant must adhere to the requirements established by the Department. The Department shall require that any application must be submitted via the Department's web-based application process.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED RULES

- b) An applicant that has hired a new employee during the incentive period may apply via the Department's web-based application process for the credit with respect to that position on or after the date of hire of the new employee. The date of hire shall be the first day on which the employee begins providing services for basic wage compensation.
- c) *An applicant may apply for the credit for more than one new employee on or after the date of hire of each qualifying new employee. [35 ILCS 25/20(b)]*
- d) *Although an application for a tax credit certificate may be filed at any time after the conclusion of the 12-month period after a new employee was hired, an application filed more than 90 days after the earliest date on which it could have been filed shall not be awarded any credit if, prior to the date it is filed, the Department has received applications under this Section for credit totaling more than \$50,000,000. [35 ILCS 25/35(b)]*

Section 529.50 Application Format

- a) The Department will provide interested applicants with information upon request. Submittal of an application does not commit the Department to award assistance or to pay any costs incurred by the applicant in the preparation of an application.
- b) All applications shall be submitted electronically to the Department. The application shall at a minimum include:
 - 1) The name, address, email, and telephone number of applicant; key contact and title; total number of new employees to be hired; company Federal Employer Identification Number (FEIN).
 - 2) The employment start date for the hired new employee and the title for the jobs created.
 - 3) Any other provisions or information the Department determines necessary to facilitate the Department's evaluation.
- c) The applicant is responsible for the accuracy of all data, information and documentation submitted to the Department.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED RULES

- d) Any materials or data made available or received by any agent or employee of the Department shall be deemed confidential and shall not be deemed public records to the extent that the materials or data consist of trade secrets or commercial or financial information regarding the operation of the business conducted by the applicant for, or recipient of, any tax credit under the Act.

Section 529.60 Application Review

- a) The Department shall accept applications during the incentive period and via the procedures established by the Department.
- b) After receipt of an application, the Department shall issue a certificate of eligibility to the applicant stating:
 - 1) The date and time on which the application was received by the Department and an identifying number assigned to the applicant.
 - 2) The maximum amount of the credit the applicant could potentially receive under the Act with respect to the new employees listed on the application.
 - 3) The maximum amount of the credit potentially allowable on certificates of eligibility issued for applications received prior to the application for which the certificate of eligibility is issued.
- c) The Department is not responsible for any errors or delays in providing an application denial/approval caused by errors in any of the application information provided by the applicant or by any technical problems beyond the Department's control.

Section 529.70 Application Approval/Denial

- a) Applicants shall be notified as to the Department's evaluation of all completed applications. If the Department denies either the application for the certificate of eligibility or the tax credit certificate, it will specify the reasons for the denial.
- b) For tax years beginning on or after January 1, 2011, an applicant who has received a certificate of eligibility under the Act and who has sustained the mandatory employment figure is entitled to a tax credit certificate to be used

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED RULES

against the taxes imposed under Section 201(a) and (b) of the Illinois Income Tax Act [35 ILCS 5/201(a) and (b)].

Section 529.80 Determination of Credit Amount

- a) The Department shall determine the amount of credit awarded under the Act. *Subject to the conditions set forth in the Act, applicant is entitled to a credit against payment of taxes withheld under Section 704A of the Illinois Income Tax Act for calendar years ending on or after the date that is 12 months after the date of hire of a new employee. The credit shall be allowed as a credit to an applicant for each full-time employee hired during the incentive period that results in a net increase in full-time Illinois employees, when the net increase in the employer's full-time Illinois employees is maintained for at least 12 months.* [35 ILCS 25/25(a)]
- b) *The Department shall make credit awards under the Act to further job creation.* [35 ILCS 25/25(b)]
- c) *The credit shall be claimed for the first calendar year ending on or after the date on which the certificate is issued by the Department.* [35 ILCS 25/25(c)]
- d) *The total amount of the credit shall not exceed \$2,500 per new employee hired.* [35 ILCS 25/25(d)]
- e) *The net increase in full-time Illinois employees, measured on an annual full-time equivalent basis, shall be the total number of full-time Illinois employees of the applicant on June 30, 2011, minus the number of full-time Illinois employees employed by the employer on July 1, 2010. For purposes of the calculation, an employer that begins doing business in this State during the incentive period, as determined by the Director, shall be treated as having zero Illinois employees on July 1, 2010.* [35 ILCS 25/25(e)]
- f) *The net increase in the number of full-time Illinois employees of the applicant must be sustained continuously for at least 12 months, starting with the date of hire of a new employee during the incentive period. Eligibility for the credit does not depend on the continuous employment of any particular individual. For purposes of this subsection (f), if a new employee ceases to be employed before the completion of the 12-month period for any reason, the net increase in the number of full-time Illinois employees shall be treated as continuous if a different*

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED RULES

new employee is hired as a replacement within a reasonable time for the same position. [35 ILCS 25/25(f)]

Section 529.90 Applicant Responsibilities

Each applicant who the Department determines qualifies for a credit agrees to the requisites of the Act. Requirements that the applicant must comply with include, but are not limited to, the following:

- a) A requirement that the applicant retain any new employee for the 12-month period after a new employee has been hired. The applicant shall also provide the following:
 - 1) *The names, Social Security numbers, job descriptions, salary or wage rates, and dates of hire of the new employees with respect to whom the credit is being requested.*
 - 2) *Certification that each new employee listed has been retained on the job for one year from the date of hire.*
 - 3) *The number of new employees hired by the applicant during the incentive period.*
 - 4) *The net increase in the number of full-time Illinois employees of the applicant (including the new employees listed in the request) between the beginning of the incentive period and the dates on which the new employees listed in the request were hired.*
 - 5) *An acknowledgement that the Director is authorized to verify with the appropriate State agencies the information contained in the request before issuing a certificate to the applicant. [35 ILCS 25/35]*
- b) A requirement that the Department is authorized to verify with the appropriate State agencies information required to be reported by the applicant.
- c) A requirement that the applicant shall provide notification to the Department not more than 30 days after the job creation is no longer being or will be achieved or maintained as set forth in the terms and conditions of the Act.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED RULES

- d) Any other provisions that the Department determines are necessary to comply with the Act and other applicable State laws and administrative rules.

Section 529.100 Tax Credit Certificate

- a) Upon receipt of applicant verification that compliance was maintained in accordance within Section 529.90, *the Department shall provide the applicant with a tax credit certificate. The certificate shall include the following:*
- 1) *The name and taxpayer identification number of the applicant.*
 - 2) *The date on which the certificate is issued.*
 - 3) *The credit amount.*
 - 4) *Any other information the Department determines to be appropriate. [35 ILCS 25/35]*
- b) *An applicant claiming a credit under the Act shall submit to the Illinois Department of Revenue a copy of each certificate issued under Section 35 of the Act with the first return for which the credit shown on the certificate is claimed. However, failure to submit a copy of the certificate with the applicant's return shall not invalidate a claim for a credit. [35 ILCS 25/40]*

Section 529.110 Noncompliance

- a) *If the Department determines that an applicant who has received a credit under the Act is not complying with the requirements or provisions of the Act, the Director shall provide notice to the applicant of the alleged noncompliance, and allow the applicant 35 days to request a hearing under the provisions of the Illinois Administrative Procedure Act [5 ILCS 100]. If, after notice and any hearing, the Director determines that a noncompliance exists, the Director shall issue to the Department of Revenue notice to that effect, stating the noncompliance date for each credit claimed. Alleged noncompliance shall include:*
- 1) *Demonstration that the taxpayer failed materially to comply with the Act.*

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED RULES

- 2) Demonstration that the taxpayer failed to retain any new employee hired or claimed to have been hired during the incentive period.
- b) The Department shall notify an applicant in writing that it is subject to revocation. The notice shall include the reason for revocation and the date and location of a hearing to be held pursuant to 47 Ill. Adm. Code 10 (Review and Appeal Procedures).
- c) Following revocation the Department will contact the Director of the Illinois Department of Revenue who shall begin proceedings to recover wrongfully exempted State taxes.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Procedures for Operation of the Clean Construction or Demolition Debris Fill Operation Fee System
- 2) Code Citation: 35 Ill. Adm. Code 1150
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1150.100	New
1150.105	New
1150.110	New
1150.115	New
1150.120	New
1150.200	New
1150.205	New
1150.210	New
1150.215	New
1150.220	New
1150.300	New
1150.305	New
- 4) Statutory Authority: Section 22.51b of the Environmental Protection Act [415 ILCS 5/22.51b]
- 5) Effective Date of Adopted Rules: December 22, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 13, 2010; 34 Ill. Reg. 11653
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

In Section 1150.105, in the definition of "uncontaminated soil", changed "thereunder" to "under the Act".

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

In Section 1150.115(a), changed "such" to "those".

In Section 1150.120, changed "such" to "that" and "thereof" to "of this Part".

In Section 1150.200(c)(1) and (2), changed "where" to "when".

In Section 1150.200(d), changed "format as prescribed" to "format prescribed".

In Section 1150.205(a), deleted the comma after "operation".

In Section 1150.205(b), added a comma after "operation" and changed "thereunder" to "under the Act".

In Sections 1150.210(c) and 1150.215(c), changed "such" to "the" and added a comma after "Section".

In Section 1150.300(a), changed "Such" to "The".

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Section 22.51b(b) of the Environmental Protection Act [415 ILCS 5/22.51b(b)] requires the Illinois EPA to establish rules relating to the collection of the fees authorized by Section 22.51b(a) of the Environmental Protection Act [415 ILCS 5/22.51b(a)]. The rules set forth the procedures for the collection of fees from the owner or operator of a clean construction or demolition debris fill operation, including recordkeeping requirements, submittals to the Illinois EPA, and time and manner of payment.
- 16) Information and questions regarding this rulemaking shall be directed to:

Stephanie Flowers, Assistant Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

Springfield, Illinois 62794-9276

217/782-5544

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE J: CLEAN CONSTRUCTION OR DEMOLITION DEBRIS
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 1150
PROCEDURES FOR OPERATION OF THE CLEAN CONSTRUCTION OR
DEMOLITION DEBRIS FILL OPERATION FEE SYSTEM

SUBPART A: GENERAL PROVISIONS

- Section
- 1150.100 Applicability
- 1150.105 Definitions
- 1150.110 Retention of Records
- 1150.115 Certification
- 1150.120 Severability

SUBPART B: PROCEDURES FOR MAINTAINING RECORDS

- Section
- 1150.200 Records
- 1150.205 Daily Fill Record
- 1150.210 Monthly Fill Record
- 1150.215 Quarterly Fill Summary
- 1150.220 Revisions to Monthly Fill Record and Quarterly Fill Summary

SUBPART C: PROCEDURES FOR PAYMENT OF FEES

- Section
- 1150.300 Quarterly Submission of Payment
- 1150.305 Manner of Payment

AUTHORITY: Implementing and authorized by Section 22.51b of the Environmental Protection Act [415 ILCS 5/22.51b]

SOURCE: Emergency rules adopted at 34 Ill. Reg. 11854, effective August 2, 2010, for a maximum of 150 days; adopted at 35 Ill. Reg. 369, effective December 22, 2010.

SUBPART A: GENERAL PROVISIONS

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

Section 1150.100 Applicability

The regulations of this Part apply to *owners and operators of clean construction or demolition debris (CCDD) fill operations permitted or required to be permitted by the Agency to use CCDD or uncontaminated soil for use as fill in a CCDD fill operation if the CCDD fill operation is located off the site where the CCDD or uncontaminated soil was generated and if the CCDD fill operation is owned, controlled and operated by a person other than the generator of the CCDD or uncontaminated soil.* [415 ILCS 5/22.51b(a)]

Section 1150.105 Definitions

- a) Unless specified otherwise, all terms have the meanings set forth in the Act.
- b) For the purposes of this Part, the following definitions apply:

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" is the Illinois Environmental Protection Agency established by the Act. [415 ILCS 5/3.105]

"CCDD" means clean construction or demolition debris.

"Clean construction or demolition debris" means clean construction or demolition debris as defined in Section 3.160(b) of the Act.

"CCDD fill operation" means a current or former quarry, mine, or other excavation where clean construction or demolition debris is used as fill material. [415 ILCS 5/22.51(e)(3)]

"Operator" means a person responsible for the operation and maintenance of a CCDD fill operation. [415 ILCS 5/22.51(e)(1)]

"Owner" means a person who has any direct or indirect interest in a CCDD fill operation or in land on which a person operates and maintains a CCDD fill operation. A "direct or indirect interest" does not include the ownership of publicly traded stock. The "owner" is the "operator" if there is no other person who is operating and maintaining a CCDD fill operation. [415 ILCS 5/22.51(e)(2)]

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

"Uncontaminated soil" means uncontaminated soil as defined in Section 3.160(c) of the Act and rules adopted under the Act.

Section 1150.110 Retention of Records

Copies of all records required to be kept under this Part shall be retained by the site operator for three years and must be made available at the site during the normal business hours of the operator for inspection and photocopying by the Agency.

Section 1150.115 Certification

- a) All records, summaries or reports submitted to the Agency as required by this Part must be signed by a person responsible for preparing and reviewing those documents as part of his or her duties in the regular course of business.
- b) Any person signing a document submitted under this Part shall make the following certification:

I certify that this document and all attachments were prepared under my direction or supervision. Based on my inquiry of the person or persons who manage the fill operation, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties under Section 44 of the Environmental Protection Act for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Section 1150.120 Severability

If any Section, subsection, sentence or clause of this Part is adjudged unconstitutional, void, invalid or otherwise unlawful, that adjudication does not affect the validity of this Part as a whole or any Section, subsection, sentence or clause of this Part not adjudged unconstitutional, void, invalid or otherwise unlawful.

SUBPART B: PROCEDURES FOR MAINTAINING RECORDS

Section 1150.200 Records

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- a) The operator of a CCDD fill operation shall keep a Daily Record of the CCDD and the uncontaminated soil accepted for use as fill material at the CCDD fill operation.
- b) For purposes of reporting and submitting fees, the operator shall prepare the following records from the Daily Record:
 - 1) Monthly Fill Record; and
 - 2) Quarterly Fill Summary.
- c) Operators of CCDD fill operations shall submit each Monthly Fill Record, each Quarterly Fill Summary, and each fee payment:
 - 1) on the basis of weight, in tons, when the operator has weighed the CCDD and the uncontaminated soil received with a device for which certification has been obtained under the Weights and Measures Act [225 ILCS 470];
or
 - 2) on the basis of volume, as measured in cubic yards, when the measurement of the CCDD and the uncontaminated soil received is based on volume.
- d) Each Monthly Fill Record and Quarterly Fill Summary submitted to the Agency must be on forms and in a format prescribed and provided by the Agency.
- e) The Monthly Fill Record and Quarterly Fill Summary must be kept in accordance with Section 1150.110 of this Part.

Section 1150.205 Daily Fill Record

- a) The Daily Fill Records must be maintained at the site of the CCDD fill operation and must include the Agency designated site number and the site name.
- b) For each load of CCDD or uncontaminated soil accepted for use as fill material at the CCDD fill operation the following information must be recorded in the Daily Fill Record, in addition to any other information required by the Act and rules adopted under the Act:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- 1) The date and day of the week the load was accepted.
- 2) The quantity, in tons weighed or cubic yards measured, of CCDD or uncontaminated soil accepted for use as fill material at the CCDD fill operation.

Section 1150.210 Monthly Fill Record

- a) Monthly Fill Records must be maintained at the site of the CCDD fill operation and must include the following information:
 - 1) The Agency designated site number, the site name, and the calendar month for which the record applies.
 - 2) The total quantity of CCDD and uncontaminated soil accepted for use as fill material, in tons weighed or cubic yards measured, for each day of the calendar month.
- b) On or before April 15, July 15, October 15 and January 15, the owner or operator of the CCDD fill operation shall submit to the Agency the Monthly Fill Records for the preceding three calendar months. The Monthly Fill Records must be submitted to the address in Section 1150.305.
- c) Upon issuance of a valid CCDD fill operation permit pursuant to 35 Ill. Adm. Code 1100, and until termination of the permit, the owner or operator of the CCDD fill operation shall submit Monthly Fill Records to the Agency in accordance with this Section, regardless of the amount of CCDD and uncontaminated soil accepted for use as fill material by the CCDD fill operation.

Section 1150.215 Quarterly Fill Summary

- a) The Quarterly Fill Summary must be maintained at the site of the CCDD fill operation and must include the following information:
 - 1) The Agency designated site number, the site name, and the calendar quarter for which the summary applies.
 - 2) The total quantity of CCDD and uncontaminated soil accepted for use as fill material in tons weighed or cubic yards measured:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- A) for each month of the calendar quarter;
 - B) for the entire calendar quarter; and
 - C) for the calendar year-to-date.
- 3) The fee rate applicable under Section 22.51b of the Act.
- b) The Quarterly Fill Summary must be received by the Agency on or before April 15, July 15, October 15 and January 15 of each year and must cover the preceding three calendar months. The Quarterly Fill Summary must be submitted to the address in Section 1150.305.
- c) Upon issuance of a valid CCDD fill operation permit pursuant to 35 Ill. Adm. Code 1100, and until termination of the permit, the owner or operator of the CCDD fill operation shall submit a Quarterly Fill Summary to the Agency in accordance with this Section, regardless of the amount of CCDD and uncontaminated soil accepted for use as fill material by the CCDD fill operation.

Section 1150.220 Revisions to Monthly Fill Record and Quarterly Fill Summary

When errors in the amount of the fee due under Section 22.51b or errors in the amount of CCDD and uncontaminated soil accepted for use as fill material are discovered in any of the records required to be kept under this Part, a revised Monthly Fill Record and Quarterly Fill Summary reflecting the corrections must be completed by the site operator and submitted to the Agency. The revised Monthly Fill Record and Quarterly Fill Summary, and any payment due the Agency, must be received by the Agency no later than the seventh day following the discovery of the error. If the revision results in an overpayment, the site operator shall show the adjustment on the next Quarterly Fill Summary.

SUBPART C: PROCEDURES FOR PAYMENT OF FEES

Section 1150.300 Quarterly Submission of Payment

- a) Payment of the fee due under Section 22.51b of the Act must be made on a quarterly basis with the submission of the Quarterly Fill Summary. The payment must be received by the Agency on or before April 15, July 15, October 15 and January 15 of each year and must cover the preceding three calendar months.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- b) The fee payment due must be calculated by multiplying the quantity of CCDD and uncontaminated soil accepted for use as fill material, in tons weighed or cubic yards measured, as reported on the Quarterly Fill Summary, times the applicable rate in Section 22.51b of the Act.

Section 1150.305 Manner of Payment

Payment must be made by check or money order payable to Illinois Environmental Protection Agency. To pay by Electronic Fund Transfer (EFT), please submit a request for EFT to the address below. Payment and forms must be mailed to the Agency at the following address:

Illinois Environmental Protection Agency
Division of Administration, Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Adopted Action:
120.318 Amendment
120.400 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: December 27, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 19, 2010; 34 Ill. Reg. 2631
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No changes made
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
120.60	Amendment	34 Ill. Reg. 13275; September 17, 2010
120.10	Amendment	34 Ill. Reg. 11664; August 13, 2010
120.20	Amendment	34 Ill. Reg. 11664; August 13, 2010
120.40	Repeal	34 Ill. Reg. 11664; August 13, 2010
120.60	Amendment	34 Ill. Reg. 11664; August 13, 2010
120.61	Amendment	34 Ill. Reg. 11664; August 13, 2010

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

120.62	Repeal	34 Ill. Reg. 11664; August 13, 2010
120.63	Repeal	34 Ill. Reg. 11664; August 13, 2010
120.65	Repeal	34 Ill. Reg. 11664; August 13, 2010
120.308	Amendment	34 Ill. Reg. 11664; August 13, 2010
120.347	Amendment	34 Ill. Reg. 11664; August 13, 2010
120.379	Amendment	34 Ill. Reg. 11664; August 13, 2010
120.380	Amendment	34 Ill. Reg. 11664; August 13, 2010
120.381	Amendment	34 Ill. Reg. 11664; August 13, 2010
120.382	Amendment	34 Ill. Reg. 11664; August 13, 2010
120.384	Amendment	34 Ill. Reg. 11664; August 13, 2010
120.385	Amendment	34 Ill. Reg. 11664; August 13, 2010
120.387	Amendment	34 Ill. Reg. 11664; August 13, 2010
120.388	Amendment	34 Ill. Reg. 11664; August 13, 2010
120.TABLE B	Amendment	34 Ill. Reg. 11664; August 13, 2010

- 15) Summary and Purpose of Amendments: This rulemaking, in conjunction with amendments to Part 140, implements PA 96-872 and amendments to the County Jail Act [730 ILCS 125/17]. These changes in the law stipulate that the Department only cover in-patient hospitalization for individuals who are eligible for medical assistance while confined or detained in a "public institution" by a criminal justice authority. In addition, the Department reimburses county jails for medical treatment over \$500 provided to an eligible detainee. Further, PA 96-872 prohibits the Department from cancelling the enrollment of individuals solely because they have been confined or detained in a public institution. This rulemaking will enable eligible and enrolled individuals to resume their full medical assistance coverage quickly upon release from custody.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility For Medical Assistance

120.11 MANG(P) Eligibility

120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women

120.14 Presumptive Eligibility for Children

120.20 MANG(AABD) Income Standard

120.30 MANG(C) Income Standard

120.31 MANG(P) Income Standard

120.32 FamilyCare Assist

120.34 FamilyCare Share and FamilyCare Premium Level 1

120.40 Exceptions To Use Of MANG Income Standard

120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children

120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD –

MANG(AABD) and All Other Licensed Medical Facilities

120.62 Department of Mental Health and Developmental Disabilities (DMHDD)

Approved Home and Community Based Residential Settings Under 89 Ill. Adm.

Code 140.643

120.63 Department of Mental Health and Developmental Disabilities (DMHDD)

Approved Home and Community Based Residential Settings

120.64 MANG(P) Cases

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART D: MEDICARE PREMIUMS

Section

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

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section

120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section

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

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART I: SPECIAL PROGRAMS

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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; peremptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; peremptory amendment suspended at 32 Ill. Reg. 8450, effective May 20, 2008; peremptory amendment repealed under Section 5-125 of the Illinois Administrative Procedure Act, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; peremptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; peremptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 6551, effective April 28, 2009; peremptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

days; emergency expired August 29, 2009; emergency amendment at 33 Ill. Reg. 10785, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12703, effective September 7, 2009; amended at 33 Ill. Reg. 15707, effective November 2, 2009; amended at 33 Ill. Reg. 17070, effective December 2, 2009; amended at 34 Ill. Reg. 889, effective December 30, 2009; emergency rulemaking at 34 Ill. Reg. 13538, effective September 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 379, effective December 27, 2010.

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section 120.318 Institutional Status

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

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

(Source: Amended at 35 Ill. Reg. 379, effective December 27, 2010)

Section 120.400 Twelve Month Eligibility for Persons under Age 19

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) Coverage under the Department's Medical Assistance Program shall be provided for all eligible persons under 19 years of age for a 12 month period, regardless of any changes in income that may occur during that period, except as provided in subsections (c) and (d) of this Section. Provisions under this Section are not applicable to persons under age 19 who do not experience any changes in circumstances and continue to meet all medical assistance eligibility requirements.
- b) The 12 month period shall begin the later of:
- 1) the month in which initial eligibility is determined; or
 - 2) the month in which eligibility has most recently been determined.
- c) Eligibility shall end when the earliest of the following occurs:
- 1) the 12 month period ends; or
 - 2) the person attains age 19; or
 - 3) the person is no longer a resident of Illinois; or
 - 4) the person is incarcerated; this provision shall not apply effective January 1, 2012; or
 - 5) the person dies; or
 - 6) the Department determines that, at the time of application, incorrect or inaccurate information was provided that affected the eligibility determination; or
 - 7) the caretaker relative requests termination; or
 - 8) the child is also the caretaker relative of a child receiving benefits under the Public Aid Code and fails to cooperate with the support enforcement for that child as required by 89 Ill. Adm. Code 160.30; or
 - 9) the Department determines that the child was incorrectly determined to be eligible.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

(Source: Amended at 35 Ill. Reg. 379, effective December 27, 2010)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: This rulemaking, in conjunction with amendments to Part 120, implements PA 96-872 and amendments to the County Jail Act [730 ILCS 125/17]. These changes in the law stipulate that the Department only cover in-patient hospitalization for individuals who are eligible for medical assistance while confined or detained in a "public institution" by a criminal justice authority. In addition, the Department reimburses county jails for medical treatment over \$500 provided to an eligible detainee. Further, PA 96-782 prohibits the Department from cancelling the enrollment of individuals solely because they have been confined or detained in a public institution. This rulemaking enables eligible and enrolled individuals to resume their full medical assistance coverage quickly upon release from custody.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART C: PROVIDER ASSESSMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART E: GROUP CARE

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART F: FEDERAL CLAIMING FOR STATE AND
LOCAL GOVERNMENTAL ENTITIES

Section

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

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

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

Section

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

SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

Section

- 140.990 Primary Care Case Management Program

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART J: ALTERNATE PAYEE PARTICIPATION

Section

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

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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART A: GENERAL PROVISIONS

Section 140.2 Medical Assistance Programs

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 9) persons eligible for FamilyCare as described in 89 Ill. Adm. Code 120.32 and 120.34 and 89 Ill. Adm. Code 118.600, Subpart F.
- b) "Necessary medical care" is that which is generally recognized as standard medical care required because of disease, disability, infirmity or impairment.
- c) The Department may impose prior approval requirements, as specified by rule, to determine whether the medical care is necessary and eligible for payment from the Department in individual situations. Such requirements shall be based on recommendations of technical and professional staff and advisory committees.
- d) When recipients are entitled to Medicare benefits, the Department shall assume responsibility for their deductible and coinsurance obligations, unless the recipients have income and/or resources available to meet these needs. The total payment to a provider from both Medicare and the Department shall not exceed either the amount that Medicare determines to be a reasonable charge or the Department standard for the services provided, whichever is applicable.
- e) The Department shall pay for services and items not allowed by Medicare only if they are provided in accordance with Department policy for recipients not entitled to Medicare benefits.
- f) The Department may contract with qualified practitioners, hospitals and all other dispensers of medical services for the provision and reimbursement of any and all medical care or services as specified in the contract on a prepaid capitation basis (i.e., payment of a fixed amount per enrollee made in advance of the service); volume purchase basis (i.e., purchase of a volume of goods or services for a price specified in the contract); ambulatory visit basis (i.e., one comprehensive payment for each visit regardless of the services provided during that visit) or per discharge basis (i.e., one comprehensive payment per discharge regardless of the services provided during the stay). Such contracts shall be based either on formally solicited competitive bid proposals or individually negotiated rates with providers willing to enter into special contractual arrangements with the State.
- g) The Department may require that recipients of medical assistance under any of the Department's programs exercise their freedom of choice by choosing to receive medical care under the traditional fee for service system or through a prepaid capitation plan or under one of the other alternative contractual arrangements described in subsection (f) of this Section. The categories of recipients who may

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 35 Ill. Reg. 394, effective December 27, 2010)

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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~appropriate billing forms to the County Sheriff or arresting authority equivalent.~~

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ii) the name, address and provider number of the health care provider that provided the service;
 - iii) the service provided, including applicable diagnosis, procedure and national drug codes; and
 - iv) the provider charges and the amount paid by the county or arresting authority for the services.
- B) The date of confinement and, if applicable, the date of release or transfer to another criminal justice authority.
- C) Verification that the services claimed for reimbursement correspond to the services rendered.
- D) A copy of the ordinance or resolution providing for reimbursement for the cost of medical services at the reimbursement levels established by the Department for medical assistance pursuant to Article V of the Public Aid Code.
- 3) The Department will adjudicate each claim applying its reimbursement rates and, to the extent that the cost of care for the individual exceeds \$500 accumulated over the individual's period of confinement, will reimburse the county or arresting authority the amount in excess of \$500. ~~Insure that all claims for payment, which pertain to an incident of health care provided to an incarcerated person, have been submitted; and~~
- 4) Transmit all claims pertaining to a health care incident in a group to the Department.
- d) The Department will adjudicate each group of claims and notify the County Sheriff or arresting authority equivalent and the medical providers of its disposition of the claims.

(Source: Amended at 35 Ill. Reg. 394, effective December 27, 2010)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
148.20	Amendment
148.25	Amendment
148.140	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: December 27, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 30, 2010; 34 Ill. Reg. 10665
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: The following change was made: In subsection 148.25 (b)(3) of Section 148.25, deleted "and subsection (b)(5)(B) of this Section" from the end of the sentence.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
148.40	Amendment	34 Ill. Reg. 17832; November 29, 2010
148.117	Amendment	34 Ill. Reg. 17832; November 29, 2010
148.126	Amendment	34 Ill. Reg. 17832; November 29, 2010

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

148.140	Amendment	34 Ill. Reg. 17832; November 29, 2010
148.295	Amendment	34 Ill. Reg. 17832; November 29, 2010
148.700	New Section	34 Ill. Reg. 17832; November 29, 2010
148.710	New Section	34 Ill. Reg. 17832; November 29, 2010
148.720	New Section	34 Ill. Reg. 17832; November 29, 2010
148.730	New Section	34 Ill. Reg. 17832; November 29, 2010
148.740	New Section	34 Ill. Reg. 17832; November 29, 2010
148.750	New Section	34 Ill. Reg. 17832; November 29, 2010
148.760	New Section	34 Ill. Reg. 17832; November 29, 2010
148.120	Amendment	34 Ill. Reg.15705; October 22, 2010
148.122	Amendment	34 Ill. Reg.15705; October 22, 2010

- 15) Summary and Purpose of Amendments: Because the Illinois Department of Public Health adopted the "Freestanding Emergency Center Demonstration Program Code", which regulates freestanding emergency centers, including licensure, nursing services, physical plant, patient rights, violations, fines, and the scope of services they may provide, these amendments define such a facility and identify the mechanism for reimbursement (Ambulatory Procedures Listing) for these outpatient services.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section

148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section

148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100	Outpatient Rural Hospital Adjustment Payments
148.103	Outpatient Service Adjustment Payments
148.105	Psychiatric Adjustment Payments
148.110	Psychiatric Base Rate Adjustment Payments
148.112	High Volume Adjustment Payments
148.115	Rural Adjustment Payments
148.117	Outpatient Assistance Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.122	Medicaid Percentage Adjustments
148.126	Safety Net Adjustment Payments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 148.150 Public Law 103-66 Requirements
- 148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
- 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
(Repealed)
- 148.390 Hearings
- 148.400 Special Hospital Reporting Requirements
- 148.402 Medicaid Eligibility Payments (Repealed)
- 148.404 Medicaid High Volume Adjustment Payments (Repealed)
- 148.406 Intensive Care Adjustment Payments (Repealed)
- 148.408 Trauma Center Adjustment Payments (Repealed)
- 148.410 Psychiatric Rate Adjustment Payments (Repealed)
- 148.412 Rehabilitation Adjustment Payments (Repealed)
- 148.414 Supplemental Tertiary Care Adjustment Payments (Repealed)
- 148.416 Crossover Percentage Adjustment Payments (Repealed)
- 148.418 Long Term Acute Care Hospital Adjustment Payments (Repealed)
- 148.420 Obstetrical Care Adjustment Payments (Repealed)
- 148.422 Outpatient Access Payments (Repealed)
- 148.424 Outpatient Utilization Payments (Repealed)
- 148.426 Outpatient Complexity of Care Adjustment Payments (Repealed)
- 148.428 Rehabilitation Hospital Adjustment Payments (Repealed)
- 148.430 Perinatal Outpatient Adjustment Payments (Repealed)
- 148.432 Supplemental Psychiatric Adjustment Payments (Repealed)
- 148.434 Outpatient Community Access Adjustment Payments (Repealed)
- 148.440 High Volume Adjustment Payments
- 148.442 Inpatient Services Adjustment Payments
- 148.444 Capital Needs Payments
- 148.446 Obstetrical Care Payments
- 148.448 Trauma Care Payments
- 148.450 Supplemental Tertiary Care Payments
- 148.452 Crossover Care Payments
- 148.454 Magnet Hospital Payments
- 148.456 Ambulatory Procedure Listing Increase Payments
- 148.458 General Provisions
- 148.460 Catastrophic Relief Payments
- 148.462 Hospital Medicaid Stimulus Payments

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

- Section
- 148.500 Definitions
- 148.510 Reimbursement

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section

148.600	Definitions
148.610	Scope of the Program
148.620	Assistance Level and Reimbursement
148.630	Criteria and Information Required to Establish Eligibility
148.640	Covered Services

148.TABLE A	Renal Participation Fee Worksheet
148.TABLE B	Bureau of Labor Statistics Equivalence
148.TABLE C	List of Metropolitan Counties by SMSA Definition

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

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11688, effective August 1, 2007; amended at 31 Ill. Reg. 14792, effective October 22, 2007; amended at 32 Ill. Reg. 312, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8718, effective May 29, 2008; amended at 32 Ill. Reg. 9945, effective June 26, 2008; emergency amendment at 32 Ill. Reg. 10517, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 33 Ill. Reg. 501, effective December 30, 2008; preemptory amendment at 33 Ill. Reg. 1538, effective December 30, 2008; emergency amendment at 33 Ill. Reg. 5821, effective April 1, 2009, for a maximum of 150 days; emergency expired August 28, 2009; amended at 33 Ill. Reg. 13246, effective September 8, 2009; emergency amendment at 34 Ill. Reg. 15856, effective October 1, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17737, effective November 8, 2010; amended at 35 Ill. Reg. 420, effective December 27, 2010.

SUBPART A: GENERAL PROVISIONS

Section 148.20 Participation

- a) Payment for hospital inpatient, outpatient and clinic services shall be made only when provided by a hospital, as described in Section 148.25(b), or a distinct part unit, as described in Section 148.25(c), for covered services, as described in Section 148.50.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- b) Notwithstanding any other provisions of this Part, reimbursement to hospitals for services provided October 1, 1992, through March 31, 1994, shall be as follows:
- 1) **Base Inpatient Payment Rate.** For inpatient hospital services rendered, or, if applicable, for inpatient hospital admissions occurring, on and after October 1, 1992, and on or before March 31, 1994, the Department shall reimburse hospitals for inpatient services at the base inpatient payment rate calculated for each hospital, as of June 30, 1993. The term "base inpatient payment rate" shall include the reimbursement rates calculated effective October 1, 1992, under the following Sections: 148.130, 148.260, 148.270, and 148.280.
 - 2) **Exemptions.** The provisions of subsection (b)(1)-~~above~~ shall not apply to:
 - A) Hospitals reimbursed under Sections 148.82, 148.160, or 148.170. Reimbursement for such hospitals shall be in accordance with Sections 148.82, 148.160, or 148.170, as applicable.
 - B) Hospitals reclassified as rural hospitals as described in Section 148.40(f)(4). Reimbursement for such hospitals shall be in accordance with Section 148.40(f)(4) and Section 148.260 or 89 Ill. Adm. Code 149.100(c)(1)(A), whichever is applicable.
 - C) The inpatient payment adjustments described in Sections 148.120, 148.150, and 148.290. Reimbursement for such inpatient payment adjustments shall be in accordance with Sections 148.120, 148.150, and 148.290, and shall be in addition to the base inpatient payment rate described in subsection (b)(1)-~~above~~.
- c) [Payment for freestanding emergency center services shall only be made when provided by a freestanding emergency center as defined in Section 148.25\(h\) of this Part.](#)

(Source: Amended at 35 Ill. Reg. 420, effective December 27, 2010)

Section 148.25 Definitions and Applicability

- a) Payment for hospital inpatient, hospital outpatient and hospital clinic services shall be made only to a hospital or a distinct part hospital unit as defined in this

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section.

- b) The term "hospital" means:
- 1) For the purpose of hospital inpatient reimbursement, any institution, place, building, or agency, public or private, whether organized for profit or not-for-profit, which is located in the State and is subject to licensure by the Illinois Department of Public Health under the Hospital Licensing Act or any institution, place, building or agency, public or private, whether organized for profit or not-for-profit, which meets all comparable conditions and requirements of the Hospital Licensing Act in effect for the state in which it is located. In addition, unless specifically indicated otherwise, for the purpose of inpatient reimbursement, the term "hospital" shall also include:
 - A) County-owned hospitals, meaning all county-owned hospitals that are located in an Illinois county with a population of over 3 million.
 - B) A hospital organized under the University of Illinois Hospital Act.
 - C) A hospital unit that is adjacent to or on the premises of the hospital and licensed under the Hospital Licensing Act or the University of Illinois Hospital Act.
 - 2) For the purpose of hospital outpatient reimbursement, the term "hospital" shall, in addition to the definition described in subsection (b)(1) of this Section, include an encounter rate hospital. An encounter rate hospital is defined as:
 - A) An Illinois county-owned hospital located in a county with a population exceeding three million;
 - B) A hospital organized under the University of Illinois Hospital Act;
or
 - C) A county-operated outpatient facility located in a county with a population exceeding three million that is also located in the State of Illinois.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) For the purpose of non hospital-based clinic reimbursement, the term "hospital" shall mean:
 - A) A county-operated outpatient facility, as described in subsection (b)(2)(D) of this Section; or
 - B) A Certified Hospital Organized Satellite Clinic, as described in 89 Ill. Adm. Code 140.461(f)(1)(B) ~~and subsection (b)(5)(B) of this Section.~~
- 4) For the purpose of hospital-based clinic reimbursement, the term "hospital" shall mean a hospital-based clinic meeting the provisions of 89 Ill. Adm. Code 140.461(a) and Section 148.40(d).
- 5) For the purpose of Maternal and Child Health reimbursement, as described in 89 Ill. Adm. Code 140.464 and Section 148.140(d)(6), the term "Maternal and Child Health Managed Care Clinic" shall mean a clinic meeting the requirements of 89 Ill. Adm. Code 140.461(f). The following four categories of Maternal and Child Health Managed Care Clinics are recognized under the Healthy Moms/Healthy Kids Program, as described in 89 Ill. Adm. Code 140, Subpart G:
 - A) Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A);
 - B) Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B);
 - C) Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C); and
 - D) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D).
- 6) For the purpose of disproportionate share hospital adjustments, the term "hospital" shall, in addition to the definition in subsection (b)(1) of this Section, mean the facilities operated by the Department of Human Services, including facilities that are accredited by the Joint Commission

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

on Accreditation of Health Organizations (JCAHO).

- c) For the purpose of hospital inpatient reimbursement, the term "distinct part hospital unit" means a hospital, as defined in subsection (b)(1) of this Section, that meets the following ~~qualifications~~qualification(s):
- 1) Distinct Part Psychiatric Units. A distinct part psychiatric unit is a hospital, with a functional psychiatric unit, that is enrolled with the Department to provide inpatient psychiatric services (category of service 21).
 - 2) Distinct Part Rehabilitation Units. A distinct part rehabilitation unit is a hospital, with a functional rehabilitation unit, that is enrolled with the Department to provide inpatient rehabilitation services (category of service 22).
- d) A major teaching hospital is defined as a hospital having four or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation. Except, in the case of a hospital devoted exclusively to physical rehabilitation, as defined in 89 Ill. Adm. Code 149.50(c)(2), or in the case of a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3), only one certified program is required to be so classified.
- e) Except as provided in subsection (d) of this Section, a teaching hospital is defined as a hospital having at least one, but no more than three, graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.
- f) A non-teaching hospital is defined as:
- 1) A hospital that reports teaching costs on the Medicare or Medicaid cost reports but has no graduate medical education programs; or
 - 2) A hospital that reports no teaching costs on the Medicare or Medicaid cost reports and that has no graduate medical education programs.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- g) Definitions. Unless specifically stated otherwise, the definitions of terms used in Sections 148.130, 148.260, 148.270, and 148.280, and in 89 Ill. Adm. Code 149 are as follows:
- 1) "Base period" means the two most recent cost report years for which audited cost reports are available for at least 90 percent of cost reporting hospitals.
 - 2) "Rate period" means:
 - A) For admissions, or if applicable, dates of service, on or after October 1, 1992, and on or before March 31, 1994, the 18 month period beginning on October 1, 1992, and ending on March 31, 1994.
 - B) Beginning with admissions, or if applicable, dates of service, on or after April 1, 1994, the period beginning 90 days after the effective date of DRG PPS rates under the federal Medicare Program and ending 90 days after any subsequent DRG PPS rate change under the federal Medicare Program.
 - 3) "Rural hospital" means a hospital that is:
 - A) Located:
 - i) Outside a metropolitan statistical area; or
 - ii) Located 15 miles or less from a county that is outside a metropolitan statistical area and that is licensed to perform medical/surgical or obstetrical services and has a combined approved total bed capacity of 75 or fewer beds in these two service categories as of the effective date of P.A. 88-88 (July 14, 1993), as determined by the Illinois Department of Public Health.
 - B) The Illinois Department of Public Health must have been notified in writing of any changes to a facility's bed count on or before the effective date of P.A. 88-88 (July 14, 1993).

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 4) "Urban hospital" means a hospital that is located in a metropolitan statistical area that does not meet the criteria described in subsection (g)(3) of this Section.

h) The term "freestanding emergency center" means a facility that provides comprehensive emergency treatment services 24 hours per day, on an outpatient basis, and has been issued a license by the Illinois Department of Public Health under the Emergency Medical Services (EMS) Systems Act [210 ILCS 50] as a freestanding emergency center, or a facility outside of Illinois that meets conditions and requirements comparable to those found in the EMS Systems Act in effect for the jurisdiction in which it is located.

(Source: Amended at 35 Ill. Reg. 420, effective December 27, 2010)

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.140 Hospital Outpatient and Clinic Services

- a) Fee-For-Service Reimbursement
- 1) Reimbursement for hospital outpatient services shall be made on a fee-for-service basis, except for:
- A) Those services that meet the definition of the Ambulatory Procedure Listing (APL) as described in subsection (b) of this Section.
 - B) End stage renal disease treatment (ESRDT) services, as described in subsection (c) of this Section.
 - C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D).
 - D) Those services provided by a Critical Clinic Provider as described in subsection (e) of this Section.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

E) [Those services provided by a Freestanding Emergency Center, as described in subsection \(g\) of this Section.](#)

- 2) Except for the procedures under the APL groupings described in subsection (b) of this Section, fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) that pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.
- 3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
 - A) The reimbursement rates described in subsection (a)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 4) Maternal and Child Health Program rates, as described in 89 Ill. Adm. Code 140 Table M, shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(B), and Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C), and Section 148.25(b)(5)(C). Maternal and Child Health Program rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 148.25(b)(5)(D), for covered services as described in 89 Ill. Adm. Code 140.462(e)(3), that are provided to non-assigned Maternal and Child Health Program clients, as described in 89 Ill. Adm. Code 140.464(b)(1).

- 5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b)(2) for assigned clients.
 - 6) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
 - 7) With the exception of the retrospective adjustment described in subsection (a)(3) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this Section.
- b) Ambulatory Procedure Listing (APL)
Effective January 1, 2006, the Department will reimburse hospitals for certain hospital outpatient procedures as described in subsection (b)(1) of this Section.
- 1) APL Groupings
Under the APL, a list was developed that defines those technical procedures that require the use of the hospital outpatient setting, its technical staff or equipment. These procedures are separated into separate groupings based upon the complexity and historical costs of the procedures. The groupings are as follows:
 - A) Surgical Groups
 - i) Surgical group 1(a) consists of intense surgical procedures. Group 1(a) surgeries require an operating suite with continuous patient monitoring by anesthesia personnel. This level of service involves advanced specialized skills and highly technical operating room personnel using high technology equipment. The rate for this surgical procedure group shall be \$1,794.00.
 - ii) Surgical group 1(b) consists of moderately intense surgical

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

procedures. Group 1(b) surgeries generally require the use of an operating room suite or an emergency room treatment suite, along with continuous monitoring by anesthesia personnel and some specialized equipment. The rate for this surgical procedure group shall be \$1,049.00.

iii) Surgical group 1(c) consists of low intensity surgical procedures. Group 1(c) surgeries may be done in an operating suite or an emergency room and require relatively brief operating times. Such procedures may be performed for evaluation or diagnostic reasons. The rate for this surgical procedure group shall be \$752.00.

iv) Surgical group 1(d) consists of surgical procedures of very low intensity. Group 1(d) surgeries may be done in an operating room or emergency room, have a low risk of complications, and include some physician-administered diagnostic and therapeutic procedures. Certain dental procedures performed by dentists are included in this group. In order for a dental procedure to be eligible for reimbursement in the outpatient setting, the following criteria must be met: patient requires general anesthesia or conscious sedation; patient has a medical condition that places the patient at an increased surgical risk, such as, but not limited to, cardiopulmonary disease, congenital anomalies, history of complications associated with anesthesia, such as hyperthermia or allergic reaction, or bleeding diathesis; or the patient cannot be safely managed in an office setting because of behavioral, developmental, or mental disorder. The rate for this surgical procedure group shall be \$287.00.

B) Diagnostic and Therapeutic Groups

i) Diagnostic and therapeutic group 2(a) consists of advanced or evolving technologically complex diagnostic or therapeutic procedures. Group 2(a) procedures are typically invasive and must be administered by a physician. The rate for this surgical procedure group shall be \$941.00.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ii) Diagnostic and therapeutic group 2(b) consists of technologically complex diagnostic and therapeutic procedures that are typically non-invasive. Group 2(b) procedures typically include radiological consultation or a diagnostic study. The rate for this procedure group shall be \$304.00.
 - iii) Diagnostic and therapeutic group 2(c) consists of other diagnostic tests. Group 2(c) procedures are generally non-invasive and may be administered by a technician and monitored by a physician. The rate for this procedure group shall be \$176.00.
 - iv) Diagnostic and therapeutic group 2(d) consists of therapeutic procedures. Group 2(d) procedures typically involve parenterally administered therapeutic agents. Either a nurse or a physician is likely to perform such procedures. The rate for this procedure group shall be \$136.00.
- C) Group 3 reimbursement for services provided in a hospital emergency department will be made in accordance with one of the three levels described in this Section. Emergency Services mean those services that are for a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, possessing an average knowledge of medicine and health, could reasonably expect that the absence of immediate attention would result in placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part. The determination of the level of service reimbursable by the Department shall be based upon the circumstances at the time of the initial examination, not upon the final determination of the client's actual condition, unless the actual condition is more severe.
- i) Emergency Level I refers to Emergency Services provided

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

in the hospital's emergency department for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries that pose an immediate significant threat to life or physiologic function or requires an intense level of physician or nursing intervention. An "intense level" is defined as more than two hours of documented one-on-one nursing care or interactive treatment. The rate for this service shall be \$181.00.

ii) Emergency Level II refers to Emergency Services that do not meet the definition in this Section of Emergency Level I care, but that are provided in the hospital emergency department for a medical condition manifesting itself by acute symptoms of sufficient severity. The rate for this service shall be \$67.00.

iii) Non-Emergency/Screening Level means those services provided in the hospital emergency department that do not meet the requirements of Emergency Level I or II stated in this Section. For such care, the Department will reimburse the hospital either applicable current FFS rates for the services provided or a screening fee, but not both. The rate for this service shall be \$26.00.

D) Group 4 for observation services is established to reimburse such services that are provided when a patient's current condition does not warrant an inpatient admission but does require an extended period of observation in order to evaluate and treat the patient in a setting that provides ancillary resources for diagnosis or treatment with appropriate medical and skilled nursing care. The hospital may bill for both observation and other APL procedures but will be reimbursed only for the procedure (group) with the highest reimbursement rate. Observation services will be reimbursed under one of three categories:

i) for at least 60 minutes but less than six hours and 31 minutes of services, the rate shall be \$74.00;

ii) for at least six hours and 31 minutes but less than 12 hours

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

and 31 minutes of services, the rate shall be \$222.00; or

- iii) for at least 12 hours and 31 minutes or more of services, the rate shall be \$443.00.

E) Group 5 for psychiatric treatment services is established to reimburse for certain outpatient treatment psychiatric services that are provided by a hospital that is enrolled with the Department to provide inpatient psychiatric services. Under this group, the Department will reimburse, at different rates, Type A and Type B Psychiatric Clinic Services, as defined in Section 148.40(d)(1). A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).

- i) The rate for Type A psychiatric clinic services shall be \$68.00.

- ii) The rate for Type A psychiatric clinic services provided by a Children's Hospital shall be \$102.00.

- iii) The rate for Type B psychiatric clinic services shall be \$101.00.

- iv) The rate for Type B psychiatric clinic services provided by a Children's Hospital shall be \$102.00.

F) Group 6 for physical rehabilitation services is established to reimburse for certain outpatient physical rehabilitation services. Under this group, the Department will reimburse for services provided by a hospital enrolled with the Department to provide outpatient-physical rehabilitation services at a different rate than will be reimbursed for physical rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation services. A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- i) The rate for rehabilitation services provided by a hospital enrolled with the Department to provide outpatient physical rehabilitation shall be \$130.00.
 - ii) The rate for rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation shall be \$115.00.
 - iii) The rate for rehabilitation services provided by Children's Hospitals shall be \$130.00.
- 2) Each of the groups described in subsection (b)(1) of this Section will be reimbursed by the Department considering the following:
- A) The Department will provide cost outlier payments for specific devices and drugs associated with specific APL procedures. Such payments will be made if:
 - i) The device or drug is on an approved list maintained by the Department. In order to be approved, the Department will consider requests from medical providers and shall base its decision on medical appropriateness of the device or drug and the costs of such device or drug; and
 - ii) The provision of such devices or drugs is deemed to be medically appropriate for a specific client, as determined by the Department's physician consultants.
 - B) Additional payment for such devices or drugs, as described in subsection (b)(2)(A) of this Section, will require prior authorization by the Department unless it is determined by the Department's professional medical staff that prior authorization is not warranted for a specific device or drug. When such prior authorization has been denied for a specific device or drug, the decision may be appealed as allowed by 89 Ill. Adm. Code 102.80(a)(7) and in accordance with the provisions for assistance appeals at 89 Ill. Adm. Code 104.
 - C) The amount of additional payment for devices or drugs, as

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

described in subsection (b)(2)(A) of this Section, will be based on the following methodology:

- i) The product of a cost to charge ratio that, in the case of cost reporting hospitals as described in Section 148.130(d), or in the case of other non-cost reporting providers, equals 0.5 multiplied by the provider's total covered charges on the qualifying claim, less the APL payment rate multiplied by four;
 - ii) If the result of subsection (b)(2)(C)(i) of this Section is less than or equal to zero, no additional payment will be made. If the result is greater than zero, the additional payment will equal the result of subsection (b)(2)(C)(i) of this Section, multiplied by 80 percent. In such cases, the provider will receive the sum of the APL payment and the additional payment for such high cost devices or drugs.
- D) For county-owned hospitals located in an Illinois county with a population greater than three million, reimbursement rates for each of the reimbursement groups shall be equal to the amounts described in subsection (b)(1) of this Section multiplied by a factor of 2.72, except that physical rehabilitation services provided by a general care hospital not enrolled with the Department to provide outpatient physical rehabilitation services shall be reimbursed at a rate of \$230.00 and the reimbursement rate for Type B psychiatric clinic services shall be \$224.00.
- E) Reimbursement rates for hospitals not required to file an annual cost report with the Department may be lower than those listed in this Section.
- F) Reimbursement for each APL group described in this subsection (b) shall be all-inclusive for all services provided by the hospital, regardless of the amount charged by a hospital. No separate reimbursement will be made for ancillary services or the services of hospital personnel. Exceptions to this provision are that hospitals shall be allowed to bill separately, on a fee-for-service basis, for professional outpatient services of a physician providing

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

direct patient care who is salaried by the hospital; chemotherapy services provided in conjunction with radiation therapy services; and occupational or speech therapy services provided in conjunction with rehabilitation services as described in subsection (b)(1)(F) of this Section. For the purposes of this Section, a salaried physician is a physician who is salaried by the hospital; a physician who is reimbursed by the hospital through a contractual arrangement to provide direct patient care; or a group of physicians with a financial contract to provide emergency department care. Under APL reimbursement, salaried physicians do not include radiologists, pathologists, nurse practitioners, or certified registered nurse anesthetists and no separate reimbursement will be allowed for such providers.

- 3) The assignment of procedure codes to each of the reimbursement groups in subsection (b)(1) of this Section are detailed in the Department's Hospital Handbook and in notices to providers.
- 4) A one-time fiscal year 2000 payment will be made to hospitals. Payment will be based upon the services, specified in this Section, provided on or after July 1, 1998, and before July 1, 1999, which were submitted to the Department and determined eligible for payment (adjudicated) by the Department on or prior to April 30, 2000, excluding services for Medicare/Medicaid crossover claims and claims that resulted in a zero payment by the Department. A one-time amount of:
 - A) \$27.75 will be paid for each service for procedure code W7183 (Psychiatric clinic Type A for adults).
 - B) \$24.00 will be paid for each service for APL Group 5 (Psychiatric clinic Type A only) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
 - C) \$15.00 will be paid for each service for APL Group 6 (Physical rehabilitation services) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
- 5) County Facility Outpatient Adjustment

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- A) Effective for services provided on or after July 1, 1995, county owned hospitals in an Illinois county with a population of over three million shall be eligible for a county facility outpatient adjustment payment. This adjustment payment shall be in addition to the amounts calculated under this Section and are calculated as follows:
- i) Beginning with July 1, 1995, hospitals under this subsection shall receive an annual adjustment payment equal to total base year hospital outpatient costs trended forward to the rate year minus total estimated rate year hospital outpatient payments, multiplied by the resulting ratio derived when the value 200 is divided by the quotient of the difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.
 - ii) The payment calculated under this subsection (b)(5)(A) may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations.
 - iii) The county facility outpatient adjustment under this subsection shall be made on a quarterly basis.
- B) County Facility Outpatient Adjustment Definition. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:
- i) "Base Year" means the most recently completed State fiscal year.
 - ii) "Rate Year" means the State fiscal year during which the county facility adjustment payments are made.
 - iii) "Total Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of service liability, projected for the upcoming rate year.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.
- 6) **No Year-End Reconciliation**
With the exception of the retrospective rate adjustment described in subsection (b)(8) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (b).
- 7) **Rate Adjustments**
With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in subsection (b)(5) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
 - A) The reimbursement rates described in subsection (b)(5) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 8) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) that pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care Program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
- 9) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

days after the close of the facility's fiscal year.

- c) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:
- 1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240 through 148.300 and 89 Ill. Adm. Code 149.
 - 2) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or (c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate that will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2163 (1994). This rate will be that rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 (1994).
 - 3) Payment for non-routine services. For services that are provided during outpatient or home dialysis treatment pursuant to Section 148.40(c)(2) or (c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.
 - 4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.
 - 5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
 - A) The reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
 - 6) With the exception of the retrospective rate adjustment described in subsection (c)(5) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).
 - 7) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) of this Section shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- d) Non Hospital-Based Clinic Reimbursement
- 1) County-Operated Outpatient Facility Reimbursement
Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as either a Maternal and Child Health Program managed care clinics, as described in 89 Ill. Adm. Code 140.461(f), or as a Critical Clinic Provider, as described in subsection (e) of this Section, shall be on an all-inclusive per encounter rate basis as follows:
 - A) Base Rate. The per encounter base rate shall be calculated as follows:
 - i) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter delivered by direct staff.
 - ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section, shall be multiplied by the Medicare allowable overhead rate factor to calculate the overhead cost per encounter.
 - iii) The resulting product, as calculated in subsection (d)(1)(A)(ii) of this Section, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section to determine the per encounter base rate.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- iv) The resulting sum, as calculated in subsection (d)(1)(A)(iii) of this Section, shall be the per encounter base rate.
- B) Supplemental Rate
- i) The supplemental service cost shall be divided by the total number of direct staff encounters to determine the direct supplemental service cost per encounter.
 - ii) The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the supplemental overhead cost per encounter.
 - iii) The quotient derived in subsection (d)(1)(B)(i) of this Section shall be added to the product derived in subsection (d)(1)(B)(ii) of this Section, to determine the per encounter supplemental rate.
 - iv) The resulting sum, as described in subsection (d)(1)(B)(iii) of this Section, shall be the per encounter supplemental rate.
- C) Final Rate
- i) The per encounter base rate, as described in subsection (d)(1)(A)(iv) of this Section, shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv) of this Section, to determine the per encounter final rate.
 - ii) The resulting sum, as determined in subsection (d)(1)(C)(i) of this Section, shall be the per encounter final rate.
 - iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) of this Section, shall be adjusted in accordance with subsection (d)(2) of this Section.
- 2) Rate Adjustments

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) of this Section, shall be calculated as follows:

- A) The reimbursement rates described in subsections (d)(1)(A) through (d)(1)(C) and (e)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
 - C) The final rate described in subsection (d)(1)(C) of this Section shall be no less than \$147.09 per encounter.
- 3) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d).
- 4) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) that pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
- e) Critical Clinic Providers
- 1) Effective for services provided on or after September 27, 1997, a clinic owned or operated by a county with a population of over three million,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

that is within or adjacent to a hospital, shall qualify as a Critical Clinic Provider if the facility meets the efficiency standards established by the Department. The Department's efficiency standards under this subsection (e) require that the quotient of total encounters per facility fiscal year for the Critical Clinic Provider divided by total full time equivalent physicians providing services at the Critical Clinic Provider shall be greater than:

- A) 2700 for reimbursement provided during the facility's cost reporting year ending during 1998,
 - B) 2900 for reimbursement provided during the facility's cost reporting year ending during 1999,
 - C) 3100 for reimbursement provided during the facility's cost reporting year ending during 2000,
 - D) 3600 for reimbursement provided during the facility's cost reporting year ending during 2001, and
 - E) 4200 for reimbursement provided during the facility's cost reporting year ending during 2002.
- 2) Reimbursement for all services provided by any Critical Clinic Provider shall be on an all-inclusive per-encounter rate that shall equal reported direct costs of Critical Clinic Providers for each facility's cost reporting period ending in 1995, and available to the Department as of September 1, 1997, divided by the number of Medicaid services provided during that cost reporting period as adjudicated by the Department through July 31, 1997.
- 3) Critical Clinic Providers, as described in this subsection (e), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (e).
- 4) The reimbursement rates described in this subsection (e) shall be no less than the reimbursement rates in effect on July 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

- f) Critical Clinic Provider Pharmacies
Prescribed drugs, dispensed by a pharmacy that is a Critical Clinic Provider, that are not part of an encounter reimbursable under subsection (e) of this Section shall be reimbursed at the rate described in subsection (e)(2) of this Section.
- g) Freestanding Emergency Centers
A Freestanding Emergency Center (FEC), as defined in Section 148.25(h) of this Part, is eligible to enroll for reimbursement of emergency services.
Reimbursement for the emergency services provided in an FEC shall be made at the applicable APL group rate identified in subsection (b) of this Section.
Payment for salaried physician services performed in conjunction with an APL procedure shall be made in accordance with subsection (b) of this Section.

(Source: Amended at 35 Ill. Reg. 420, effective December 27, 2010)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Maternal and Child Health Services Code
- 2) Code Citation: 77 Ill. Adm. Code 630
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
630.40	Amend
630.50	Amend
- 4) Statutory Authority: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act [410 ILCS 45], the Phenylketonuria Testing Act [410 ILCS 240], the Autopsy Act [410 ILCS 505], the Infant Mortality Reduction Act [410 ILCS 220], the Problem Pregnancy Health Services and Care Act [410 ILCS 230], and the Illinois Family Case Management Act [410 ILCS 212], and authorized by Section 2310-25 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-25]
- 5) Effective Date of Amendments: December 22, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of proposal published in the Illinois Register: May 28, 2010; 34 Ill. Reg. 7428
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: There were no substantive changes to the rulemaking between the proposed and final version.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There were no agreements issued by JCAR.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and purpose of Rulemaking: This rulemaking will incorporate language that the Department of Public Health is removing from 77 Ill. Adm. Code 640 regarding the High Risk Follow-up Program that the Department of Human Services administers and funds.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
- 217/557-1549
- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER i: MATERNAL AND CHILD HEALTH

PART 630
MATERNAL AND CHILD HEALTH SERVICES CODE

SUBPART A: GENERAL

Section	
630.10	Legislative Base
630.20	Administration
630.25	Incorporated Materials

SUBPART B: PRENATAL AND NEWBORN CARE PROGRAM

Section	
630.30	Health Services for Women of Reproductive Age
630.40	Health Services for Children in the First Year of Life

SUBPART C: CHILD HEALTH CARE PROGRAM

Section	
630.50	Health Services for Children from One Year of Age to Early Adolescence
630.60	Health Services for Adolescents

SUBPART D: ADMINISTRATIVE REQUIREMENTS

Section	
630.70	Definitions
630.80	Standards
630.90	Records
630.100	Reports
630.110	In-Service Training
630.120	Evaluation
630.130	Use of Project Funds
630.140	Program Income
630.150	Eligibility for Services
630.160	Availability of Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

630.170	Utilization of Community Resources
630.180	Abortions and Sterilizations
630.190	Reasonable Cost
630.200	Preparation of Applications
630.210	Review under Administrative Review Law
630.220	Outreach and Case Management

630.APPENDIX A	MCH Grant Proposal Review Form
630.APPENDIX B	Illinois Department of Human Services Reimbursement Certification Form
630.APPENDIX C	Instructions for Completing Reimbursement Certification Form
630.APPENDIX D	Plans to Achieve Objectives
630.APPENDIX E	Application and Plan for Human Services Program Grant

AUTHORITY: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act [410 ILCS 45], the Phenylketonuria Testing Act [410 ILCS 240], the Autopsy Act [410 ILCS 505], the Infant Mortality Reduction Act [410 ILCS 220], the Problem Pregnancy Health Services and Care Act [410 ILCS 230], and the Illinois Family Case Management Act [410 ILCS 212], and authorized by Section 2310-25 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-25].

SOURCE: Adopted and codified at 6 Ill. Reg. 5566, effective April 20, 1982; amended at 7 Ill. Reg. 16422, effective November 23, 1983; amended at 14 Ill. Reg. 11219, effective July 1, 1990; amended at 15 Ill. Reg. 13874, effective September 27, 1991; amended at 17 Ill. Reg. 3013, effective February 22, 1993; amended at 18 Ill. Reg. 4384, effective March 5, 1994; recodified by changing Department of Public Health to Department of Human Services at 21 Ill. Reg. 9323; amended at 26 Ill. Reg. 14991, effective October 1, 2002; amended at 35 Ill. Reg. 452, effective December 22, 2010.

SUBPART B: PRENATAL AND NEWBORN CARE PROGRAM

Section 630.40 Health Services For Children In The First Year Of Life

The Division of ~~Community Health and Prevention~~~~Family Health~~, State of Illinois Department of ~~Human Services~~~~Public Health~~, through its Maternal and Child Health Program may allocate funds for programs providing health services for infants in the first year of life in accord with the standards of the American Academy of Pediatrics set forth in Section 630.80(a)(5), and Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640). One or more of the following MCH services may be included in application proposals for Title V and State MCH Project grant

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

funds.

- a) Services in the [Neonatal Period](#)~~neonatal period~~.
- 1) Evaluation of the newborn infant immediately after delivery and institution of appropriate support procedures.
 - 2) Complete physical examination, including length, weight, and head circumference, skin, head, eyes, ears, nose, mouth, thorax, lungs, cardiovascular system, abdomen, genitalia, musculoskeletal system, neuromuscular system and reflexes.
 - 3) Laboratory tests to screen for lead poisoning and genetically-determined diseases as defined in the Newborn Metabolic Screening and Treatment Code (77 Ill. Adm. Code 661).
 - 4) Diagnosis and treatment or referral and follow-up of general health problems.
 - 5) Preventive procedures to include:
 - A) Gonoccal eye infection prophylaxis.
 - B) Administration of vitamin K.
 - 6) Assessment for high risk conditions and appropriate consultation and/or referral within the Perinatal System including genetic evaluation and counseling services where appropriate.
 - 7) Nutritional assessment and services and supplementation as needed.
 - 8) Bonding and attachment support activities including provision for extended contact between parents and their infant immediately after delivery and, where desired by the parents, rooming-in arrangements or the equivalent.
 - 9) Arrangements for continuous, comprehensive pediatric care for the newborn following discharge from the hospital.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 10) Home health services.
- 11) Referral for Public Health nursing follow-up including those identified through the Adverse Pregnancy Outcome Reporting System.
- b) Services ~~During Balance~~ during balance of ~~First Year~~ first year of ~~Life~~ life.
 - 1) Periodic health assessment to include:
 - A) History and systems review (general medical and social, family and genetic background, with items of inquiry determined by age, developmental stage, and likelihood of potential problems).
 - B) Complete physical examination to include:
 - i) Height and weight.
 - ii) Head circumference.
 - iii) Vision and hearing evaluation.
 - C) Assessment of Development and Behavior using age appropriate tools.
 - D) Screening and laboratory tests as indicated, including hemoglobin/hematocrit and tuberculin skin test; and, for infants at risk, such procedures as lead poisoning, parasite, and sickle cell screening for those children not screened in the newborn period.
 - E) Nutritional assessment, services and supplementation as needed (including provision of such supplements as iron and vitamin D, and adequacy of fluoride intake). For those clients on nonpublic supplies, water should be tested for nitrates by the Illinois Department of Public Health Laboratories.
 - 2) Immunizations according to state and nationally recognized standards.
 - 3) Diagnosis and treatment or referral and follow-up of general health problems, both acute and chronic.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 4) Home health services.
- 5) Counseling and anticipatory guidance with referrals and follow-up as needed regarding:
 - A) Infant development and behavior.
 - B) Maternal nutritional needs, especially if breast feeding, and infant nutritional needs and feeding practices.
 - C) Automobile restraints for infants, and general injury prevention concepts (especially home injuries and unintentional poisoning).
 - D) Infant stimulation and parenting skills, with appraisal to identify parents at risk of child abuse or neglect.
 - E) Need for and importance of immunizations.
 - F) Effect on children of parental smoking, use of alcohol and other drugs, and other health-damaging behaviors.
 - G) The importance of a source of continuous and comprehensive care for mother and child, including identification of available resources to help with such problems, as sudden illness or breast-feeding difficulties.
 - H) Recognition and management of illness.
 - I) Infant care skills.
 - J) Child care arrangements.
 - K) Using community health resources such as WIC, food stamps, welfare and social services that significantly affect health status.
 - L) Other relevant topics in response to parental concern.
- 6) Counseling and provision of appropriate treatment and/or referral to

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

appropriate services (including Early Intervention Programs for Infants and Toddlers with Handicaps, programs for children with special health care needs, home health and homemaker services) as needed for parents:

- A) who have health problems that seriously affect their capacity to care for the infant.
- B) whose infant is seriously ill.
- C) whose infant has a chronic illness or handicapping condition.
- D) whose infant is or is about to be hospitalized.

c) [SIDS](#)
Education, information and counseling services for all families whose infants die as a result of Sudden Infant Death Syndrome (SIDS), as well as training for those professionals who would be involved in a SIDS incident.

- 1) Coroners report suspected SIDS cases to Statewide SIDS Program within 72 hours.
- 2) Condolence letter and SIDS information sent to family.
- 3) Referral to local agency for family follow-up.
 - A) Family is contacted to schedule a home visit and the completed initial home visit report is returned to SIDS Program within two weeks.
 - B) Follow-up visit report form returned after subsequent visits or telephone contacts.
- 4) Counseling and/or referral to appropriate services or support groups as needed. (Parent support groups, mental health).
- 5) Workshops and/or in-services related to SIDS for professionals. Directed at, but not limited to, coroners, Emergency Medical Technicians, first responders, emergency room personnel, funeral home directors, clergy, social workers, and public health nurses.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- d) Local Health Nursing Follow-up for the High-Risk Mother
- 1) Purpose
Home visits to families of high-risk/pregnant and postpartum women have a two-fold purpose: assessment of the woman and the family/environment and facilitation of early intervention for identified problems.
 - 2) Agencies to Provide Services
 - A) All Local Health Departments shall provide follow-up services to residents of their counties.
 - B) The Department may contract with a local health agency or county nurse to provide follow-up services to residents of areas without a Local Health Department.
 - 3) Eligibility for Services
Any pregnant or postpartum patient identified as high-risk by a Level III hospital and referred to a Local Health Department or other designated local health agency shall be offered follow-up services. The patient may decline those services.
 - 4) Services To Be Provided
 - A) Home visits to high-risk pregnant women shall be scheduled as often as the client's condition warrants or as requested by the attending physician. A post-discharge visit shall be made as soon as possible after discharge. Additional visits may be made during the postpartum period (i.e., 6 weeks following the date of delivery) for pregnancy-related conditions as indicated or as requested by the attending physician. If additional visits are for chronic health conditions (e.g., chronic hypertension, CVA, advanced cardiac disease), the patient should be referred to the licensed home health agency in the area for long-term follow-up.
 - B) Local health agencies that provide services must adhere to the provisions of this Part.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

e) Local Health Nursing Follow-up for High-Risk Infants1) Purpose

The purpose of the infant follow-up program is to minimize disability in high-risk infants by identifying as early as possible conditions requiring further evaluation, diagnosis, and treatment and by assuring an environment that will promote optimal growth and development.

2) Agencies to Provide Services

A) All Local Health Departments shall provide follow-up services to residents of their counties.

B) The Department may contract with a local health agency to provide follow-up services to residents of areas without a Local Health Department.

3) Eligibility for Services

Any infant eligible for the Adverse Pregnancy Outcomes Reporting System (APORS) and referred to a Local Health Department or other designated local health agency shall be offered follow-up services. The family may decline those services.

4) Services To Be Provided

A) A minimum of 6 visits shall be made by the follow-up nurse as soon as possible after newborn hospital discharge and at infant chronological ages 2, 6, 12, 18 and 24 months. Infants and their families having actual or potential health problems identified by the nurse shall be visited more frequently for health monitoring, teaching, counseling and/or referral for appropriate services. Occasionally, when an infant is receiving services at the Local Health Department, a follow-up visit may be conducted by the nurse at that time.

B) Follow-up services shall include:

i) Health history, including: prenatal and natal history; parental concerns; family history of genetic disease or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

unexplained mental retardation; compliance with medical regimen, if any, including medications, treatments and visits to the physician; infant care, including nutrition, elimination and sleep activity; and family/infant interaction, family coping and parental knowledge of injury prevention.

- ii) Physical assessment, developmental assessment, and age specific anticipatory guidance based on the American College of Obstetricians and Gynecologists guidelines or current recommendations of the State that are found in subsection (e)(5).
- iii) Based on the results of the health history and physical assessment, the nurse shall identify problems, make nursing diagnoses and arrange for intervention. Intervention may include: counseling the family as to the importance of regular primary health care by the family physician, pediatrician or clinic; encouraging scheduled return visits to the Perinatal Center; family teaching/counseling by the follow-up nurse; referral to the physician or other screening, diagnostic or support services depending on the nature of the problem; and follow-up on referrals.

- 5) Local health agencies must adhere to the provisions of this Part and the Department's High Risk Infant Tracking Supplement for Local Health Departments, which may be obtained from the Department's Division of Community Health and Prevention.

f) Access-~~Related Services~~related services:

- 1) Outreach services.
- 2) Translator and 24-hour emergency telephone services.
- 3) Child care services to facilitate obtaining needed health services.
- 4) Availability of services directly or through referral for handicapping conditions.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

5) Transportation.

(Source: Amended at 35 Ill. Reg. 452, effective December 22, 2010)

SUBPART C: CHILD HEALTH CARE PROGRAM

Section 630.50 Health Services For Children From One Year Of Age To Early Adolescence

The Division of ~~Community Health and Prevention~~~~Family Health~~, State of Illinois Department of ~~Human Services~~~~Public Health~~, through its Maternal and Child Health Program may allocate funds for programs providing health services for children from one year of age to early adolescence which meet the standards of the American Academy of Pediatrics set forth in Section 630.80(a)(5). One or more of the following MCH services may be included in application proposals for Title II and State MCH Project grant funds. Some of the items apply primarily to either older or younger children (such as counseling regarding use of cigarettes by the child in the former case and initiation of the mumps, measles, and rubella immunization series in the latter).

- a) Health ~~Services~~~~services~~ for ~~Children~~~~children~~.
 - 1) Periodic health assessment to include:
 - A) History and systems review (general medical and social, family and genetic background, with items of inquiry determined by age, developmental stage, and likelihood of potential problems).
 - B) Psychosocial history, including peer and family relationships, and school progress and problems, out-of-school activities, and health-related habits.
 - C) Complete physical examination to include:
 - i) Height and weight, head circumference through the second year of life, skin, head and neck, thorax, lungs, cardiovascular system, abdomen, genitalia, musculoskeletal system, nervous system, and mental status.
 - ii) Sexual development.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- iii) Vision, hearing, and speech evaluation.
 - iv) Blood pressure starting at age 3.
 - v) Dental.
- D) Developmental and behavioral assessment using age appropriate tools.
- E) Screening and laboratory tests as indicated, including hemoglobin/hematocrit, blood lead analysis and tuberculin skin test (Mantoux) in children from high-risk groups or in areas of high endemic rates of tuberculosis; and, for children at risk, such procedures as parasite and sexually transmitted disease screening.
- F) Nutritional assessment, services and supplementation as needed (including provision of such supplements as iron and vitamin D, and fluoride if indicated). For those on nonpublic water supplies, testing for nitrates should be done by the Illinois Department of Public Health Laboratories.
- 2) Immunizations according to state and nationally recognized standards.
 - 3) Diagnosis and treatment or referral and follow-up of general health problems, both acute and chronic.
 - 4) Diagnosis and treatment or referral and follow-up of mental health problems, both acute and chronic, including emotional and learning disorders, behavioral disorders, alcohol and drug related problems, and problems with family and peer group relationships.
 - 5) Counseling and provision of support services as needed to children with chronic illnesses and/or handicapping conditions.
 - 6) Dental services, both preventive and therapeutic, including oral examination, prophylaxis, X-ray, sealants, and fluoride supplementation if indicated.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 7) Home health services.
- 8) Counseling and anticipatory guidance with referrals and follow-up as needed to child and/or parents as appropriate.
 - A) Nutritional needs including food purchase and preparation, routine dietary needs, and the importance of a high quality diet.
 - B) Automobile restraints for children and general injury prevention concepts (especially home injuries, unintentional poisoning, and sports injuries).
 - C) Parenting skills, with specific appraisal to identify parents at risk of child abuse or neglect.
 - D) Need for and importance of immunizations.
 - E) Child care arrangements.
 - F) Dangers of use by children and effects of parental use on children of smoking, smokeless tobacco, alcohol and other drugs as well as other risk-taking behavior.
 - G) Physical activity and exercise.
 - H) Dental health.
 - I) Childhood antecedents of adult illness.
 - J) Child development (including sexual maturation and adjustment, and developmental and behavioral difficulties).
 - K) Environmental hazards.
 - L) Using community health resources such as WIC, food stamps, welfare and social services that bear significantly on health status.
 - M) Other relevant topics in response to child and/or parental concern.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 9) Counseling and provision of appropriate treatment services and/or referral to services (including Early Intervention Services for Infants and Toddlers, special education, services for crippled children, mental health services, home health and homemaker services) as needed for parents:
- A) who have health problems that seriously affect their capacity to care for the child.
 - B) whose child is seriously ill.
 - C) whose child has a chronic illness or handicapping condition, or a significant behavioral or emotional problem.
 - D) whose child is or is about to be hospitalized.

b) Local Health Nursing Follow-up for High-Risk Infants

1) Purpose

The purpose of the infant follow-up program is to minimize disability in high-risk infants by identifying as early as possible conditions requiring further evaluation, diagnosis and treatment and by assuring an environment that will promote optimal growth and development.

2) Agencies to Provide Services

A) All Local Health Departments shall provide follow-up services to residents of their counties.

B) The Department may contract with a local health agency to provide follow-up services to residents of areas without a Local Health Department.

3) Eligibility for Services

Any infant eligible for the Adverse Pregnancy Outcomes Reporting System (APORS) and referred to a Local Health Department or other designated local health agency shall be offered follow-up services. The family may decline those services.

4) Services To Be Provided

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- A) A minimum of 6 visits shall be made by the follow-up nurse as soon as possible after newborn hospital discharge and at infant chronological ages 2, 6, 12, 18 and 24 months. Infants and their families having actual or potential health problems identified by the nurse shall be visited more frequently for health monitoring, teaching, counseling and/or referral for appropriate services. Occasionally, when an infant is receiving services at the Local Health Department, a follow-up visit may be conducted by the nurse at that time.
- B) Follow-up services should include:
- i) Health history, including: prenatal and natal history; parental concerns; family history of genetic disease or unexplained mental retardation; compliance with medical regimen, if any, including medications, treatments and visits to the physician; infant care, including nutrition, elimination and sleep activity; and family/infant interaction, family coping and parental knowledge of injury prevention.
 - ii) Physical assessment, developmental assessment, and age specific anticipatory guidance based on the American College of Obstetricians and Gynecologists guidelines or current recommendations of the State that are found in subsection (b)(5).
 - iii) Based on the results of the health history and physical assessment, the nurse shall identify problems, make nursing diagnoses and arrange for intervention. Intervention may include: counseling the family as to the importance of regular primary health care by the family physician, pediatrician or clinic; encouraging scheduled return visits to the Perinatal Center; family teaching/counseling by the follow-up nurse; referral to the physician or other screening, diagnostic or support services depending on the nature of the problem; and follow-up on referrals.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

5) Local health agencies must adhere to the provisions of this Part and the Department's High Risk Infant Tracking Supplement for Local Health Departments, which may be obtained from the Department's Division of Community Health and Prevention.

~~c)b)~~ Access-Related Services~~related services.~~

- 1) Outreach services.
- 2) Translator and 24-hour emergency telephone services.
- 3) Child care services to facilitate obtaining needed health services.
- 4) Availability of services for the handicapped.
- 5) Transportation.

(Source: Amended at 35 Ill. Reg. 452, effective December 22, 2010)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area
- 2) Code Citation: 35 Ill. Adm. Code 218
- 3) Section Number: 218.187 Adopted Action: Amended
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28]
- 5) Effective Date of Amendment: December 21, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and is available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 10, 2010; 34 Ill. Reg. 13020
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: In the table of contents, Section 218.890, "Availability" was stricken and "Applicability" was added.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: For a more detailed description of this rulemaking, please see the Board's December 16, 2010, opinion and order: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Code 211, 218 and 219, R10-08(A) (December 16, 2010). The Board opened this rulemaking in response to a motion by the Illinois Environmental Protection Agency, which requested a technical correction to recently-adopted air regulations.

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

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R10-08(A) in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND
LIMITATIONS FOR STATIONARY SOURCESPART 218
ORGANIC MATERIAL EMISSION STANDARDS AND
LIMITATIONS FOR THE CHICAGO AREA

SUBPART A: GENERAL PROVISIONS

Section	
218.100	Introduction
218.101	Savings Clause
218.102	Abbreviations and Conversion Factors
218.103	Applicability
218.104	Definitions
218.105	Test Methods and Procedures
218.106	Compliance Dates
218.107	Operation of Afterburners
218.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
218.109	Vapor Pressure of Volatile Organic Liquids
218.110	Vapor Pressure of Organic Material or Solvent
218.111	Vapor Pressure of Volatile Organic Material
218.112	Incorporations by Reference
218.113	Monitoring for Negligibly-Reactive Compounds
218.114	Compliance with Permit Conditions

SUBPART B: ORGANIC EMISSIONS FROM STORAGE
AND LOADING OPERATIONS

Section	
218.119	Applicability for VOL
218.120	Control Requirements for Storage Containers of VOL
218.121	Storage Containers of VPL
218.122	Loading Operations
218.123	Petroleum Liquid Storage Tanks

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

218.124	External Floating Roofs
218.125	Compliance Dates
218.126	Compliance Plan (Repealed)
218.127	Testing VOL Operations
218.128	Monitoring VOL Operations
218.129	Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	
218.141	Separation Operations
218.142	Pumps and Compressors
218.143	Vapor Blowdown
218.144	Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section	
218.181	Solvent Cleaning Degreasing Operations
218.182	Cold Cleaning
218.183	Open Top Vapor Degreasing
218.184	Conveyorized Degreasing
218.185	Compliance Schedule (Repealed)
218.186	Test Methods
218.187	Other Industrial Solvent Cleaning Operations

SUBPART F: COATING OPERATIONS

Section	
218.204	Emission Limitations
218.205	Daily-Weighted Average Limitations
218.206	Solids Basis Calculation
218.207	Alternative Emission Limitations
218.208	Exemptions from Emission Limitations
218.209	Exemption from General Rule on Use of Organic Material
218.210	Compliance Schedule
218.211	Recordkeeping and Reporting
218.212	Cross-Line Averaging to Establish Compliance for Coating Lines
218.213	Recordkeeping and Reporting for Cross-Line Averaging Participating Coating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Lines

- 218.214 Changing Compliance Methods
- 218.215 Wood Furniture Coating Averaging Approach
- 218.216 Wood Furniture Coating Add-On Control Use
- 218.217 Wood Furniture Coating and Flat Wood Paneling coating Work Practice Standards
- 218.218 Work Practice Standards for Paper Coatings, Metal Furniture Coatings, and Large Appliance Coatings
- 218.219 Work Practice Standards for Automobile and Light-Duty Truck Assembly Coatings and Miscellaneous Metal and Plastic Parts Coatings

SUBPART G: USE OF ORGANIC MATERIAL

Section

- 218.301 Use of Organic Material
- 218.302 Alternative Standard
- 218.303 Fuel Combustion Emission Units
- 218.304 Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

Section

- 218.401 Flexographic and Rotogravure Printing
- 218.402 Applicability
- 218.403 Compliance Schedule
- 218.404 Recordkeeping and Reporting
- 218.405 Lithographic Printing: Applicability
- 218.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996 (Repealed)
- 218.407 Emission Limitations and Control Requirements for Lithographic Printing Lines
- 218.408 Compliance Schedule for Lithographic Printing On and After March 15, 1996 (Repealed)
- 218.409 Testing for Lithographic Printing On and After March 15, 1996
- 218.410 Monitoring Requirements for Lithographic Printing
- 218.411 Recordkeeping and Reporting for Lithographic Printing
- 218.412 Letterpress Printing Lines: Applicability
- 218.413 Emission Limitations and Control Requirements for Letterpress Printing Lines
- 218.415 Testing for Letterpress Printing Lines
- 218.416 Monitoring Requirements for Letterpress Printing Lines

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

218.417 Recordkeeping and Reporting for Letterpress Printing Lines

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL
AND POLYMER MANUFACTURING PLANT

Section

218.421 General Requirements
218.422 Inspection Program Plan for Leaks
218.423 Inspection Program for Leaks
218.424 Repairing Leaks
218.425 Recordkeeping for Leaks
218.426 Report for Leaks
218.427 Alternative Program for Leaks
218.428 Open-Ended Valves
218.429 Standards for Control Devices
218.430 Compliance Date (Repealed)
218.431 Applicability
218.432 Control Requirements
218.433 Performance and Testing Requirements
218.434 Monitoring Requirements
218.435 Recordkeeping and Reporting Requirements
218.436 Compliance Date

SUBPART R: PETROLEUM REFINING AND
RELATED INDUSTRIES; ASPHALT MATERIALS

Section

218.441 Petroleum Refinery Waste Gas Disposal
218.442 Vacuum Producing Systems
218.443 Wastewater (Oil/Water) Separator
218.444 Process Unit Turnarounds
218.445 Leaks: General Requirements
218.446 Monitoring Program Plan for Leaks
218.447 Monitoring Program for Leaks
218.448 Recordkeeping for Leaks
218.449 Reporting for Leaks
218.450 Alternative Program for Leaks
218.451 Sealing Device Requirements
218.452 Compliance Schedule for Leaks

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

218.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section

218.461 Manufacture of Pneumatic Rubber Tires
218.462 Green Tire Spraying Operations
218.463 Alternative Emission Reduction Systems
218.464 Emission Testing
218.465 Compliance Dates (Repealed)
218.466 Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section

218.480 Applicability
218.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
218.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
218.483 Material Storage and Transfer
218.484 In-Process Tanks
218.485 Leaks
218.486 Other Emission Units
218.487 Testing
218.488 Monitoring for Air Pollution Control Equipment
218.489 Recordkeeping for Air Pollution Control Equipment

SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section

218.500 Applicability for Batch Operations
218.501 Control Requirements for Batch Operations
218.502 Determination of Uncontrolled Total Annual Mass Emissions and Average Flow Rate Values for Batch Operations
218.503 Performance and Testing Requirements for Batch Operations
218.504 Monitoring Requirements for Batch Operations
218.505 Reporting and Recordkeeping for Batch Operations
218.506 Compliance Date
218.520 Emission Limitations for Air Oxidation Processes

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

218.521	Definitions (Repealed)
218.522	Savings Clause
218.523	Compliance
218.524	Determination of Applicability
218.525	Emission Limitations for Air Oxidation Processes
218.526	Testing and Monitoring
218.527	Compliance Date (Repealed)

SUBPART W: AGRICULTURE

Section	
218.541	Pesticide Exception

SUBPART X: CONSTRUCTION

Section	
218.561	Architectural Coatings
218.562	Paving Operations
218.563	Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section	
218.581	Bulk Gasoline Plants
218.582	Bulk Gasoline Terminals
218.583	Gasoline Dispensing Operations – Storage Tank Filling Operations
218.584	Gasoline Delivery Vessels
218.585	Gasoline Volatility Standards
218.586	Gasoline Dispensing Operations – Motor Vehicle Fueling Operations

SUBPART Z: DRY CLEANERS

Section	
218.601	Perchloroethylene Dry Cleaners (Repealed)
218.602	Applicability (Repealed)
218.603	Leaks (Repealed)
218.604	Compliance Dates (Repealed)
218.605	Compliance Plan (Repealed)
218.606	Exception to Compliance Plan (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

218.607	Standards for Petroleum Solvent Dry Cleaners
218.608	Operating Practices for Petroleum Solvent Dry Cleaners
218.609	Program for Inspection and Repair of Leaks
218.610	Testing and Monitoring
218.611	Applicability for Petroleum Solvent Dry Cleaners
218.612	Compliance Dates (Repealed)
218.613	Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

Section	
218.620	Applicability
218.621	Exemption for Waterbase Material and Heatset-Offset Ink
218.623	Permit Conditions (Repealed)
218.624	Open-Top Mills, Tanks, Vats or Vessels
218.625	Grinding Mills
218.626	Storage Tanks
218.628	Leaks
218.630	Clean Up
218.636	Compliance Schedule
218.637	Recordkeeping and Reporting

SUBPART BB: POLYSTYRENE PLANTS

Section	
218.640	Applicability
218.642	Emissions Limitation at Polystyrene Plants
218.644	Emissions Testing

SUBPART CC: POLYESTER RESIN PRODUCT MANUFACTURING PROCESS

Section	
218.660	Applicability
218.666	Control Requirements
218.667	Compliance Schedule
218.668	Testing
218.670	Recordkeeping and Reporting for Exempt Emission Units
218.672	Recordkeeping and Reporting for Subject Emission Units

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

SUBPART DD: AEROSOL CAN FILLING

Section

218.680	Applicability
218.686	Control Requirements
218.688	Testing
218.690	Recordkeeping and Reporting for Exempt Emission Units
218.692	Recordkeeping and Reporting for Subject Emission Units

SUBPART FF: BAKERY OVENS (REPEALED)

Section

218.720	Applicability (Repealed)
218.722	Control Requirements (Repealed)
218.726	Testing (Repealed)
218.727	Monitoring (Repealed)
218.728	Recordkeeping and Reporting (Repealed)
218.729	Compliance Date (Repealed)
218.730	Certification (Repealed)

SUBPART GG: MARINE TERMINALS

Section

218.760	Applicability
218.762	Control Requirements
218.764	Compliance Certification
218.766	Leaks
218.768	Testing and Monitoring
218.770	Recordkeeping and Reporting

SUBPART HH: MOTOR VEHICLE REFINISHING

Section

218.780	Emission Limitations
218.782	Alternative Control Requirements
218.784	Equipment Specifications
218.786	Surface Preparation Materials
218.787	Work Practices
218.788	Testing

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

218.789	Monitoring and Recordkeeping for Control Devices
218.790	General Recordkeeping and Reporting (Repealed)
218.791	Compliance Date
218.792	Registration
218.875	Applicability of Subpart BB (Renumbered)
218.877	Emissions Limitation at Polystyrene Plants (Renumbered)
218.879	Compliance Date (Repealed)
218.881	Compliance Plan (Repealed)
218.883	Special Requirements for Compliance Plan (Repealed)
218.886	Emissions Testing (Renumbered)

SUBPART II: FIBERGLASS BOAT MANUFACTURING MATERIALS

Section	
218.890	Applicability Availability
218.891	Emission Limitations and Control Requirements
218.892	Testing Requirements
218.894	Recordkeeping and Reporting Requirements

SUBPART JJ: MISCELLANEOUS INDUSTRIAL ADHESIVES

Section	
218.900	Applicability
218.901	Emission Limitations and Control Requirements
218.902	Testing Requirements
218.903	Monitoring Requirements
218.904	Recordkeeping and Reporting Requirements

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT
MANUFACTURING PROCESSES

Section	
218.920	Applicability
218.923	Permit Conditions (Repealed)
218.926	Control Requirements
218.927	Compliance Schedule
218.928	Testing
218.929	Cementable and Dress or Performance Shoe Leather

SUBPART QQ: MISCELLANEOUS FORMULATION

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

MANUFACTURING PROCESSES

Section

218.940	Applicability
218.943	Permit Conditions (Repealed)
218.946	Control Requirements
218.947	Compliance Schedule
218.948	Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL
MANUFACTURING PROCESSES

Section

218.960	Applicability
218.963	Permit Conditions (Repealed)
218.966	Control Requirements
218.967	Compliance Schedule
218.968	Testing

SUBPART TT: OTHER EMISSION UNITS

Section

218.980	Applicability
218.983	Permit Conditions (Repealed)
218.986	Control Requirements
218.987	Compliance Schedule
218.988	Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section

218.990	Exempt Emission Units
218.991	Subject Emission Units

218.APPENDIX A	List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
218.APPENDIX B	VOM Measurement Techniques for Capture Efficiency (Repealed)
218.APPENDIX C	Reference Methods and Procedures
218.APPENDIX D	Coefficients for the Total Resource Effectiveness Index (TRE) Equation

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

218.APPENDIX E	List of Affected Marine Terminals
218.APPENDIX G	TRE Index Measurements for SOCFI Reactors and Distillation Units
218.APPENDIX H	Baseline VOM Content Limitations for Subpart F, Section 218.212 Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5].

SOURCE: Adopted at R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. 14973, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16392, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16950, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6848, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7359, effective May 22, 1995; amended in R96-13 at 20 Ill. Reg. 14428, effective October 17, 1996; amended in R97-24 at 21 Ill. Reg. 7708, effective June 9, 1997; amended in R97-31 at 22 Ill. Reg. 3556, effective February 2, 1998; amended in R98-16 at 22 Ill. Reg. 14282, effective July 16, 1998; amended in R02-20 at 27 Ill. Reg. 7283, effective April 8, 2003; amended in R04-12/20 at 30 Ill. Reg. 9684, effective May 15, 2006; amended in R06-21 at 31 Ill. Reg. 7086, effective April 30, 2007; amended in R08-8 at 32 Ill. Reg. 14874, effective August 26, 2008; amended in R10-10 at 34 Ill. Reg. 5330, effective March 23, 2010; amended in R10-8 at 34 Ill. Reg. 9096, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14174, effective September 14, 2010; amended at 35 Ill. Reg. 469, effective December 21, 2010.

SUBPART E: SOLVENT CLEANING

Section 218.187 Other Industrial Solvent Cleaning Operations

- a) Applicability. On and after April 1, 2011:
 - 1) Except as provided in subsection (a)(2) of this Section, the requirements of this Section shall apply to all cleaning operations that use organic materials at sources that emit a total of 6.8 kg/day (15 lbs/day) or more of VOM from cleaning operations at the source, in the absence of air pollution control equipment. For purposes of this Section, "cleaning operation" means the process of cleaning products, product components, tools, equipment, or general work areas during production, repair,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

maintenance, or servicing, including but not limited to spray gun cleaning, spray booth cleaning, large and small manufactured components cleaning, parts cleaning, equipment cleaning, line cleaning, floor cleaning, and tank cleaning, at sources with emission units;

- 2) Notwithstanding subsection (a)(1) of this Section:
 - A) The following cleaning operations shall be exempt from the requirements of subsections (b), (c), (d), (f), and (g) of this Section:
 - i) Cleaning operations subject to the limitations in Sections 218.182, 218.183, or 218.184;
 - ii) Janitorial cleaning;
 - iii) Stripping of cured coatings, inks, or adhesives, including screen reclamation activities;
 - iv) Cleaning operations in printing pre-press areas, including the cleaning of film processors, color scanners, plate processors, film cleaning, and plate cleaning;
 - B) Cleaning operations for emission units within the following source categories shall be exempt from the requirements of subsections (b), (c), (d), (f), and (g) of this Section:
 - i) Aerospace coating;
 - ii) Flexible package printing;
 - iii) Lithographic printing;
 - iv) Letterpress printing;
 - v) Flat wood paneling coating;
 - vi) Large appliance coating;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- vii) Metal furniture coating;
 - viii) Paper, film, and foil coating;
 - ix) Wood furniture coating;
 - x) Shipbuilding and repair coating;
 - xi) Plastic parts coating;
 - xii) Miscellaneous metal parts coating;
 - xiii) Fiberglass boat manufacturing;
 - xiv) Miscellaneous industrial adhesives; and
 - xv) Auto and light-duty truck assembly coating;
- C) The following cleaning operations shall be exempt from the requirements of subsections (b), (c), (f), and (g) of this Section:
- i) Cleaning of solar cells, laser hardware, scientific instruments, and high-precision optics;
 - ii) Cleaning conducted as part of performance laboratory tests on coatings, adhesives, or inks; research and development operations; or laboratory tests in quality assurance laboratories;
 - iii) Cleaning of paper-based gaskets and clutch assemblies where rubber is bonded to metal by means of an adhesive;
 - iv) Cleaning of cotton swabs to remove cottonseed oil before cleaning of high-precision optics;
 - v) Cleaning of medical device and pharmaceutical manufacturing facilities using no more than 1.5 gallons per day of solvents;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- vi) Cleaning of adhesive application equipment used for thin metal laminating;
 - vii) Cleaning of electronic or electrical cables;
 - viii) Touch-up cleaning performed on printed circuit boards where surface mounted devices have already been attached;
 - ix) Cleaning of coating and adhesive application processes utilized to manufacture transdermal drug delivery products using no more than three gallons per day of ethyl acetate;
 - x) Cleaning of application equipment used to apply coatings on satellites and radiation effect coatings;
 - xi) Cleaning of application equipment used to apply solvent-borne fluoropolymer coatings;
 - xii) Cleaning of ultraviolet or electron beam adhesive application;
 - xiii) Cleaning of sterilization indicating ink application equipment if the facility uses no more than 1.5 gallons per day of solvents for such cleaning;
 - xiv) Cleaning of metering rollers, dampening rollers, and printing plates;
 - xv) Cleaning of numismatic dies; and
 - xvi) Cleaning operations associated with digital printing.
- b) Material and Control Requirements. No owner or operator of a source subject to this Section shall perform any cleaning operation subject to this Section unless the owner or operator meets the requirements in subsection (b)(1), (b)(2), or (b)(3):
- 1) The VOM content of the as-used cleaning solutions (~~minus water and any compounds that are specifically exempted from the definitions of VOM~~) does not exceed the following emissions limitations:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

A) Product cleaning during manufacturing process or surface preparation for coating, adhesive, or ink application:			
		kg/l	lb/gal
i)	Electrical apparatus components and electronic components	0.10	0.83
ii)	Medical device and pharmaceutical manufacturing	0.80	6.7
B) Repair and maintenance cleaning:			
		kg/l	lb/gal
i)	Electrical apparatus components and electronic components	0.10	0.83
ii)	Medical device and pharmaceutical manufacturing tools, equipment, and machinery	0.80	6.7
iii)	Medical device and pharmaceutical manufacturing general work surfaces	0.60	5.0
C) Cleaning of ink application equipment:			
		kg/l	lb/gal
i)	Rotogravure printing that does not print flexible packaging	0.10	0.83
ii)	Screen printing	0.50	4.2
iii)	Ultraviolet ink and electron beam ink application equipment, except screen printing	0.65	5.4

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- | | | | |
|-----|---|-------|--------|
| iv) | Flexographic printing that does not print flexible packaging | 0.10 | 0.83 |
| | | kg/1 | lb/gal |
| D) | All other cleaning operations not subject to a specific limitation in subsections (b)(1)(A) through (b)(1)(C) of this Section | 0.050 | 0.42 |
- 2) The composite vapor pressure of each as-used cleaning solution used does not exceed 8.0 mmHg measured at 20°C (68°F); or
- 3) An afterburner or carbon adsorber is installed and operated that reduces VOM emissions from the subject cleaning operation by at least 85 percent overall. The owner or operator may use an emissions control system other than an afterburner or carbon adsorber if such device reduces VOM emissions from the subject cleaning operation by at least 85 percent overall, the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for such control device, and such plan is approved by the Agency and USEPA within federally enforceable permit conditions.
- c) The owner or operator of a subject source shall demonstrate compliance with this Section by using the applicable test methods and procedures specified in subsection (g) of this Section and by complying with the recordkeeping and reporting requirements specified in subsection (e) of this Section.
- d) Operating Requirements. The owner or operator of a source subject to the requirements of this Section shall comply with the following for each subject cleaning operation:
- 1) Cover open containers and properly cover and store applicators used to apply cleaning solvents;
 - 2) Minimize air circulation around the cleaning operation;
 - 3) Dispose of all used cleaning solutions, cleaning towels, and applicators used to apply cleaning solvents in closed containers;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 4) Utilize equipment practices that minimize emissions.
- e) Recordkeeping and Reporting Requirements
- 1) The owner or operator of a source exempt from the limitations of this Section because of the criteria in Section 218.187(a)(1) of this Subpart shall comply with the following:
 - A) By April 1, 2011, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:
 - i) A declaration that the source is exempt from the requirements of this Section because of the criteria in Section 218.187(a)(1);
 - ii) Calculations that demonstrate that combined emissions of VOM from cleaning operations at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment;
 - B) Notify the Agency of any record that shows that the combined emissions of VOM from cleaning operations at the source ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs.
 - 2) All sources subject to the requirements of this Section shall:
 - A) By April 1, 2011, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:
 - i) A declaration that all subject cleaning operations are in compliance with the requirements of this Section;
 - ii) Identification of each subject cleaning operation and each VOM-containing cleaning solution used as of the date of certification in such operation;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- iii) If complying with the emissions control system requirement, what type of emissions control system will be used;
 - iv) Initial documentation that each subject cleaning operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;
 - v) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;
 - vi) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in Section 218.187(d); and
 - vii) A description of each cleaning operation exempt pursuant to Section 218.187(a)(2), if any, and a listing of the emission units on which the exempt cleaning operation is performed;
- B) At least 30 calendar days before changing the method of compliance between subsections (b)(1) or (b)(2) and subsection (b)(3) of this Section, notify the Agency in writing of such change. The notification shall include a demonstration of compliance with the newly applicable subsection;
- 3) All sources complying with this Section pursuant to the requirements of subsection (b)(1) of this Section shall collect and record the following information for each cleaning solution used:
- A) For each cleaning solution that is prepared at the source with automatic equipment:
 - i) The name and identification of each cleaning solution;
 - ii) The VOM content of each cleaning solvent in the cleaning solution;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- iii) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);
 - iv) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;
 - v) The VOM content of the as-used cleaning solution, with supporting calculations; and
 - vi) A calibration log for the automatic equipment, detailing periodic checks;
- B) For each batch of cleaning solution that is not prepared at the source with automatic equipment:
- i) The name and identification of each cleaning solution;
 - ii) Date, time of preparation, and each subsequent modification of the batch;
 - iii) The VOM content of each cleaning solvent in the cleaning solution;
 - iv) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and
 - v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are not prepared at the site but are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 4) All sources complying with this Section pursuant to the requirements of subsection (b)(2) of this Section shall collect and record the following information for each cleaning solution used:
 - A) The name and identification of each cleaning solution;
 - B) Date, time of preparation, and each subsequent modification of the batch;
 - C) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with the applicable methods and procedures specified in Section 218.110 of this Part;
 - D) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and
 - E) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with the applicable methods and procedures specified in Section 218.110 of this Part;
- 5) All sources complying with this Section pursuant to the requirements of subsection (b)(3) of this Section shall comply with the following:
 - A) By April 1, 2011, or upon initial start-up of the source, whichever is later, and upon initial start-up of a new emissions control system, include in the certification required by subsection (e)(3) of this Section a declaration that the monitoring equipment required under Section 218.187(f) of this Subpart has been properly installed and calibrated according to manufacturer's specifications;
 - B) If testing of an emissions control system is conducted pursuant to Section 218.187(g) of this Subpart, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- i) A declaration that all tests and calculations necessary to demonstrate compliance with Section 218.187(b)(3) of this Subpart have been properly performed;
 - ii) A statement whether the subject cleaning operation is or is not in compliance with Section 218.187(b)(3) of this Subpart; and
 - iii) The operating parameters of the emissions control system during testing, as monitored in accordance with Section 218.187(f) of this Subpart;
- C) Collect and record daily the following information for each cleaning operation subject to the requirements of Section 218.187(b)(3) of this Subpart:
- i) Emissions control system monitoring data in accordance with Section 218.187(f) of this Subpart, as applicable;
 - ii) A log of operating time for the emissions control system, monitoring equipment, and the associated cleaning equipment;
 - iii) A maintenance log for the emissions control system and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages;
- D) Maintain records documenting the use of good operating practices consistent with the equipment manufacturer's specifications for the cleaning equipment being used and the emissions control system equipment. At a minimum, these records shall include:
- i) Records for periodic inspection of the cleaning equipment and emissions control system equipment with date of inspection, individual performing the inspection, and nature of inspection;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- ii) Records for repair of malfunctions and breakdowns with identification and description of incident, date identified, date repaired, nature of repair, and the amount of VOM released into the atmosphere as a result of the incident;
 - 6) All sources subject to the requirements of subsections (b) and (d) of this Section shall notify the Agency of any violation of subsection (b) or (d) by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation;
 - 7) All records required by this subsection (e) shall be retained by the source for at least three years and shall be made available to the Agency upon request.
- f) Monitoring Requirements
- 1) If an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 218.187(b)(3) of this Subpart shall:
 - A) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 218.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the emissions control system is operating; and
 - B) Install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring devices, such as a strip chart, recorder or computer, with at least the same accuracy as the temperature monitor;
 - 2) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 218.187(b)(3) of this Subpart shall install, maintain, calibrate, and operate such monitoring equipment as set forth in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 218.187(b)(3).

- g) Testing Requirements
- 1) Testing to demonstrate compliance with the requirements of this Section shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Section. Such testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during the testing;
 - 2) Testing to demonstrate compliance with the VOM content limitations in Section 218.187(b)(1) of this Subpart, and to determine the VOM content of cleaning solvents and cleaning solutions, shall be conducted as follows:
 - A) The applicable test methods and procedures specified in Section 218.105(a) of this Part shall be used, provided; however, Method 24, incorporated by reference in Section 218.112 of this Part, shall be used to demonstrate compliance; or
 - B) The manufacturer's specifications for VOM content for cleaning solvents may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance;
 - 3) Testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning solutions shall be conducted in accordance with the applicable methods and procedures specified in Section 218.110 of this Part;
 - 4) For afterburners and carbon adsorbers, the methods and procedures of Section 218.105(d) through (f) shall be used for testing to demonstrate compliance with the requirements of Section 218.187(b)(3) of this Subpart, as follows:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- A) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, ~~appendix~~Appendix A, incorporated by reference in Section 218.112 of this Part;
- B) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, ~~appendix~~Appendix A, incorporated by reference in Section 218.112 of this Part;
- C) To determine the VOM concentration of the exhaust stream entering and exiting the emissions control system, Method 25 or 25A, as appropriate, 40 CFR 60, ~~appendix~~Appendix A, incorporated by reference in Section 218.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:
- i) The allowable outlet concentration of VOM from the emissions control system is less than 50 ppmv, as carbon;
 - ii) The VOM concentration at the inlet of the emissions control system and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and
 - iii) Due to the high efficiency of the emissions control system, the anticipated VOM concentration at the emissions control system exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or Method 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;

- D) During testing, the cleaning equipment shall be operated at representative operating conditions and flow rates;
- 5) An owner or operator using an emissions control system other than an afterburner or carbon adsorber shall conduct testing to demonstrate compliance with the requirements of Section 218.187(b)(3) of this Subpart as set forth in the owner's or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to Section 218.187(b)(3) of this Subpart.

(Source: Amended at 35 Ill. Reg. 469, effective December 21, 2010)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Metro East Area
- 2) Code Citation: 35 Ill. Adm. Code 219
- 3) Section Number: 219.187 Adopted Action:
Amended
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28]
- 5) Effective Date of Amendment: December 21, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 10, 2010; 34 Ill. Reg. 13047
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Differences between proposal and final version: In proceeding from its first-notice proposal to final adoption in this docket, the Board did not amend its rulemaking proposal.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendment: For a more detailed description of this rulemaking, please see the Board's December 16, 2010, opinion and order: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218 and 219, R10-08(A) (December 16, 2010). The Board opened this rulemaking in response to a motion by the Illinois Environmental Protection Agency, which requested a technical correction to recently-adopted air regulations.

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

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R10-08(A) in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 219
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE METRO EAST AREA

SUBPART A: GENERAL PROVISIONS

Section	
219.100	Introduction
219.101	Savings Clause
219.102	Abbreviations and Conversion Factors
219.103	Applicability
219.104	Definitions
219.105	Test Methods and Procedures
219.106	Compliance Dates
219.107	Operation of Afterburners
219.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
219.109	Vapor Pressure of Volatile Organic Liquids
219.110	Vapor Pressure of Organic Material or Solvent
219.111	Vapor Pressure of Volatile Organic Material
219.112	Incorporations by Reference
219.113	Monitoring for Negligibly-Reactive Compounds

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	
219.119	Applicability for VOL
219.120	Control Requirements for Storage Containers of VOL
219.121	Storage Containers of VPL
219.122	Loading Operations
219.123	Petroleum Liquid Storage Tanks
219.124	External Floating Roofs
219.125	Compliance Dates

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 219.126 Compliance Plan (Repealed)
- 219.127 Testing VOL Operations
- 219.128 Monitoring VOL Operations
- 219.129 Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section

- 219.141 Separation Operations
- 219.142 Pumps and Compressors
- 219.143 Vapor Blowdown
- 219.144 Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section

- 219.181 Solvent Cleaning Degreasing Operations
- 219.182 Cold Cleaning
- 219.183 Open Top Vapor Degreasing
- 219.184 Conveyorized Degreasing
- 219.185 Compliance Schedule (Repealed)
- 219.186 Test Methods
- 219.187 Other Industrial Solvent Cleaning Operations

SUBPART F: COATING OPERATIONS

Section

- 219.204 Emission Limitations
- 219.205 Daily-Weighted Average Limitations
- 219.206 Solids Basis Calculation
- 219.207 Alternative Emission Limitations
- 219.208 Exemptions From Emission Limitations
- 219.209 Exemption From General Rule on Use of Organic Material
- 219.210 Compliance Schedule
- 219.211 Recordkeeping and Reporting
- 219.212 Cross-Line Averaging to Establish Compliance for Coating Lines
- 219.213 Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines
- 219.214 Changing Compliance Methods

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 219.215 Wood Furniture Coating Averaging Approach
- 219.216 Wood Furniture Coating Add-On Control Use
- 219.217 Wood Furniture Coating and Flat Wood Paneling Coating Work Practice Standards
- 219.218 Work Practice Standards for Paper Coatings, Metal Furniture Coatings, and Large Appliance Coatings
- 219.219 Work Practice Standards for Automobile and Light-Duty Truck Assembly Coatings and Miscellaneous Metal and Plastic Parts Coatings

SUBPART G: USE OF ORGANIC MATERIAL

- Section
- 219.301 Use of Organic Material
- 219.302 Alternative Standard
- 219.303 Fuel Combustion Emission Units
- 219.304 Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

- Section
- 219.401 Flexographic and Rotogravure Printing
- 219.402 Applicability
- 219.403 Compliance Schedule
- 219.404 Recordkeeping and Reporting
- 219.405 Lithographic Printing: Applicability
- 219.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996 (Repealed)
- 219.407 Emission Limitations and Control Requirements for Lithographic Printing Lines
- 219.408 Compliance Schedule for Lithographic Printing On and After March 15, 1996 (Repealed)
- 219.409 Testing for Lithographic Printing
- 219.410 Monitoring Requirements for Lithographic Printing
- 219.411 Recordkeeping and Reporting for Lithographic Printing
- 219.412 Letterpress Printing Lines: Applicability
- 219.413 Emission Limitations and Control Requirements for Letterpress Printing Lines
- 219.415 Testing for Letterpress Printing Lines
- 219.416 Monitoring Requirements for Letterpress Printing Lines
- 219.417 Recordkeeping and Reporting for Letterpress Printing Lines

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND
POLYMER MANUFACTURING PLANT

Section	
219.421	General Requirements
219.422	Inspection Program Plan for Leaks
219.423	Inspection Program for Leaks
219.424	Repairing Leaks
219.425	Recordkeeping for Leaks
219.426	Report for Leaks
219.427	Alternative Program for Leaks
219.428	Open-Ended Valves
219.429	Standards for Control Devices
219.430	Compliance Date (Repealed)
219.431	Applicability
219.432	Control Requirements
219.433	Performance and Testing Requirements
219.434	Monitoring Requirements
219.435	Recordkeeping and Reporting Requirements
219.436	Compliance Date

SUBPART R: PETROLEUM REFINING AND
RELATED INDUSTRIES; ASPHALT MATERIALS

Section	
219.441	Petroleum Refinery Waste Gas Disposal
219.442	Vacuum Producing Systems
219.443	Wastewater (Oil/Water) Separator
219.444	Process Unit Turnarounds
219.445	Leaks: General Requirements
219.446	Monitoring Program Plan for Leaks
219.447	Monitoring Program for Leaks
219.448	Recordkeeping for Leaks
219.449	Reporting for Leaks
219.450	Alternative Program for Leaks
219.451	Sealing Device Requirements
219.452	Compliance Schedule for Leaks
219.453	Compliance Dates (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section

219.461	Manufacture of Pneumatic Rubber Tires
219.462	Green Tire Spraying Operations
219.463	Alternative Emission Reduction Systems
219.464	Emission Testing
219.465	Compliance Dates (Repealed)
219.466	Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section

219.480	Applicability
219.481	Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
219.482	Control of Air Dryers, Production Equipment Exhaust Systems and Filters
219.483	Material Storage and Transfer
219.484	In-Process Tanks
219.485	Leaks
219.486	Other Emission Units
219.487	Testing
219.488	Monitoring for Air Pollution Control Equipment
219.489	Recordkeeping for Air Pollution Control Equipment

SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section

219.500	Applicability for Batch Operations
219.501	Control Requirements for Batch Operations
219.502	Determination of Uncontrolled Total Annual Mass Emissions and Actual Weighted Average Flow Rate Values for Batch Operations
219.503	Performance and Testing Requirements for Batch Operations
219.504	Monitoring Requirements for Batch Operations
219.505	Reporting and Recordkeeping for Batch Operations
219.506	Compliance Date
219.520	Emission Limitations for Air Oxidation Processes
219.521	Definitions (Repealed)
219.522	Savings Clause

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

219.523	Compliance
219.524	Determination of Applicability
219.525	Emission Limitations for Air Oxidation Processes (Renumbered)
219.526	Testing and Monitoring
219.527	Compliance Date (Repealed)

SUBPART W: AGRICULTURE

Section	
219.541	Pesticide Exception

SUBPART X: CONSTRUCTION

Section	
219.561	Architectural Coatings
219.562	Paving Operations
219.563	Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section	
219.581	Bulk Gasoline Plants
219.582	Bulk Gasoline Terminals
219.583	Gasoline Dispensing Operations – Storage Tank Filling Operations
219.584	Gasoline Delivery Vessels
219.585	Gasoline Volatility Standards
219.586	Gasoline Dispensing Operations – Motor Vehicle Fueling Operations (Repealed)

SUBPART Z: DRY CLEANERS

Section	
219.601	Perchloroethylene Dry Cleaners (Repealed)
219.602	Exemptions (Repealed)
219.603	Leaks (Repealed)
219.604	Compliance Dates (Repealed)
219.605	Compliance Plan (Repealed)
219.606	Exception to Compliance Plan (Repealed)
219.607	Standards for Petroleum Solvent Dry Cleaners
219.608	Operating Practices for Petroleum Solvent Dry Cleaners

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

219.609	Program for Inspection and Repair of Leaks
219.610	Testing and Monitoring
219.611	Exemption for Petroleum Solvent Dry Cleaners
219.612	Compliance Dates (Repealed)
219.613	Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

Section	
219.620	Applicability
219.621	Exemption for Waterbase Material and Heatset-Offset Ink
219.623	Permit Conditions
219.624	Open-Top Mills, Tanks, Vats or Vessels
219.625	Grinding Mills
219.626	Storage Tanks
219.628	Leaks
219.630	Clean Up
219.636	Compliance Schedule
219.637	Recordkeeping and Reporting

SUBPART BB: POLYSTYRENE PLANTS

Section	
219.640	Applicability
219.642	Emissions Limitation at Polystyrene Plants
219.644	Emissions Testing

SUBPART FF: BAKERY OVENS

Section	
219.720	Applicability (Repealed)
219.722	Control Requirements (Repealed)
219.726	Testing (Repealed)
219.727	Monitoring (Repealed)
219.728	Recordkeeping and Reporting (Repealed)
219.729	Compliance Date (Repealed)
219.730	Certification (Repealed)

SUBPART GG: MARINE TERMINALS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Section	
219.760	Applicability
219.762	Control Requirements
219.764	Compliance Certification
219.766	Leaks
219.768	Testing and Monitoring
219.770	Recordkeeping and Reporting

SUBPART HH: MOTOR VEHICLE REFINISHING

Section	
219.780	Emission Limitations
219.782	Alternative Control Requirements
219.784	Equipment Specifications
219.786	Surface Preparation Materials
219.787	Work Practices
219.788	Testing
219.789	Monitoring and Recordkeeping for Control Devices
219.790	General Recordkeeping and Reporting (Repealed)
219.791	Compliance Date
219.792	Registration
219.875	Applicability of Subpart BB (Renumbered)
219.877	Emissions Limitation at Polystyrene Plants (Renumbered)
219.879	Compliance Date (Repealed)
219.881	Compliance Plan (Repealed)
219.883	Special Requirements for Compliance Plan (Repealed)
219.886	Emissions Testing (Renumbered)

SUBPART II: FIBERGLASS BOAT MANUFACTURING MATERIALS

Section	
219.890	Applicability
219.891	Emission Limitations and Control Requirements
219.892	Testing and Monitoring Requirements
219.894	Recordkeeping and Reporting Requirements

SUBPART JJ: MISCELLANEOUS INDUSTRIAL ADHESIVES

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Section

- 219.900 Applicability
- 219.901 Emission Limitations and Control Requirements
- 219.902 Testing Requirements
- 219.903 Monitoring Requirements
- 219.904 Recordkeeping and Reporting Requirements

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT
MANUFACTURING PROCESSES

Section

- 219.920 Applicability
- 219.923 Permit Conditions
- 219.926 Control Requirements
- 219.927 Compliance Schedule
- 219.928 Testing

SUBPART QQ: MISCELLANEOUS FORMULATION
MANUFACTURING PROCESSES

Section

- 219.940 Applicability
- 219.943 Permit Conditions
- 219.946 Control Requirements
- 219.947 Compliance Schedule
- 219.948 Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL
MANUFACTURING PROCESSES

Section

- 219.960 Applicability
- 219.963 Permit Conditions
- 219.966 Control Requirements
- 219.967 Compliance Schedule
- 219.968 Testing

SUBPART TT: OTHER EMISSION UNITS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Section	
219.980	Applicability
219.983	Permit Conditions
219.986	Control Requirements
219.987	Compliance Schedule
219.988	Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section	
219.990	Exempt Emission Units
219.991	Subject Emission Units

219.APPENDIX A	List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
219.APPENDIX B	VOM Measurement Techniques for Capture Efficiency (Repealed)
219.APPENDIX C	Reference Methods and Procedures
219.APPENDIX D	Coefficients for the Total Resource Effectiveness Index (TRE) Equation
219.APPENDIX E	List of Affected Marine Terminals
219.APPENDIX G	TRE Index Measurements for SOCOMI Reactors and Distillation Units
219.APPENDIX H	Baseline VOM Content Limitations for Subpart F, Section 219.212 Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Sections 27, 28 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28 and 28.5].

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. 14987, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16415, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16980, effective November 15, 1994; emergency amendment in R95-10 at 19 Ill. Reg. 3059, effective February 28, 1995, for a maximum of 150 days; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6958, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7385, effective May 22, 1995; amended in R96-2 at 20 Ill. Reg. 3848, effective February 15, 1996; amended in R96-13 at 20 Ill. Reg. 14462, effective October 28, 1996; amended in R97-24 at 21 Ill. Reg. 7721, effective June 9, 1997; amended in R97-31 at 22 Ill. Reg. 3517, effective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

February 2, 1998; amended in R04-12/20 at 30 Ill. Reg. 9799, effective May 15, 2006; amended in R06-21 at 31 Ill. Reg. 7110, effective April 30, 2007; amended in R10-10 at 34 Ill. Reg. 5392, effective March 23, 2010; amended in R10-8 at 34 Ill. Reg. 9253, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14326, effective September 14, 2010; amended at 35 Ill. Reg. 496, effective December 21, 2010.

SUBPART E: SOLVENT CLEANING

Section 219.187 Other Industrial Solvent Cleaning Operations

- a) Applicability. On and after April 1, 2011:
 - 1) Except as provided in subsection (a)(2) of this Section, the requirements of this Section shall apply to all cleaning operations that use organic materials at sources that emit a total of 6.8 kg/day (15 lbs/day) or more of VOM from cleaning operations at the source, in the absence of air pollution control equipment. For purposes of this Section, "cleaning operation" means the process of cleaning products, product components, tools, equipment, or general work areas during production, repair, maintenance or servicing, including but not limited to spray gun cleaning, spray booth cleaning, large and small manufactured components cleaning, parts cleaning, equipment cleaning, line cleaning, floor cleaning, and tank cleaning, at sources with emission units;
 - 2) Notwithstanding subsection (a)(1) of this Section:
 - A) The following cleaning operations shall be exempt from the requirements of subsections (b), (c), (d), (f), and (g) of this Section:
 - i) Cleaning operations subject to the limitations in Sections 219.182, 219.183, or 219.184;
 - ii) Janitorial cleaning;
 - iii) Stripping of cured coatings, inks, or adhesives, including screen reclamation activities;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- iv) Cleaning operations in printing pre-press areas, including the cleaning of film processors, color scanners, plate processors, film cleaning, and plate cleaning;
- B) Cleaning operations for emission units within the following source categories shall be exempt from the requirements of subsections (b), (c), (d), (f), and (g) of this Section:
- i) Aerospace coating;
 - ii) Flexible package printing;
 - iii) Lithographic printing;
 - iv) Letterpress printing;
 - v) Flat wood paneling coating;
 - vi) Large appliance coating;
 - vii) Metal furniture coating;
 - viii) Paper, film, and foil coating;
 - ix) Wood furniture coating;
 - x) Shipbuilding and repair coating;
 - xi) Plastic parts coating;
 - xii) Miscellaneous metal parts coating;
 - xiii) Fiberglass boat manufacturing;
 - xiv) Miscellaneous industrial adhesives; and
 - xv) Auto and light-duty truck assembly coating;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- C) The following cleaning operations shall be exempt from the requirements of subsections (b), (c), (f), and (g) of this Section:
- i) Cleaning of solar cells, laser hardware, scientific instruments, and high-precision optics;
 - ii) Cleaning conducted as part of performance laboratory tests on coatings, adhesives, or inks; research and development operations; or laboratory tests in quality assurance laboratories;
 - iii) Cleaning of paper-based gaskets and clutch assemblies where rubber is bonded to metal by means of an adhesive;
 - iv) Cleaning of cotton swabs to remove cottonseed oil before cleaning of high-precision optics;
 - v) Cleaning of medical device and pharmaceutical manufacturing facilities using no more than 1.5 gallons per day of solvents;
 - vi) Cleaning of adhesive application equipment used for thin metal laminating;
 - vii) Cleaning of electronic or electrical cables;
 - viii) Touch-up cleaning performed on printed circuit boards where surface mounted devices have already been attached;
 - ix) Cleaning of coating and adhesive application processes utilized to manufacture transdermal drug delivery products using no more than three gallons per day of ethyl acetate;
 - x) Cleaning of application equipment used to apply coatings on satellites and radiation effect coatings;
 - xi) Cleaning of application equipment used to apply solvent-borne fluoropolymer coatings;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- xii) Cleaning of ultraviolet or electron beam adhesive application;
 - xiii) Cleaning of sterilization indicating ink application equipment if the facility uses no more than 1.5 gallons per day of solvents for such cleaning;
 - xiv) Cleaning of metering rollers, dampening rollers, and printing plates;
 - xv) Cleaning of numismatic dies; and
 - xvi) Cleaning operations associated with digital printing.
- b) Material and Control Requirements. No owner or operator of a source subject to this Section shall perform any cleaning operation subject to this Section unless the owner or operator meets the requirements in subsection (b)(1), (b)(2), or (b)(3):
- 1) The VOM content of the as-used cleaning solutions (~~minus water and any compounds that are specifically exempted from the definition of VOM~~) does not exceed the following emissions limitations:
 - A) Product cleaning during manufacturing process or surface preparation for coating, adhesive, or ink application:

	kg/l	lb/gal
i) Electrical apparatus components and electronic components	0.10	0.83
ii) Medical device and pharmaceutical manufacturing	0.80	6.7
 - B) Repair and maintenance cleaning:

	kg/l	lb/gal
i) Electrical apparatus components and electronic	0.10	0.83

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

ii)	Medical device and pharmaceutical manufacturing: tools, equipment, and machinery	0.80	6.7
iii)	Medical device and pharmaceutical manufacturing: general work surfaces	0.60	5.0
C) Cleaning of ink application equipment:			
		kg/l	lb/gal
i)	Rotogravure printing that does not print flexible packaging	0.10	0.83
ii)	Screen printing	0.50	4.2
iii)	Ultraviolet ink and electron beam ink application equipment, except screen printing	0.65	5.4
iv)	Flexographic printing that does not print flexible packaging	0.10	0.83
		kg/l	lb/gal
D)	All other cleaning operations not subject to a specific limitation in subsections (b)(1)(A) through (b)(1)(C) of this Section	0.050	0.42

- 2) The composite vapor pressure of each as-used cleaning solution used does not exceed 8.0 mmHg measured at 20°C (68°F); or
- 3) An afterburner or carbon adsorber is installed and operated that reduces VOM emissions from the subject cleaning operation by at least 85 percent overall. The owner or operator may use an emissions control system other than an afterburner or carbon adsorber if such device reduces VOM emissions from the subject cleaning operation by at least 85 percent overall, the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for such control device, and such plan is

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

approved by the Agency and USEPA within federally enforceable permit conditions.

- c) The owner or operator of a subject source shall demonstrate compliance with this Section by using the applicable test methods and procedures specified in subsection (g) of this Section and by complying with the recordkeeping and reporting requirements specified in subsection (e) of this Section.
- d) Operating Requirements. The owner or operator of a source subject to the requirements of this Section shall comply with the following for each subject cleaning operation:
 - 1) Cover open containers and properly cover and store applicators used to apply cleaning solvents;
 - 2) Minimize air circulation around the cleaning operation;
 - 3) Dispose of all used cleaning solutions, cleaning towels, and applicators used to apply cleaning solvents in closed containers;
 - 4) Utilize equipment practices that minimize emissions.
- e) Recordkeeping and Reporting Requirements
 - 1) The owner or operator of a source exempt from the limitations of this Section because of the criteria in Section 219.187(a)(1) of this Subpart shall comply with the following:
 - A) By April 1, 2011, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:
 - i) A declaration that the source is exempt from the requirements of this Section because of the criteria in Section 219.187(a)(1);
 - ii) Calculations that demonstrate that combined emissions of VOM from cleaning operations at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- B) Notify the Agency of any record that shows that the combined emissions of VOM from cleaning operations at the source ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs.
- 2) All sources subject to the requirements of this Section shall:
- A) By April 1, 2011, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:
 - i) A declaration that all subject cleaning operations are in compliance with the requirements of this Section;
 - ii) Identification of each subject cleaning operation and each VOM-containing cleaning solution used as of the date of certification in such operation;
 - iii) If complying with the emissions control system requirement, what type of emissions control system will be used;
 - iv) Initial documentation that each subject cleaning operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;
 - v) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;
 - vi) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in Section 219.187(d); and
 - vii) A description of each cleaning operation exempt pursuant to Section 219.187(a)(2), if any, and a listing of the emission units on which the exempt cleaning operation is performed;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- B) At least 30 calendar days before changing the method of compliance between subsections (b)(1) or (b)(2) and subsection (b)(3) of this Section, notify the Agency in writing of such change. The notification shall include a demonstration of compliance with the newly applicable subsection;
- 3) All sources complying with this Section pursuant to the requirements of subsection (b)(1) of this Section shall collect and record the following information for each cleaning solution used:
- A) For each cleaning solution that is prepared at the source with automatic equipment:
- i) The name and identification of each cleaning solution;
 - ii) The VOM content of each cleaning solvent in the cleaning solution;
 - iii) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);
 - iv) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;
 - v) The VOM content of the as-used cleaning solution, with supporting calculations; and
 - vi) A calibration log for the automatic equipment, detailing periodic checks;
- B) For each batch of cleaning solution that is not prepared at the source with automatic equipment:
- i) The name and identification of each cleaning solution;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- ii) Date, time of preparation, and each subsequent modification of the batch;
 - iii) The VOM content of each cleaning solvent in the cleaning solution;
 - iv) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and
 - v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are not prepared at the site but are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part;
- 4) All sources complying with this Section pursuant to the requirements of subsection (b)(2) of this Section shall collect and record the following information for each cleaning solution used:
- A) The name and identification of each cleaning solution;
 - B) Date, time of preparation, and each subsequent modification of the batch;
 - C) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with the applicable methods and procedures specified in Section 219.110 of this Part;
 - D) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and
 - E) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with the applicable methods and procedures specified in Section 219.110 of this Part;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 5) All sources complying with this Section pursuant to the requirements of subsection (b)(3) of this Section shall comply with the following:
- A) By April 1, 2011, or upon initial start-up of the source, whichever is later, and upon initial start-up of a new emissions control system, include in the certification required by subsection (e)(3) of this Section a declaration that the monitoring equipment required under Section 219.187(f) of this Subpart has been properly installed and calibrated according to manufacturer's specifications;
 - B) If testing of an emissions control system is conducted pursuant to Section 219.187(g) of this Subpart, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:
 - i) A declaration that all tests and calculations necessary to demonstrate compliance with Section 219.187(b)(3) of this Subpart have been properly performed;
 - ii) A statement whether the subject cleaning operation is or is not in compliance with Section 219.187(b)(3) of this Subpart; and
 - iii) The operating parameters of the emissions control system during testing, as monitored in accordance with Section 219.187(f) of this Subpart;
 - C) Collect and record daily the following information for each cleaning operation subject to the requirements of Section 219.187(b)(3) of this Subpart:
 - i) Emissions control system monitoring data in accordance with Section 219.187(f) of this Subpart, as applicable;
 - ii) A log of operating time for the emissions control system, monitoring equipment, and associated cleaning equipment;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- iii) A maintenance log for the emissions control system and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages;
- D) Maintain records documenting the use of good operating practices consistent with the equipment manufacturer's specifications for the cleaning equipment being used and the emissions control system equipment. At a minimum, these records shall include:
 - i) Records for periodic inspection of the cleaning equipment and emissions control system equipment with date of inspection, individual performing the inspection, and nature of inspection;
 - ii) Records for repair of malfunctions and breakdowns with identification and description of incident, date identified, date repaired, nature of repair, and the amount of VOM released into the atmosphere as a result of the incident;
- 6) All sources subject to the requirements of subsections (b) and (d) of this Section shall notify the Agency of any violation of subsection (b) or (d) by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation;
- 7) All records required by this subsection (e) shall be retained by the source for at least three years and shall be made available to the Agency upon request.
- f) Monitoring Requirements
 - 1) If an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 219.187(b)(3) of this Subpart shall:
 - A) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 219.105(d)(2) of this Part and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the emissions control system is operating; and

- B) Install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring devices, such as a strip chart, recorder or computer, with at least the same accuracy as the temperature monitor;
 - 2) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 219.187(b)(3) of this Subpart shall install, maintain, calibrate, and operate such monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 219.187(b)(3).
- g) Testing Requirements
- 1) Testing to demonstrate compliance with the requirements of this Section shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Section. Such testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during the testing;
 - 2) Testing to demonstrate compliance with the VOM content limitations in Section 219.187(b)(1) of this Subpart, and to determine the VOM content of cleaning solvents and cleaning solutions, shall be conducted as follows:
 - A) The applicable test methods and procedures specified in Section 219.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference in Section 219.112 of this Part, shall be used to demonstrate compliance; or
 - B) The manufacturer's specifications for VOM content for cleaning solvents may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

accordance with methods specified in Section 219.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance;

- 3) Testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning solutions shall be conducted in accordance with the applicable methods and procedures specified in Section 219.110 of this Part;
- 4) For afterburners and carbon adsorbers, the methods and procedures of Section 219.105(d) through (f) shall be used for testing to demonstrate compliance with the requirements of Section 219.187(b)(3) of this Subpart, as follows:
 - A) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, ~~appendix~~Appendix A, incorporated by reference in Section 219.112 of this Part;
 - B) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, ~~appendix~~Appendix A, incorporated by reference in Section 219.112 of this Part;
 - C) To determine the VOM concentration of the exhaust stream entering and exiting the emissions control system, Method 25 or 25A, as appropriate, 40 CFR 60, ~~appendix~~Appendix A, incorporated by reference in Section 219.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:
 - i) The allowable outlet concentration of VOM from the emissions control system is less than 50 ppmv, as carbon;
 - ii) The VOM concentration at the inlet of the emissions control system and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- iii) Due to the high efficiency of the emissions control system, the anticipated VOM concentration at the emissions control system exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or Method 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;
- D) During testing, the cleaning equipment shall be operated at representative operating conditions and flow rates;
- 5) An owner or operator using an emissions control system other than an afterburner or carbon adsorber shall conduct testing to demonstrate compliance with the requirements of Section 219.187(b)(3) of this Subpart as set forth in the owner's or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to Section 219.187(b)(3) of this Subpart.

(Source: Amended at 35 Ill. Reg. 496, effective December 21, 2010)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
325.10	Amend
325.60	Amend
325.80	New
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: January 1, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 34 Ill. Reg. 13298; September 17, 2010
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Grammatical changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes, emergency amendments became effective on September 2, 2010.
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of Rulemaking: On August 31, 2010, the Board voted in favor of raising the limit of the interstate commission fee, found in Section 325.60(d), the fees ADW licensees are charged by out-of-state racetracks, from 5% to no more than 9%. The 5% cap originally set by the Board was not well received by racing fans using ADW platforms because several prominent out-of-state racetracks refused to sell their race

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

signal to licensed Illinois ADW's for 5%. Section 325.10 proposes a definition for "licensee," which is the same definition found in the Horse Racing Act. Lastly, the Board is proposing in Section 325.80 that no Illinois licensee shall engage in any anti-competitive practices in the process of contracting for the right to receive or send any interstate simulcast signal or wagering on such signal.

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

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

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

PART 325
ADVANCE DEPOSIT WAGERING (ADW)

Section	
325.10	Definitions
325.20	License to Conduct Advance Deposit Wagering
325.30	Advance Deposit Wagering Rules
325.40	Requirements to Establish an Advance Deposit Wagering Account
325.50	Powers of the Board
325.60	Organization Licensee Simulcast Signals and Commission Fees
325.70	Interstate Simulcast Signals
325.80	Anti-Competitive Practices

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

SOURCE: Emergency rule adopted at 33 Ill. Reg. 12860, effective September 2, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 539, effective January 1, 2010; emergency amendment at 34 Ill. Reg. 581, effective January 1, 2010, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 34 Ill. Reg. 2761, effective February 3, 2010, for the remainder of the 150 days; emergency amendment at 34 Ill. Reg. 2823, effective February 3, 2010, for a maximum of 150 days; emergency amendment expired July 2, 2010; amended at 34 Ill. Reg. 10517, effective July 12, 2010; emergency amendment at 34 Ill. Reg. 13558, effective September 2, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 522, effective January 1, 2011.

Section 325.10 Definitions

"Account" means an account for advance deposit wagering with a specific identifiable record of deposits, wagers and withdrawals established by an account holder and managed by the advance deposit wagering licensee.

"Account holder" means an individual who successfully completed an application and for whom the advance deposit wagering licensee has opened an account.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

"Advance deposit wagering" or "ADW" means a method of pari-mutuel wagering that is permissible under the Interstate Horseracing Act (15 USC 3001 et seq.) and in which an individual may establish an account with an entity licensed by the Board, deposit money into the account, and use the account balance to pay for pari-mutuel wagers in person, by telephone or through other electronic media, including, but not limited to, the internet.

"Advance deposit wagering licensee" or "ADW licensee" means a person licensed by the Board to conduct advance deposit wagering. An advance deposit wagering licensee shall be an organization licensee or a person or third party who contracts with an organization licensee in order to conduct advance deposit wagering.

"Applicant" means an individual who has submitted an application to establish an ADW account with an ADW licensee.

"Confidential information" includes, but is not limited to:

The amount of money credited to, debited from, withdrawn from, or present in any particular account holder's account;

The amount of money wagered by a particular account holder on any race or series of races;

The account number and secure personal identification code of a particular account holder;

The identities of particular entries on which the account holder is wagering or has wagered; and

Unless otherwise authorized by the account holder, the name, address and other personal information in the possession of the ADW licensee or organization licensee that would identify the account holder to anyone other than the Board or the advance deposit wagering licensee.

"Credits" means all inflow of money to an account.

"Debits" means all outflow of money from an account.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

"Deposit" means a payment of money by cash, check, money order, credit card, debit card or other electronic funds transfers made by an account holder to the account holder's account.

"Individual" means any natural person at least 18 years of age, but does not include any corporation, partnership, limited liability company, trust, estate or other legal entity.

"Licensee" means an individual organization licensee, an inter-track wagering licensee, an inter-track wagering location licensee, or an advance deposit wagering licensee, as this Part requires.

"Principal residence address" means the street address identified by an applicant or a current account holder as that individual's residential address, as that address may be verified by the advance deposit wagering licensee.

"Proper identification" means a form of identification accepted in the normal course of business to establish that the person making a transaction is an account holder.

"Terms of agreement" means the agreement, approved by the Board, between an advance deposit wagering licensee and an account holder that includes but is not limited to the terms and conditions for deposits, credits, debits, withdrawals and the opening and closing of accounts.

"Withdrawal" means a payment of money from an account by the ADW licensee to the account holder when properly requested by the account holder.

(Source: Amended at 35 Ill. Reg. 522, effective January 1, 2011)

Section 325.60 Organization Licensee Simulcast Signals and Commission Fees

- a) All advance deposit wagering licensees shall televise or broadcast or display via the internet the simulcast signal of the live racing of all organization licensees and accept wagers on the live racing of all organization licensees.
- b) Advance deposit wagering licensees shall not be permitted to accept out-of-state wagers on any organization licensee's live racing signal without the approval and consent of the organization licensee providing the signal.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- c) The Board finds that, as a means to ~~maximizemaximizing~~ and ~~supportsupporting~~ the highest simulcast commission rates charged to out-of-state entities by all organization licensees and therefore maximize revenues to horsemen's purse accounts and organization licensees, and to establish commission and purse splits consistent with existing wagering facility revenue divisions, all organization licensees shall provide their live racing simulcast signal to all advance deposit wagering licensees for a simulcast commission fee not to exceed 8%.
- d) An advance deposit wagering licensee's interstate commission fee shall not exceed ~~95~~95% except for Grade 1 thoroughbred races and harness races with purses of \$200,000 or more.

(Source: Amended at 35 Ill. Reg. 522, effective January 1, 2011)

Section 325.80 Anti-Competitive Practices

- a) No licensee shall engage in any anti-competitive practices in the process of contracting for the right to receive or send any interstate simulcast signal or wagering on such signal. For the purpose of this Part, anti-competitive practices shall include, but not be limited to:
- 1) any agreement to pay excessive or unreasonable fees for the right to receive an interstate signal. In determining whether a fee is excessive or unreasonable, the Board shall consider prevailing rates paid for comparable signals in the past, and whether any commonality of ownership or revenue sharing exists, partially or wholly, between the Illinois licensee and the entity receiving the fees; or
 - 2) any agreement, combination, trust or joint enterprise with any other track or entity in which multiple interstate signals are bundled together for the purpose of securing an excessive or unreasonable fee for one or more signals in the group in exchange for the right to receive any of the signals in the group; or
 - 3) any other activity designed to artificially inflate prices beyond reasonable market rates.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) Licensees in violation of this Part shall be subject to civil penalties up to \$10,000 per occurrence and/or license suspension or revocation.

(Source: Added at 35 Ill. Reg. 522, effective January 1, 2011)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

file more than 10 federal individual income tax returns during a year to file those returns electronically, beginning in 2011. The IRS has announced that, in 2011, it will enforce this requirement only for paid preparers filing more than 100 returns.

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

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

217/782-7055

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 760
ELECTRONIC FILING OF RETURNS OR OTHER DOCUMENTS

Section	
760.100	Electronic Returns
760.110	Exclusions from Electronic Filing
760.120	Where to Send Electronic Returns (Repealed)
760.200	Ways to Participate in Electronic Filing
760.210	Enrollment in the Electronic Filing Program
760.220	Electronic Payment Required
760.230	Electronic Signatures
760.240	Due Dates and Date Received
760.300	Responsibilities of Electronic Filers
760.310	Filing Acknowledgments
760.320	Electronic Payment Acknowledgments
760.330	Termination of Voluntary Participants

AUTHORITY: Implementing and authorized by Section 2505-200 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-200].

SOURCE: Adopted at 22 Ill. Reg. 14905, effective August 3, 1998; amended at 27 Ill. Reg. 14636, effective August 26, 2003; amended at 30 Ill. Reg. 11590, effective June 26, 2006; amended at 35 Ill. Reg. 529, effective December 21, 2010.

Section 760.100 Electronic Returns

- a) The Department has mandatory electronic filing programs and voluntary programs for certain returns and other documents that are required to be filed with the Department. Upon acceptance into the program, the returns, schedules, and other documents listed in this Section may be electronically filed with the Department.
- b) An electronic return or other document consists of data transmitted to the Department electronically, and may include paper documents that contain information that cannot be electronically transmitted or are requested for verification. In total, electronic returns must contain the same information as

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

traditionally filed paper documents.

c) Mandatory Programs

- 1) Beginning January 1, 2003, telecommunications providers who have average monthly tax billings for the immediately preceding calendar year that exceed \$1000 must file their tax returns and supporting schedules electronically. Paper documents that contain information that cannot be electronically provided or are requested for verification must be mailed to the Department. The following circumstances require paper documentation:
 - A) When a final return is electronically filed, the taxpayer must also mail a statement explaining the reasons for a final return (e.g., business sold or discontinued).
 - B) When a return and payment are made in protest in accordance with Section 2a.1 of the State Officers and Employees Money Disposition Act [30 ILCS 230/2a.1], the corresponding notice must be mailed to the Department.
 - C) When the taxpayer wishes to notify the Department of a change of address, the taxpayer must notify the Department by telephone or by mailing such change to the Department.
- 2) Beginning January 1, 2003, cigarette distributors with 30 or more invoice transactions per month and who are not voluntarily filing returns and schedules by electronic means are required to file supporting schedule data with the Department on computer-generated magnetic media in a format prescribed by the Department.
- 3) Beginning with calendar year 2011, each income tax return preparer who is required during the calendar year to file by electronic means any federal income tax return for any individual or individuals and who prepared more than 100 Illinois income tax returns for individuals during the preceding calendar year is required during the calendar year to file by electronic means any Illinois income tax returns he or she prepares for the same individual or individuals for the same taxable year for which the preparer filed a federal income tax return during that calendar year. This

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

subsection (c)(3) does not require electronic filing of amended returns or of returns of trusts or estates, or of any return the Department has announced cannot be filed by electronic means.

- d) Voluntary Programs
- 1) Taxpayers may volunteer to participate in any electronic filing program currently in effect for mandatory electronic filers.
 - 2) Form ST-1, Sales and Use Tax Return, and Form ST-2, Multiple Site attachment for Form ST-1, can be transmitted electronically under the provisions of this Part.
 - 3) Beginning January 1, 2003, original or amended liquor tax returns and schedules for Liquor Tax participants may be filed electronically under the provisions of this Part.
 - A) Paper documents that contain information that cannot be electronically provided or are requested for verification must be mailed to the Department. They include:
 - i) Copies of schedules, invoices or bills of lading requested for verification in accordance with Section 8-2 of the Liquor Control Act of 1934 [235 ILCS 5/8-2].
 - ii) Non-Beverage User permits.
 - B) Beginning January 1, 2003, persons filing liquor tax returns and schedules electronically must also make payments by means of electronic funds transfer. See Section 760.220 of this Part. By doing so, the taxpayer is entitled to a discount of 1.75% of the tax due, or \$1,250, whichever is less, provided that the electronic return and payment are made timely in accordance with this Part.
 - C) Liquor tax participants may file their returns and schedules using magnetic media in a format prescribed by the Department. Liquor tax participants that file returns and schedules on magnetic media are not entitled to the discount provided for in subsection (d)(3)(B) of this Section.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 4) Beginning January 1, 2003, original or amended cigarette tax returns and schedules for Cigarette Tax participants may be filed electronically under the provisions of this Part.
- 5) Illustrations of When Paper Documents Must Be Filed
 - A) In the event a final return is electronically filed, the taxpayer must also mail a statement explaining the reasons for a final return (e.g., business sold or discontinued).
 - B) In the event a return and payment are made in protest in accordance with Section 2a.1 of the State Officers and Employees Money Disposition Act [30 ILCS 230/2a.1], the corresponding notice must be mailed to the Department.
 - C) In the event the taxpayer wishes to notify the Department of a change of address, the taxpayer must notify the Department by telephone or by mailing such change to the Department.

(Source: Amended at 35 Ill. Reg. 529, effective December 21, 2010)

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: State Toll Highway Rules
- 2) Code Citation: 92 Ill. Adm. Code 2520
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2520.130	Amended
2520.410	Amended
2520.420	Amended
2520.APPENDIX A	Amended
- 4) Statutory Authority: 605 ILCS 10/10; 605 ILCS 5/11-601; 605 ILCS 5/11-603
- 5) Effective Date of Rulemaking: December 27, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 34 Ill. Reg. 13090; September 10, 2010
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In 2520.APPENDIX A, Section I, the table proposed in subsection A was deleted and subsections B and C were added. In Section 2520.130, the acronym "IDOT" was added to the definition of Department of Transportation. The other differences were of a non-substantive technical nature.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments increase speed limits to 65 mph on I-355 and on I-88 and I-90 west of Kane and McHenry counties and also change

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

the overweight and over dimension provisions in Appendix A. (See 605 ILCS 5/11-601).

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

Robert T. Lane
Senior Assistant Attorney General
Illinois Toll Highway Authority
2700 Ogden Avenue
Downers Grove, IL 60515

630/241-6800 x1530
630/271-7559

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

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER IV: ILLINOIS STATE TOLL HIGHWAY AUTHORITYPART 2520
STATE TOLL HIGHWAY RULES

SUBPART A: AUTHORITY AND DEFINITIONS

Section	
2520.100	Authority
2520.110	Authority Rulemaking
2520.120	Related Statutes
2520.130	Definitions

SUBPART B: GENERAL TRAFFIC RULES AND REGULATIONS

Section	
2520.200	Illinois Vehicle Code
2520.203	Use of Tollway Prohibited or Restricted
2520.206	Vehicles Excepted from Provisions of Section 2520.203
2520.209	Transportation of Hazardous Materials
2520.212	Special Usage Toll
2520.215	Loading or Unloading of Vehicles
2520.218	Full Stop at All Toll Plazas
2520.221	Entering and Leaving the Tollway
2520.224	"U" Turns, Etc.
2520.227	Backing Up of Vehicles
2520.230	Parking, Standing or Stopping
2520.233	Relocating of Vehicles
2520.236	Pushing or Towing of Vehicles
2520.239	Stopping or Halting Vehicles by the Authority
2520.242	Destruction of Authority Property
2520.245	Picnics
2520.248	Aircraft
2520.251	Sale of Goods and Services
2520.254	Solicitation of Rides
2520.257	Loitering or Interfering with Traffic
2520.260	Approaching/Departing a Toll Plaza
2520.263	Compliance with Orders or Directions of State Troopers, Etc.

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

2520.266	Duty Upon Striking Fixtures, Structures or Other Property on Tollway
2520.269	Payment of Tolls
2520.272	I-Pass Registration
2520.275	Prohibited and Restricted Lanes
2520.278	Traffic Control Devices
2520.281	Penalty for Violation

SUBPART C: TRESPASS

Section	
2520.300	Authority
2520.310	Restriction of Vehicles Using the Tollway
2520.320	Restriction on Nature of Use of Tollway
2520.340	Persons and Vehicles Excepted from the Requirements of Subpart C
2520.350	Penalties

SUBPART D: SPEED RESTRICTIONS

Section	
2520.410	Maximum Speed Limits for Passenger Cars
2520.420	Maximum Speed Limits for Trucks, Buses, Passenger Cars Towing Trailers, House Trailers and Campers
2520.430	Maximum Speed Limits for Designated I-Pass Lanes, Service Areas, Parking Areas, Access Roads and Ramps, and Barrier Toll Plaza Approaches
2520.440	Road Hazards and Construction Zones
2520.450	Special Road Conditions
2520.460	Minimum Speed Limits

SUBPART E: FINES AND PENALTIES

Section	
2520.510	Violations
2520.520	Littering – Penalty
2520.530	Spurious or Counterfeit Tickets, Coupons or Tokens – Penalty
2520.540	Toll Collection Devices – Penalty for Breaking
2520.550	I-PASS Customer – Penalties

SUBPART F: TOLL VIOLATIONS – ADMINISTRATIVE ADJUDICATION SYSTEM

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

Section

2520.700	Authority
2520.705	Notice of Violation to Respondent
2520.710	Effective Date of Notices
2520.715	Establishment of the Toll-Free Telephone Number
2520.720	Timely Request for Hearing
2520.725	Hearing Officers – Appointment, Disqualification, Powers and Duties
2520.730	Discovery
2520.735	Continuance
2520.740	Hearings Format
2520.745	Failure to Respond to Notice of Violation – Default
2520.750	Penalties
2520.755	Liability of Lessor
2520.760	Liability of Registered Owner
2520.765	Enforcement of Final Order
2520.770	Judicial Review

SUBPART G: EMPLOYMENT

2520.800	Tollway Employees
2520.APPENDIX A	Rules and Regulations for Overweight and Overdimension Vehicles and Loads

AUTHORITY: Implementing and authorized by the Toll Highway Act [605 ILCS 10].

SOURCE: Filed January 3, 1973; effective February 1, 1973; codified at 8 Ill. Reg. 19884; Part repealed, new Part adopted at 17 Ill. Reg. 8539, effective May 27, 1993; amended at 20 Ill. Reg. 10200, effective July 12, 1996; emergency amendment at 24 Ill. Reg. 2737, effective February 4, 2000, for a maximum of 150 days; emergency expired July 2, 2000; emergency amendment at 24 Ill. Reg. 4234, effective February 29, 2000, for a maximum of 150 days; emergency expired July 27, 2000; amended at 24 Ill. Reg. 16078, effective October 11, 2000; emergency amendment at 26 Ill. Reg. 16325, effective October 31, 2002, for a maximum of 150 days ; amended at 27 Ill. Reg. 6325, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days; emergency expired April 5, 2004; emergency amendment at 28 Ill. Reg. 1780, effective January 14, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 6911, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 7688, effective May 24, 2004, for a maximum of 150 days; emergency expired October 20, 2004; amended at 28 Ill. Reg. 14530, effective October 25, 2004; old Part repealed at 30 Ill. Reg.

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

11261 and new Part adopted at 30 Ill. Reg. 11264, effective June 9, 2006; amended at 35 Ill. Reg. 535, effective December 27, 2010.

SUBPART A: AUTHORITY AND DEFINITIONS

Section 2520.130 Definitions

The following words and phrases, when used in this Part, shall have the following meanings:

"Authority" means the Illinois State Toll Highway Authority, an instrumentality and administrative agency of the State of Illinois, formerly known as the Illinois State Toll Highway Commission.

"Authorized Emergency Vehicles" means vehicles of fire departments and police departments, ambulances, emergency vehicles of public service companies, and other vehicles performing emergency services approved and authorized by the Authority.

"Barrier Toll Plaza" means all toll collection facilities located on the Tollway's traffic lanes, but does not include ramp or open road toll collection facilities.

"Certified Report" means the documents the Authority sends the Illinois Secretary of State pursuant to 625 ILCS 5/3-704.2 and 6-306.7.

"Department of Transportation" or "IDOT" means the Illinois Department of Transportation.

"Hazardous Materials" means explosives, radioactive materials, etiologic agents, flammable liquids and other dangerous materials.

"Hearing" means a hearing conducted by the Authority or appointed hearing officer to determine whether a violation of the Toll Highway Act and/or any of this Part has occurred.

"Hearing Officer" means a hearing officer appointed pursuant to Section 2520.705.

"I-PASS" means the Authority's electronic toll collection system.

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

"I-PASS Only Lanes" means those lanes restricted to vehicles, other than Open Road Toll Lanes, that have I-PASS transponders.

"I-PASS Transponder" means the Authority-issued electronic toll collection device, E-Z Pass or other Authority-authorized electronic toll collection device.

"Motor Driven Cycles" means a motorcycle or motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles.

"Notice of Violation " means the information sent by the Authority to the respondent notifying the respondent of an alleged violation of Tollway rules.

"Oases" means property along the Tollway occupied by restaurants, buildings and service stations, and adjacent parking and landscaped areas.

"Open Road Toll" means those lanes that are restricted to vehicles with I-PASS transponders traveling at highway speed.

"Person" means any individual, firm, corporation, cooperative, association, trust, partnership, joint venture or other legally recognized entity.

"Respondent" means any person charged with violating the Tollway Highway Act or this Part.

"Right-of-Way" means the entire area of the Tollway within the fence lines (or the barrier walls, where no fence exists), including, but not limited to, the roadways, shoulders, plazas, and landscaped areas. The right-of-way does not include the Tollway's oases, maintenance buildings, central administration building or other Tollway buildings and their parking lots.

"Shoulder" means the portion of the roadway contiguous with the traveled way that accommodates stopped vehicles, is intended for emergency use, and, with proper signage, may provide limited duration use as a traffic lane.

"State Police" means the Illinois State Police.

"Toll" means the compensation to be paid to the Authority for the privilege of using the Tollway.

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

"Toll Highway Act" means 605 ILCS 10.

"Toll Plaza" means any toll collection facility located on the Tollway.

"Tollway" means any and all toll highways operated and maintained by the Authority pursuant to State and federal laws.

"Traffic Control Devices" means all directional devices, controls and markings installed by the Authority, its agents, or governmental partners for the purpose of regulating, warning, or guiding traffic.

"Traffic Lanes" are the lanes designated for vehicular travel on the Tollway that are designated numerically, with the extreme left lane of each directional roadway being numbered "Lane No. 1" and each lane to the right of Lane No. 1 carrying traffic in the same direction being numbered consecutively higher.

"Vehicle Code" means the Illinois Vehicle Code [625 ILCS 5].

"Violation" means one or more acts prohibited by the Toll Highway Act and/or this Part.

"V-Tolled" means the Tollway service that debits an unpaid toll from an I-PASS customer's valid account when a transaction is not read by the I-PASS electronic toll collection equipment and license plate information is captured by the Authority's video or photo surveillance system.

Any and all terms that are not specifically defined in this Section shall have the meanings ascribed to them in the Vehicle Code and the Toll Highway Act.

(Source: Amended at 35 Ill. Reg. 535 effective December 27, 2010)

SUBPART D: SPEED RESTRICTIONS

Section 2520.410 Maximum Speed Limits for Passenger Cars

The following shall be the maximum speed limits for passenger cars on the Tollway, except as provided by Sections 2520.430 and 2520.440:

- a) Tri-State Tollway (~~I-294~~I-94 [portion North of Lake Cook Rd.](#)):

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

55 miles per hour south of ~~M.P. 3.0 Waukegan Toll Plaza—Plaza 21 (M.P. 73.5)~~.

65 miles per hour north of ~~M.P. 3.0 Waukegan Toll Plaza—Plaza 21 (M.P. 73.5)~~.

Tri-State Tollway (I-294 portion in its entirety):

55 miles per hour, M.P. 0.0 to M.P. 52

b) Northwest Tollway (I-90):

55 miles per hour east of M.P. 27.2 (west of Randall Road) ~~(M.P. 26.6)~~.

65 miles per hour west of M.P. 27.2 (west of Randall Road) ~~(M.P. 26.6)~~.

c) Ronald Reagan Memorial Highway (I-88):

55 miles per hour between the Eisenhower Expressway I-290 M.P. 140.4 and M.P. 115.0 ½ mile west of Farnsworth Avenue ~~(M.P. 140.5 to M.P. 118.6)~~ (east of Orchard Rd. M.P. 114.4)

~~45 miles per hour between ½ mile west of Farnsworth Avenue and Illinois Route 31 (M.P. 118.6 to M.P. 117.1)~~.

~~55 miles per hour between Illinois Route 31 and Orchard Road (M.P. 117.1 to M.P. 115.5)~~.

65 miles per hour west of M.P. 115.0 (east of Orchard Road) ~~(M.P. 114.4 to M.P. 115.5)~~.

d) North-South Tollway (I-355):

55 miles per hour north of I-55 (M.P. 12)

65 miles per hour south of I-55 (M.P. 12)

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

~~55 miles per hour for the entire length.~~

(Source: Amended at 35 Ill. Reg. 535, effective December 27, 2010)

Section 2520.420 Maximum Speed Limits for Trucks, Buses, Passenger Cars Towing Trailers, House Trailers and Campers

The maximum speed for trucks, buses, and passenger cars towing trailers, house trailers and campers is generally 55 miles per hour, but 65 miles per hour west of Kane County (M.P.101) on I-88 and west of McHenry County (M.P.47.7) on I-90, ~~on all Tollways~~ except as provided by Sections 2520.430 and 2520.440.

(Source: Amended at 35 Ill. Reg. 535, effective December 27, 2010)

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

Section 2520.APPENDIX A Rules and Regulations for Overweight and Overdimension Vehicles and Loads**D** **Over-weight Vehicles**

- AWeight restrictions are based on the Illinois Bridge Formula and are consistent with Section 15-111 of the Illinois Vehicle Code.**
- BThe fee for a vehicle exceeding the limitations of 625 ILCS 5/15-111 of the Illinois Vehicle Code by not more than 30% is \$35.**
- CThe fee for a vehicle exceeding the limitations of 625 ILCS 5/15-111 of the Illinois Vehicle Code by more than 30% is \$150.**
- DRequests for over-weight permits must be submitted to the Tollway Permit Office one day ahead (except as noted in subsection (I)(C)) of the date the vehicle is scheduled to travel on the Tollway. Permits may also be obtained electronically using the internet.**
- EVehicles or equipment with weights or axle spacing outside the restrictions shown in subsection (I)(A) may be approved but must be analyzed on a case by case basis. This includes vehicles and equipment operating under their own power, such as cranes, drill rigs, concrete pumps, etc. These permits are issued provided the vehicle or object consists of one object that cannot be reasonably disassembled or dismantled. A request for a permit outside the weight restrictions in subsection (I)(A) must be submitted 3 days in advance of travel on the Tollway.**
- FVehicles must have an IDOT over-weight permit number (see 92 Ill. Adm. Code 554) prior to requesting a Tollway over-weight permit. A vehicle operated exclusively on the Toll Highway system in conjunction with a Tollway improvement project does not require an IDOT permit.**
- GOver-weight vehicles with legal dimensions may travel 24 hours a day, 7 days a week, including holidays.**
- HEquipment operated under its own power (cranes, drill rigs, pumping equipment, aerial lifts, etc.) shall be issued one permit for a round trip to one job site on the same day and over the same route.**

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

II) Over-length Vehicles

- A) Any vehicle that measures more than 100 feet in length or any vehicle transporting a load that measures more than 80 feet in length requires a permit based on the following requirements and information:
- 1) Overall length of the vehicle and/or load, including over-hang.
 - 2) The over-dimensional vehicle or load must be reasonably disassembled or dismantled. Multiple objects must be arranged side by side or stacked to minimize the over-dimension.
 - 3) The location where the vehicle will enter and exit the Tollway.
- B) Over-length vehicle permits are subject to routing. Over-length permits must be requested one day in advance of traveling on the Tollway by calling the Tollway Permit Office.
- C) A permit fee of \$15 is charged for vehicles over 100 feet in length or loads over 80 feet in length.
- D) Maximum vehicle length may determine the route the vehicle is to travel. The vehicle may be required to use rear steering.
- E) Vehicles must have an IDOT over-dimension permit (see 92 Ill. Adm. Code 554) prior to requesting a Tollway over-length permit.
- F) Escorts are required if the overall length exceeds 110 feet.

III) Over-width Vehicles

- A) Vehicles exceeding 8 feet 6 inches but not more than 12 feet in width **may be transported on the Tollway with an over-width permit.**
- B) The over-dimension vehicle or load must be reasonably disassembled or dismantled. Multiple objects must be arranged side by side or stacked to minimize the over-dimension.

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- C) Vehicles or loads exceeding 12 feet in width are subject to special requirements and are reviewed and approved on a case by case basis.
- D) Over-width permits can be obtained at a toll plaza or electronically using the internet. A permit fee of \$15 is charged for vehicles over 8 feet 6 inches in width. Permits to transport loads wider than 12 feet must be requested one day in advance by calling the Tollway Permit Office.
- E) The dimensions of over-width vehicles may be restricted in construction areas.

IV) Over-height Vehicles

- A) Vehicles exceeding 13 feet 6 inches in height, but not exceeding 14 feet 6 inches, are required to have an over-height permit.
- B) A permit fee of \$15 is charged for vehicles over 13 feet 6 inches in height. Over-height vehicle permits can be obtained at toll plazas or electronically using the internet.
- C) The absolute height for all vehicles is 14 feet 6 inches.

V) Hours of Operation for Over-dimension Vehicles

- A) Vehicles with over-dimension permits are restricted to the following hours of operation:
 - 1) Monday through Saturday ½ hour before sunrise to ½ hour after sunset
 - 2) Sunday ½ hour before sunrise to 12:00 noon
- B) Restrictions for Over-dimension Vehicles. Over-dimension vehicles shall not be operated on the Tollway on the following holidays:
 - 1) New Year's Day
 - 2) Memorial Day
 - 3) Independence Day

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 4) [Labor Day](#)
- 5) [Thanksgiving Day](#)
- 6) [Christmas Day](#)

VI) No Exemptions

No vehicles or equipment, including military vehicles, construction vehicles, trailers with loads, equipment, machinery and cranes used under contracts with the Tollway, IDOT, county, municipal or township governments, utility companies or railroads are exempt from the requirements of this Part.

~~Overweight and overdimension permits should be ordered a day ahead of the date the vehicle is to travel. Call (630)241-6800 ext. 3822.~~

- a) ~~Overweight Vehicles~~
 - 1) ~~The following are the overweight limitations on the Illinois Tollway. Vehicles exceeding these absolute limitations are not permitted on the Tollway. The gross weight of any vehicle may not exceed 120,000 pounds.~~

<u>Vehicle Weight</u>	<u>Permit Fee</u>
80,000 to 104,000 lbs.	\$35
104,001 to 120,000 lbs.	\$150
double tandem 34,001 to 44,2000 lbs.	\$35
double tandem 44,201 to 52,000 lbs	\$150

- 2) ~~Vehicles under Own Power. Any vehicles under their own power, such as cranes, drill rigs, concrete pumps, etc., require overweight permits under different guidelines. If the vehicle is required to have a State permit for overweight, a Tollway overweight permit is also required.~~
- 3) ~~Vehicles must have a State overweight permit number prior to requesting a Tollway overweight permit.~~

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 4) ~~Overweight vehicles with legal dimensions may travel 24 hours a day, 7 days a week, including holidays, in accordance with Illinois Department of Transportation policy.~~
- 5) ~~The Tollway will obtain prior approval from its traffic engineering consultants for any overweight permit for a vehicle that exceeds 104,000 lbs.~~
- b) ~~Overdimension Vehicles. The following are the overdimension limitations on the Illinois Tollway. Vehicles exceeding these absolute limitations are not permitted on the Tollway.~~
- 1) ~~Overlength~~
- A) ~~Any vehicle whose overall length exceeds 100', or whose load length exceeds 80', must have prior approval from the Authority before entering the Tollway and will require a permit based on the following information:~~
- i) ~~Overall length of the vehicle, including over hang, if any.~~
- ii) ~~The points at which the vehicle is to enter and exit the Tollway.~~
- B) ~~Overlength vehicle permits are subject to routing. These permits can be obtained at toll plazas. The following is the required permit fee:~~
- | <u>Vehicle Length</u> | <u>Permit Fee</u> |
|-----------------------|-------------------|
| 100'1" - 145' | \$15 |
- C) ~~Maximum vehicle length may determine the route the vehicle is to travel and a vehicle may be required to have rear steering.~~
- D) ~~Vehicles must have a State overdimension permit prior to requesting a Tollway overlength permit.~~
- E) ~~Escorts are required if the overall length exceeds 110'.~~

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

F) ~~The Tollway will obtain prior approval from its traffic engineering consultants before issuance of any overlength permit.~~

2) ~~Overwidth~~

A) ~~Vehicles exceeding 8'6" in width, but not exceeding the limitations specified in subsection (b)(2)(C), are required to have an overwidth permit.~~

B) ~~Overwidth vehicle permits can be obtained at toll plazas. The following is the required permit fee:~~

<u>Vehicle Width</u>	<u>Permit Fee</u>
8'7"-10'0"	\$15

C) ~~Absolute Width~~

i) ~~The absolute width for all vehicles is 10', except for buses and travel described in subsection (b)(2)(C)(ii).~~

ii) ~~Vehicles traveling east or west on I-80/294 between M.P. 0.0 and 5.2, toll plazas 43/45 on the Tri-State Tollway, or traveling north or south on I-90 between M.P. 61.4 and 76.1, toll plazas 3 and 1 (Rockford/Cherry Valley and Wisconsin) on the Northwest Tollway, may be 12' wide.~~

iii) ~~The absolute width for buses is 8'8".~~

3) ~~Overheight~~

A) ~~Vehicles exceeding 13'6" in height, but not exceeding 14'6", are required to have an overheight permit.~~

B) ~~Overheight vehicle permits can be obtained at toll plazas. The following is the required permit fee:~~

<u>Vehicle Height</u>	<u>Permit Fee</u>
-----------------------	-------------------

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

~~13'7" 14'6"~~

\$15

~~C) The absolute height for all vehicles is 14' 6".~~

- ~~e) Hours for Permit Usage for Overdimension Vehicles. Vehicles with overdimension permits are restricted to the following hours of operation, except as provided in subsection (e):~~

<u>Day</u>	<u>Permitted Hours</u>
Monday through Friday	½ hour before sunrise to ½ hour after sunset
Saturday	½ hour before sunrise to 12:00 noon
Sunday	may not travel on the Tollway

- ~~d) Restrictions for Overdimension Vehicles. In conformance with Illinois Department of Transportation Policy, overdimension vehicles shall not be operated on the Tollway on the following holidays, except as provided in subsection (e):~~

- ~~1) New Year's Day~~
- ~~2) Memorial Day~~
- ~~3) Independence Day~~
- ~~4) Labor Day~~
- ~~5) Thanksgiving Day~~
- ~~6) Christmas Day~~

- ~~e) Overwidth Farm Equipment. Vehicles that are of legal weight, length and height hauling overwidth farm equipment and that are exempt from the State permit requirement are also exempt from the Tollway's overwidth permit requirement. In accordance with Illinois Department of Transportation policy, these vehicles may travel on the Tollway ½ hour before sunrise to ½ after sunset 7 days a week, including holidays.~~

ILLINOIS TOLL HIGHWAY AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- f) ~~Military Vehicles. Military vehicles are not exempt from the requirements and restrictions of this Part.~~

(Source: Amended at 35 Ill. Reg. 535, effective December 27, 2010)

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Angel Investment Credit Program
- 2) Code Citation: 14 Ill. Adm. Code 531
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
531.10	New
531.20	New
531.30	New
531.40	New
531.50	New
531.60	New
531.70	New
531.80	New
531.90	New
- 4) Statutory Authority: Implementing Section 220 of the Illinois Income Tax Act [35 ILCS 5/220]
- 5) Effective Date of Rulemaking: December 27, 2010
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: The Department has not specified an expiration date.
- 7) Date Filed with the Index Department: December 27, 2010
- 8) A copy of the emergency rulemaking, 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: This rulemaking implements PA 96-939, which was signed into law on June 24, 2010 and needs immediate rulemaking due to the defined incentive period beginning on January 1, 2011.
- 10) A Complete Description of the Subjects and Issues Involved: The Department is charged with implementation of the Angel Investment Credit Program in order to provide tax credit awards to claimants to help stimulate job growth and expand capital investment in Illinois.
- 11) Are there any proposed amendments to this Part pending? No

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805].
- 13) Information and questions regarding these emergency rules shall be directed to:

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield, IL 62701

217/557-1820

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

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITYPART 531
ANGEL INVESTMENT CREDIT PROGRAM

Section

531.10 Purpose

EMERGENCY

531.20 Definitions

EMERGENCY

531.30 Tax Credit Directives

EMERGENCY

531.40 Application Requirements

EMERGENCY

531.50 Application Review and Approval

EMERGENCY

531.60 Qualified New Business Registration Guidelines

EMERGENCY

531.70 Tax Credit Certificate

EMERGENCY

531.80 Reporting and Tracking Procedures

EMERGENCY

531.90 Noncompliance

EMERGENCY

AUTHORITY: Implementing and authorized by Section 220 of the Illinois Income Tax Act [35 ILCS 5/220]

SOURCE: Emergency rule adopted at 35 Ill. Reg. 553, effective December 27, 2010.

Section 531.10 Purpose
EMERGENCY

The Department is charged with implementation of the Angel Investment Credit Program in order to provide tax credit awards to claimants to help stimulate job growth and expand capital investment in Illinois.

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

**Section 531.20 Definitions
EMERGENCY**

The following definitions are applicable to the Angel Investment Credit.

"Act" means the Illinois Income Tax Act [35 ILCS 5].

"Angel investment" means a contribution of property, at a risk of loss, to a qualified new business venture as defined in the Act in exchange for stock, a partnership interest, or other ownership interest in the qualified new business venture. For the purposes of this definition, an investment is at risk of loss if its repayment depends entirely upon the success of the business operations of the qualified new business venture.

"Applicant" means a corporation, partnership, limited liability company, or a natural person that makes an investment in a qualified new business venture. The term "applicant" does not include a corporation, partnership, limited liability company, or a natural person who has a direct or indirect ownership interest of at least 51% in the profits, capital, or value of the investment or a related member. [35 ILCS 5/220(a)]

"Claimant" means an applicant certified by the Department who files a claim for a credit under Section 531.50. [35 ILCS 5/220(a)]

"Department" means the Illinois Department of Commerce and Economic Opportunity. [35 ILCS 5/220(a)]

"Employee" means an individual who is a full-time employee and who is employed for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment.

"Qualified new business venture" means a business that is registered with the Department under Section 531.60. [35 ILCS 5/220(a)]

"Related member" means a person that, with respect to the investment, is any one of the following:

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

An individual, if the individual and the members of the individual's family (as defined in section 318 of the Internal Revenue Code (26 USC 318)) own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the outstanding profits, capital, stock, or other ownership interest in the applicant.

A partnership, estate or trust and any partner or beneficiary, if the partnership, estate or trust and its partners or beneficiaries own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the profits, capital, stock or other ownership interest in the applicant.

A corporation and any party related to the corporation in a manner that would require an attribution of stock from the corporation under the attribution rules of section 318 of the Internal Revenue Code (26 USC 318), if the applicant and any other related member own, in the aggregate, directly, indirectly, beneficially, or constructively, at least 50% of the value of the corporation's outstanding stock.

A corporation and any party related to that corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code if the corporation and all such related parties own, in the aggregate, at least 50% of the profits, capital, stock, or other ownership interest in the applicant.

A person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code (26 USC 1563(e)), except that for purposes of determining whether a person is a related member under this paragraph, "20%" shall be substituted for "5%" whenever "5%" appears in section 1563(e) of the Internal Revenue Code. [35 ILCS 5/220(a)]

**Section 531.30 Tax Credit Directives
EMERGENCY**

- a) *For taxable years beginning after December 31, 2010 and ending on or before December 31, 2016, subject to the limitations provided in the Act, a claimant may claim, as a credit against the tax imposed under subsections (a) and (b) of Section 201 of the Act, an amount equal to 25% of the claimant's investment made*

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

directly in a qualified new business venture. The credit under this Section may not exceed the taxpayer's Illinois income tax liability for the taxable year. If the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, the earlier credit shall be applied first. In the case of a partnership or Subchapter S Corporation, the credit is allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under sections 702 and 704 and subchapter s of the Internal Revenue Code (26 USC 702, 704 and subchapter s). [35 ILCS 5/220(b)]

- b) *The maximum amount of an applicant's investment that may be used as the basis for a credit under the Act is \$2,000,000 for each investment made directly in a qualified new business venture. [35 ILCS 5/220(c)]*
- c) *The aggregate amount of the tax credits that may be claimed under the Act for investments made in qualified new business ventures shall be limited at \$10,000,000 per calendar year. [35 ILCS 5/220(f)]*
- d) *A claimant may not sell or otherwise transfer a credit award under the Act to another person or entity. [35 ILCS 5/220(g)]*

**Section 531.40 Application Requirements
EMERGENCY**

- a) In order to qualify for a tax credit certificate under the Act, an applicant must adhere to the requirements established by the Department. The Department will provide interested applicants with information upon request. Submittal of an application does not commit the Department to award a tax credit or to pay any costs incurred by the applicant in the preparation of an application.
- b) All applications shall be submitted to the Department. The application shall at a minimum include:
 - 1) The name, address, email, and telephone number of applicant; key contact and title; applicant Social Security Number or Federal Employer Identification Number (FEIN);

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

- 2) The total amount of aggregate private equity investment in cash or investment received since formation;
 - 3) Any other provisions or information the Department determines necessary to facilitate the Department's evaluation.
- c) The applicant is responsible for the accuracy of all data, information and documentation submitted to the Department.
 - d) Any materials or data made available or received by any agent or employee of the Department shall be deemed confidential and shall not be deemed public records to the extent that the materials or data consist of trade secrets, commercial or financial information regarding the operation of the business conducted by the applicant for, or recipient of, any tax credit under the Act.

**Section 531.50 Application Review and Approval
EMERGENCY**

- a) The Department shall accept applications after January 1, 2011 and via the procedures established by the Department. Applications will be reviewed in order received at the Department's Springfield office. Application tracking procedures shall be determined and established at the discretion of the Department.
- b) *After receipt of an application and upon satisfactory review, the Department shall issue a tax credit certificate stating the amount of the tax credit. [35 ILCS 5/220(d)]*
- c) *On a form provided by the Department, the claimant must annually report and certify that claimant's investment has been made and remains in the qualified new business venture. Upon satisfactory review, the Department shall annually certify that the claimant's investment has been made and remains in the qualified new business venture for no less than 3 years. [35 ILCS 5/220(d)]*

**Section 531.60 Qualified New Business Registration Guidelines
EMERGENCY**

- a) *A business desiring registration shall submit an application to the Department in each taxable year for which the business desires registration. [35ILCS 5/220(e)]*

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

- b) *The Department may register the business only if the business satisfies all of the following conditions:*
- 1) *It has its headquarters in this State;*
 - 2) *At least 51% of the employees employed by the business are employed in this State;*
 - 3) *It has the potential for increasing jobs in this State, increasing capital investment in this State, or both, and either of the following apply:*
 - A) *It is principally engaged in innovation in any of the following: manufacturing; biotechnology; nanotechnology; communications; agricultural sciences; clean energy creation or storage technology; processing or assembling products, including medical devices, pharmaceuticals, computer software, computer hardware, semiconductors, other innovative technology products, or other products that are produced using manufacturing methods that are enabled by applying proprietary technology; or providing services that are enabled by applying proprietary technology; or*
 - B) *It is undertaking pre-commercialization activity related to proprietary technology that includes conducting research, developing a new product or business process, or developing a service that is principally reliant on applying proprietary technology;*
 - 4) *It is not principally engaged in real estate development; insurance; banking; lending; lobbying; political consulting; professional services provided by attorneys, accountants, business consultants, physicians, or health care consultants; wholesale or retail trade; leisure; hospitality; transportation; or construction, except construction of power production plants that derive energy from a renewable energy resource, as defined in Section 1 of the Illinois Power Agency Act;*
 - 5) *It has fewer than 100 employees at initial time of registration;*
 - 6) *It has been in operation in Illinois for not more than 10 consecutive years prior to beginning of the year of certification; and*

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

- 7) *It has received not more than*
- A) *\$10,000,000 in aggregate private equity investment in cash or*
 - B) *\$4,000,000 in investments that qualified for tax credits. [35 ILCS 5/220(e)]*
- c) For purposes of subsection (b), the number of employees of a business shall be determined on a full-time equivalent basis.

**Section 531.70 Tax Credit Certificate
EMERGENCY**

- a) Per the requirements of the Act and upon satisfactory compliance with registration guidelines, the Department shall provide the claimant with a tax credit certificate. The certificate shall include the following:
- 1) The name and Social Security Number or FEIN of the claimant;
 - 2) The date on which the certificate is issued;
 - 3) The tax credit amount; and
 - 4) Any other information the Department determines to be appropriate.
- b) Except as provided in Section 531.40(d), information contained in certificates issued under the Act shall be subject to reporting under Section 531.80.

**Section 531.80 Reporting and Tracking Procedures
EMERGENCY**

- a) *On or before March 1st of each year, the Department shall report to the Governor and to the General Assembly on the tax credit certificates awarded under this Section for the prior calendar year. [35 ILCS 5/220(h)]*
- b) *This report must include, for each tax credit certificate awarded:*

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

- 1) *The name of the claimant and the amount of credit awarded or allocated to that claimant;*
 - 2) *The name and address of the qualified new business venture that received the investment giving rise to the credit and the county in which the qualified new business venture is located; and*
 - 3) *The date of approval by the Department of the applications for the tax credit certificate. [35 ILCS 5/220(h)(1)]*
- c) The report must also include:
- 1) *The total number of applicants and amount awarded for tax credit certificates awarded under the Act in the prior calendar year;*
 - 2) *The total number of applications and amount for which tax credit certificate were issued in the prior calendar year; and*
 - 3) *The total tax credit certificates and amount authorized under the Act for all calendar years. [35 ILCS 5/220(h)(2)]*

**Section 531.90 Noncompliance
EMERGENCY**

- a) *If the Department determines that a claimant who has received a credit under the Act is not complying with the requirements or provisions of the Act, including any investment for which a claimant is allowed a credit under Section 220(b) of the Act and is held by the claimant for less than 3 years, or, if within that period of time, the qualified new business venture is moved from the State of Illinois, the claimant shall pay to the Department of Revenue, in the manner prescribed by the Department of Revenue, the amount of the credit that the claimant received related to the investment. [35 ILCS 5/220(d)]*
- b) *The Department, in consultation with the Department of Revenue, may adopt other rules and procedures necessary to implement the Act. [35 ILCS 5/220(f)]*

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Organization, Information, Rulemaking and Hearings
- 2) Code Citation: 2 Ill. Adm. Code 1620
- 3) Section Number: 1620.825 Emergency Action:
New Section
- 4) Statutory Authority: Implementing and authorized by Section 50-39 of the Illinois Procurement Code [30 ILCS 500/50-39]
- 5) Effective Date of Emergency Amendment: January 1, 2011
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: December 27, 2010
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the Executive Ethics Commission's office and is available for public inspection.
- 9) Reason for the Emergency: The immediate adoption of this rulemaking is necessary for the preservation of public health, safety and welfare. The purpose of this rulemaking is to facilitate the implementation of provisions of the Illinois Procurement Code [30 ILCS 500/50-39] applicable to ex parte communications relating to procurement.
- 10) A complete description of the Subjects and Issues Involved: This emergency rulemaking implements procurement communication reporting requirements for communications received by State employees that impart or request material information or make a potential action concerning a procurement matter. The amendment defines the types of communications required to be disclosed and establishes which communications are not required to be reported.
- 11) Are there proposed amendments to this Part pending? Yes. The full text of the Emergency Rule is identical to a Proposed Amendment published in the December 27, 2010 issue of the *Illinois Register* on page 19800.

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 13) Information and questions regarding this amendment shall be directed to:

Chad D. Fornoff, Executive Director
Executive Ethics Commission
401 S. Spring Street
Wm. Stratton Building, Room 513
Springfield, IL 62706

217/558-1393
eec.cms@illinois.gov

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

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER VI: EXECUTIVE ETHICS COMMISSION

PART 1620

ORGANIZATION, INFORMATION, RULEMAKING AND HEARINGS

SUBPART A: ORGANIZATION

Section	
1620.5	Definitions
1620.10	Composition of Executive Ethics Commission
1620.20	Officers
1620.30	Appointment of Executive Director
1620.40	Duties of Executive Director
1620.50	Duties of Staff

SUBPART B: INFORMATION

Section	
1620.110	Requests for Records
1620.120	Response to Requests for Records
1620.130	Appeal of a Denial (Repealed)
1620.140	Copies of Public Records – Fees
1620.150	Materials Immediately Available

SUBPART C: RULEMAKING

Section	
1620.200	Rulemaking Procedures

SUBPART D: INVESTIGATIONS

Section	
1620.300	Conduct of Investigations
1620.310	State Officer or Employee Case Initiation Form
1620.320	Case Initiation Form – Contents
1620.330	Opening an Investigation File
1620.340	Referral to the Appropriate Executive Inspector General

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY AMENDMENT

- 1620.350 Investigations
- 1620.360 Investigations Not Concluded Within Six Months (Repealed)

SUBPART E: HEARINGS

- Section
- 1620.420 Attorney of Record
- 1620.430 Filing Requirements
- 1620.440 Complaint
- 1620.450 Complaint – Required Provisions
- 1620.460 Service
- 1620.470 Objections
- 1620.480 Sufficiency of the Complaint
- 1620.490 Discovery
- 1620.500 Subpoenas
- 1620.510 Motions
- 1620.520 Hearings
- 1620.530 Decision of the Commission

SUBPART F: REVOLVING DOOR PROHIBITION

- Section
- 1620.610 Revolving Door Prohibition
- 1620.620 Waiver of Revolving Door Prohibition – Commission Procedure (Repealed)
- 1620.630 Finality of Decision (Repealed)
- 1620.640 Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee
- 1620.650 Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee – Commission Procedure

SUBPART G: GIFT BAN

- Section
- 1620.700 Gift Ban

SUBPART H: MISCELLANEOUS FILINGS

- Section
- 1620.800 Personnel Policies

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY AMENDMENT

- 1620.810 Quarterly and Six-Month Status Reports
1620.820 Ex Parte Communications
[1620.825 Ex Parte Communications Related to Procurement](#)
[EMERGENCY](#)
1620.830 Designation of Ethics Officer

SUBPART I: ETHICS TRAINING

- Section
1620.900 Ethics Training

SUBPART J: RELEASE OF INVESTIGATION REPORTS

- Section
1620.1000 Investigation Reports Finding a Violation
1620.1010 Investigation Reports Finding No Violation
1620.1020 Release of Summary Reports

SUBPART K: DISCIPLINARY ACTION

- Section
1620.1100 Disciplinary Action under the Ethics Act
1620.1110 Hearings to Contest Disciplinary Actions

SUBPART L: PROCUREMENT CODE CONFLICTS OF INTEREST EXEMPTIONS

- Section
1620.1200 Procurement Code Conflicts of Interest Exemptions

AUTHORITY: Implementing and authorized by Section 50-39 of the Illinois Procurement Code [30 ILCS 500/50-39].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 3340, effective February 23, 2005, for a maximum of 150 days; adopted at 29 Ill. Reg. 9619, effective July 1, 2005; amended at 32 Ill. Reg. 7099, effective July 1, 2008; amended at 34 Ill. Reg. 13108, effective August 27, 2010; amended at 34 Ill. Reg. 19507, effective December 6, 2010; emergency rulemaking at 35 Ill. Reg. 563, effective January 1, 2011, for a maximum of 150 days.

SUBPART H: MISCELLANEOUS FILINGS

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY AMENDMENT

**Section 1620.825 Ex Parte Communications Related to Procurement
EMERGENCY**

- a) Any State officer or employee who receives a written or oral communication that imparts or requests material information or makes a material argument regarding potential action concerning a procurement matter, including but not limited to an application, a contract or a project, shall report the communication to the Procurement Policy Board. [30 ILCS 500/50-39(a)]

- b) Communications
 - 1) A communication that imparts or requests material information or makes a material argument is a communication that a reasonable person would believe was made for the purpose of influencing procurement decisions, including but not limited to decisions:
 - A) establishing or defining a procurement need or method of source selection;
 - B) drafting, reviewing, or preparing specifications, plans or requirements;
 - C) drafting, reviewing, or preparing any invitations for bid, requests for proposals, requests for information, sole source procurement justifications, emergency procurement justifications or selection information;
 - D) evaluating bids, responses and offers;
 - E) publishing notices to the procurement bulletins;
 - F) letting or awarding a contract;
 - G) determining the contents of the procurement file or the contract file;
 - H) resolving protests;

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY AMENDMENT

- I) determining inclusion on prequalification lists or prequalification in general;
 - J) identifying potential conflicts of interest or voiding or allowing a contract, bid, offer or subcontract for a conflict of interest;
 - K) voiding or allowing a contract or subcontract pursuant to Section 50-50 of the Illinois Procurement Code;
 - L) determining firm performance evaluations;
 - M) determining suspensions or debarments; and
 - N) approving change orders or the renewal or extension of an existing contract.
- 2) Excluded Communications
Notwithstanding subsection (b)(1), unsolicited communications providing general information about products, services, or industry best practices that are not further disseminated, considered or used by the receiving employee or any person in a procurement decision are not required to be reported under this Section.
- c) This Section does not apply to the following communications:
- 1) Communications made by a person publicly made in a public forum;
 - 2) Communications regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter;
 - 3) Communications regarding the administration and implementation of an existing contract, except communications regarding change orders or the renewal or extension of an existing contract; [30 ILCS 500/50-39(a)]
 - 4) Communications between a State employee and:
 - A) the State employee's agency's head;

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY AMENDMENT

- B) other state employees of that agency;
 - C) employees of the Executive Ethics Commission; and
 - D) employees of the Department of Central Management Services' Bureau of Strategic Sourcing and Procurement (BOSSAP) concerning procurement activities being conducted by BOSSAP on behalf of those employees' agency.
- d) Upon receipt of a communication described in subsection (b), the State officer or employee shall report the communication to the Procurement Policy Board in accordance with the Board's rules.
- e) For purposes of this Section, "State employee" means:
- 1) any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed; or
 - 2) any appointed or elected commissioner, trustee, director, or board member of a board of a State agency; or
 - 3) any other person appointed to a position in or with a State agency, regardless of whether the position is compensated.

(Source: Added by emergency rulemaking at 35 Ill. Reg. 563, effective January 1, 2011, for a maximum of 150 days)

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
125.260	Amendment
125.380	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute that Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 USCA 661); the Federal Poultry Products Inspection Act (21 USCA 454); and 75 FR 71344 (2010)
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]
- 6) Effective Date: December 22, 2010
- 7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act and as required by Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products in this Part.

The Food Safety and Inspection Service (FSIS) is establishing January 1, 2014, as the uniform compliance date for new meat and poultry product labeling regulations that are issued between January 1, 2011 and December 31, 2012. FSIS periodically announces uniform compliance dates for new meat and poultry product labeling regulations to minimize the economic impact of label changes.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: December 22, 2010
- 10) A copy of the peremptory amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) These peremptory amendments are in compliance with Section 5-150 of the Illinois Administrative Procedure Act.
- 12) Are there any other proposed rulemakings pending to this Part? No

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

13) Statement of Statewide Policy Objective: This peremptory amendment does not affect units of local government.

14) Information and questions regarding these peremptory amendments shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield, IL 62794-9281

217/785-5713
217/785-4505 (fax)

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125
 MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH
 MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations
125.145	Control of <i>Listeria Monocytogenes</i> in Ready-to-Eat Meat and Poultry Products
125.146	Consumer Protection Standards: Raw Products
125.147	Rules of Practice
125.148	Quantity of Contents Labeling and Procedures and Requirements for Accurate Weights

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

125.170	Facilities for Inspection
125.180	Sanitation (Repealed)
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products (Repealed)
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

February 20, 1985; preemptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; preemptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; preemptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; preemptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; preemptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; preemptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; preemptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; preemptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; preemptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; preemptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; preemptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; preemptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; preemptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; preemptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; preemptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; preemptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; preemptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; preemptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; preemptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; preemptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; preemptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; preemptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; preemptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; preemptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; preemptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; preemptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; preemptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; preemptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; preemptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; preemptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; preemptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; preemptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; preemptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; preemptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; preemptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; preemptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; preemptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; preemptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; preemptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; preemptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; preemptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; preemptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; preemptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; preemptory amendment at 25

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

Ill. Reg. 15444, effective November 19, 2001; preemptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; preemptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; preemptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; preemptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; preemptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; preemptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; preemptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; preemptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; preemptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; preemptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004; preemptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005; amended at 29 Ill. Reg. 5661, effective April 13, 2005; preemptory amendment at 29 Ill. Reg. 15645, effective October 7, 2005; amended at 29 Ill. Reg. 18432, effective October 28, 2005; preemptory amendment at 29 Ill. Reg. 20580, effective November 29, 2005; preemptory amendment at 29 Ill. Reg. 21058, effective December 21, 2005; preemptory amendment at 30 Ill. Reg. 2400, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 16081, effective September 25, 2006; preemptory amendment at 31 Ill. Reg. 5149, effective March 16, 2007; preemptory amendment at 31 Ill. Reg. 12624, effective August 20, 2007; preemptory amendment at 31 Ill. Reg. 16763, effective December 10, 2007; preemptory amendment at 32 Ill. Reg. 590, effective January 1, 2008; preemptory amendment at 32 Ill. Reg. 17831, effective October 30, 2008; preemptory amendment at 33 Ill. Reg. 1230, effective January 5, 2009; preemptory amendment at 33 Ill. Reg. 6338, effective April 17, 2009; preemptory amendment at 33 Ill. Reg. 12040, effective August 5, 2009; preemptory amendment at 35 Ill. Reg. 571, effective December 22, 2010.

SUBPART B: MEAT INSPECTION

Section 125.260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(f)(2), 317.5, 317.6, 317.8, 317.10 through 317.13, 317.17 through 317.24, 317.300, 317.302, 317.308, 317.309, 317.312, 317.313, 317.343, 317.344, 317.345, 317.354, 317.356, 317.360, 317.361, 317.362, 317.363, 317.369, 317.380, 317.400 (2004; 69 FR 34913, effective July 31, 2004; 69 FR 48799, effective November 30, 2004; 69 FR 74405, effective January 13, 2005; 71 FR 1683, effective January 11, 2006; 72 FR 9651, effective March 5, 2007; 73 FR 50701, effective September 30, 2008; 73 FR 52189, effective October 9, 2008; 73 FR 75564, effective December 12, 2008; 74 FR 11837, effective March 20, 2009; 75 FR 71344, effective November 23, 2010).

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.
- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600).
- f) Any Type I establishment is authorized to use generically approved labeling for meat and poultry products as defined in subsection (h) of this Section without the labeling being submitted for approval to the Department, provided the labeling is in accordance with this Section and shows all mandatory features in a prominent manner as required in 9 CFR 317.2 and 381 and is not otherwise false or misleading.
- g) The Department shall select samples of generically approved labeling from the records maintained by official establishments to determine compliance with labeling requirements. Any finding of false or misleading labeling shall institute the proceedings prescribed in 225 ILCS 650/13.
- h) Generically approved labeling is labeling that complies with the following:
 - 1) Labeling for a product that has a product standard as specified in 9 CFR 319 and 381 or the Standards and Labeling Policy Book and does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees, or is not a domestic product labeled in a foreign language;

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- 2) Labeling for single-ingredient products, such as beef steak or lamb chops, that does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees or is not a domestic product labeled with a foreign language;
- 3) Labeling for containers of products sold under contract specifications to federal government agencies that the product is not offered for sale to the general public, provided that the contract specifications include specific requirements with respect to labeling and are made available to the inspector-in-charge;
- 4) Labeling for shipping containers that contain fully labeled immediate containers, provided that the labeling complies with 9 CFR 316.13 and 381.127;
- 5) Labeling for products not intended for human food, provided it complies with 9 CFR 325, 381.152(c) and 381.193;
- 6) Meat inspection legends;
- 7) Inserts, tags, liners, pasters and similar devices containing printed or graphic matter and for use or to be placed within containers and coverings of products, provided the devices contain no reference to product and bear no misleading feature;
- 8) Labeling for consumer test products not intended for sale;
- 9) Labeling that was previously approved by the Department as sketch labeling, and the final labeling was prepared without modification or with the following modifications:
 - A) All features of the labeling are proportionately enlarged or reduced provided that all minimum size requirements specified in applicable regulations are met and the labeling is legible;
 - B) The substitution of any unit of measurement with its abbreviation or the substitution of any abbreviation with its unit of measurement, e.g., "lb." for "pound" or "oz." for "ounce" or of the word "pound" for "lb." or "ounce" for "oz.";

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- C) A master or stock label has been approved where the name and address of the distributor are omitted and the name and address are applied before being used (in that case, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when the labels are offered for approval);
- D) Wrappers or other covers bearing pictorial designs, emblematic designs or illustrations, e.g., floral arrangements, illustrations of animals, fireworks, etc., are used with approved labeling (The use of the designs will not make necessary the application of labeling not otherwise required.);
- E) A change in the language or the arrangement of directions pertaining to the opening of containers or the serving of the product;
- F) The addition, deletion or amendment of a dated or undated coupon, a cents-off statement, cooking instructions, packer product code information or the UPC product code information;
- G) Any change in the name or address of the packer, manufacturer or distributor that appears in the signature line;
- H) Any change in the net weight, provided the size of the net weight statement complies with CFR 317.2 and 318.121;
- I) The addition, deletion or amendment of recipe suggestions for the product;
- J) Any change in punctuation;
- K) Newly assigned or revised establishment numbers for a particular establishment that has been approved by the Department;
- L) The addition or deletion of open dating information;
- M) A change in the type of packaging material on which label is printed;

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- N) Brand name changes, provided that there are no design changes, the brand name does not use a term that connotes quality or other product characteristics, the brand name has no geographic significance, and the brand name does not affect the name of the product;
- O) The deletion of the word "new" on new product labeling;
- P) The addition, deletion or amendment of special handling statements, provided that the change is consistent with CFR 317.2(k) and 318.125(a);
- Q) The addition of safe handling instructions as required by CFR 317.2(1) and 381.125(b);
- R) Changes reflecting a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label, provided that the change in quantity of ingredients complies with any minimum or maximum limits for the use of the ingredients prescribed in CFR 318, 319 and 381.147;
- S) Changes in the color of the labeling, provided that sufficient contrast and legibility remain;
- T) A change in the product vignette, provided that the change does not affect mandatory labeling information or misrepresent the content of the package;
- U) A change in the establishment number by a corporation or parent company for an establishment under its ownership;
- V) Changes in nutrition labeling that only involve quantitative adjustments to the nutrition labeling information, except for serving sizes, provided the nutrition labeling information maintains its accuracy and consistency;
- W) Deletion of any claim, and the deletion of non-mandatory features or non-mandatory information; and

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- X) The addition or deletion of a direct translation of the English language into a foreign language for products marked "for export only".
- i) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.
- j) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (2004)).
- k) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- l) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- m) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
- n) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 571, effective December 22, 2010)

SUBPART C: POULTRY INSPECTION

Section 125.380 Labeling and Containers

- a) The Department incorporates by reference 381.115 through 381.127, 381.129

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

through 381.132(f), 381.133, 381.134, 381.136 through 381.140, 381.144(a) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443; 381.444; 381.445; 381.454; 381.456, 381.460, 381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (2004; 69 FR 28042, effective July 31, 2004; 69 FR 57899, effective November 30, 2004; 69 FR 4405, effective January 13, 2005; 71 FR 1683, effective January 11, 2006; 72 FR 9651, effective March 5, 2007; 73 FR 50701, effective September 30, 2008; 73 FR 52189, effective October 9, 2008; 73 FR 75564, effective December 12, 2008; 74 FR 11837, effective March 20, 2009; [75 FR 71344, effective November 23, 2010](#)).

- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.
- c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
- d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.
- e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.
- f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600).
- g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act.
- h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.
- i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(f).

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.

- k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.
- l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).
- n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.
- o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.
- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 571, effective December 22, 2010)

DEPARTMENT ON AGING

JANUARY 2011 REGULATORY AGENDA

- a) Heading and Code Citations: Public Information, Rulemaking and Organization, 2 Ill. Adm. Code 725
- 1) Rulemaking:
- A) Description: In Sections 725.10, 725.20, and 725.120, the Department will correct the address listing for its central office location due to a recent move in Springfield, Illinois.
- B) Statutory Authority: 20 ILCS 105/4.01(11)
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date agency anticipates First Notice: The Department anticipates filing these proposed rulemaking projects during the next six months of this year.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield, Illinois 62702-1271
(217) 785-3346
- G) Related rulemakings and other pertinent information: None
- b) Heading and Code Citations: Access to Information of the Department on Aging, 2 Ill. Adm. Code 726
- 1) Rulemaking:

DEPARTMENT ON AGING

JANUARY 2011 REGULATORY AGENDA

- A) Description: In Sections 726.110, 726.310, and Appendix A, the Department will correct the address listing for its central office location due to a recent move in Springfield, Illinois.
- B) Statutory Authority: 20 ILCS 105/4.01(11)
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date agency anticipates First Notice: The Department anticipates filing these proposed rulemaking projects during the next six months of this year.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield, Illinois 62702-1271
(217) 785-3346
- G) Related rulemakings and other pertinent information: None
- c) Heading and Code Citations: Americans With Disabilities Act and Civil Rights Program Grievance Procedure, 4 Ill. Adm. Code 1725
- 1) Rulemaking:
- A) Description: In Section 1725.10 and Appendix A, the Department will correct the address listing for its central office location due to a recent move in Springfield, Illinois.
- B) Statutory Authority: 20 ILCS 105/4.01(11)
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled

DEPARTMENT ON AGING

JANUARY 2011 REGULATORY AGENDA

or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing these proposed rulemaking projects during the next six months of this year.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield, Illinois 62702-1271
(217) 785-3346

G) Related rulemakings and other pertinent information: None

d) Heading and Code Citations: General Programmatic Requirements, 89 Ill. Adm. Code 220

1) Rulemaking:

A) Description: In Section 220.503, the Department will correct the address listing for its central office location due to a recent move in Springfield, Illinois.

B) Statutory Authority: 20 ILCS 105/4.01(11)

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing these proposed rulemaking projects during the next six months of this year.

E) Effect on small businesses, small municipalities or not for profit

DEPARTMENT ON AGING

JANUARY 2011 REGULATORY AGENDA

corporations: None

F) Agency contact person for information:

Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield, Illinois 62702-1271
(217) 785-3346

G) Related rulemakings and other pertinent information: Nonee) Heading and Code Citations: Community Care Program, 89 Ill. Adm. Code 2401) Rulemaking:

A) Description: In Sections 240.400, 240.1420, 240.1520, 240.1661, and 240.1970, the Department will correct the address listing for its central office location due to a recent move in Springfield, Illinois.

B) Statutory Authority: 20 ILCS 105/4.01(11)

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing these proposed rulemaking projects during the next six months of this year.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield, Illinois 62702-1271

DEPARTMENT ON AGING

JANUARY 2011 REGULATORY AGENDA

(217) 785-3346

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF CORRECTIONS

JANUARY 2011 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Records of Committed Persons, 20 Ill. Adm. Code 107.
- 1) Rulemaking:
- A) Description: This amendment is necessary to update sentencing requirements and computations to comply with statutory amendments.
- B) Statutory Authority: 730 ILCS 5/3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 3-10-1, 5-4-1, 5-8-6, and 5-8-7.
- C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2011.
- E) Affect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
- Name: Beth Kiel, Rules Coordinator
Illinois Department of Corrections
Address: 1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Telephone: (217) 558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None.
- b) Part(s) (Heading and Code Citation): Freedom of Information, 2 Ill. Adm. Code 110.
- 1) Rulemaking:
- A) Description: This amendment is necessary to bring DOC FOIA rulemaking into compliance with current FOIA legislation.
- B) Statutory Authority: 5 ILCS 100/5-15 and 140/1.

DEPARTMENT OF CORRECTIONS

JANUARY 2011 REGULATORY AGENDA

- C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2011.
- E) Affect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
- Name: Beth Kiel, Rules Coordinator
Illinois Department of Corrections
- Address: 1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
- Telephone: (217) 558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None.
- c) Part(s) (Heading and Code Citation): Security, 20 Ill. Adm. Code 501.
- 1) Rulemaking:
- A) Description: The amendment is necessary to change the timeframe under which placement reviews are completed on protective custody inmates to comply with American Correctional Association Standards for accreditation.
- B) Statutory Authority: 720 ILCS 5/7-1, 7-3, 7-9, and 31A-1.1; 725 ILCS 5/103-1 et seq.; 730 ILCS 5/3-2-2, 3-4-3, 3-6-2, 3-6-4, 3-7-2, 3-7-4, 3-8-1, 3-8-7, 3-8-8, and 3-10-8; 730 ILCS 5/3-2-2, 3-7-1, 3-7-4, and 3-8-7.
- C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

DEPARTMENT OF CORRECTIONS

JANUARY 2011 REGULATORY AGENDA

- D) Date agency anticipates First Notice: On or before July 1, 2011.
- E) Affect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
- Name: Beth Kiel, Rules Coordinator
Illinois Department of Corrections
- Address: 1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
- Telephone: (217) 558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None.
- d) Part(s) (Heading and Code Citation): Discipline and Grievances, 20 Ill. Adm. Code 504.
- 1) Rulemaking:
- A) Description: The amendment is necessary to change the timeframe under which placement reviews are completed on administrative detention offenders; the timeframe under which hearings are completed for infractions; and to change allowable recreation time for offenders in segregation to comply with American Correctional Association Standards for accreditation.
- B) Statutory Authority: 730 ILCS 5/3-2-2, 3-5-2, 3-6-3, 3-8-7, 3-8-8, 3-10-8, and 3-10-9.
- C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2011.

DEPARTMENT OF CORRECTIONS

JANUARY 2011 REGULATORY AGENDA

- E) Affect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
- Name: Beth Kiel, Rules Coordinator
Illinois Department of Corrections
Address: 1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Telephone: (217) 558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None.
- e) Part(s) (Heading and Code Citation): Closed Maximum Security Facility, 20 Ill. Adm. Code 505.
- 1) Rulemaking:
- A) Description: The amendment is necessary to change the timeframe under which placement reviews are completed on protective custody inmates to comply with American Correctional Association Standards for accreditation.
- B) Statutory Authority: 730 ILCS 5/3-2-2.
- C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2011.
- E) Affect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
- Name: Beth Kiel, Rules Coordinator

DEPARTMENT OF CORRECTIONS

JANUARY 2011 REGULATORY AGENDA

Address: Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Telephone: (217) 558-2200, extension 6507

- G) Related rulemakings and other pertinent information: None.

ILLINOIS DEPARTMENT OF LABOR

JANUARY 2011 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Access to Information; 2 Ill. Adm. Code 1400

1) Rulemaking:

A) Description: Amendments are needed to make necessary changes due to the passage of PA 96-542.

B) Statutory Authority: 5 ILCS 140

C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2011.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated.

F) Agency contact person for information:

Sara Scherer
Illinois Department of Labor
900 South Spring Street
Springfield, IL 62704
(217) 558-1270

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Payment and Collection of Wages or Final Compensation; 56 Ill. Adm. Code 300

1) Rulemaking:

A) Description: Recent statutory changes require an amendment to increase the period for filing claims with the Department. In addition, amendments will be made to streamline the Department's administrative process and to update definitions of terms. In addition, PA 96-1407 may require amendments to further explain the changes to the fees, penalties and administrative procedures.

ILLINOIS DEPARTMENT OF LABOR

JANUARY 2011 REGULATORY AGENDA

- B) Statutory Authority: 820 ILCS 115
- C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2011.
- E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated
- F) Agency contact person for information:
- Carmela Gonzalez
Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago, IL 60601
(312) 793-1808
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Rules of Procedure in Administrative Hearings; 56 Ill. Adm. Code 120
- 1) Rulemaking:
- A) Description: Two minor clarifications regarding ex parte communications and the neutrality of administrative law judges will be made to the rules as part of the Department's compliance with OSHA's requirements for a State Plan State Program.
- B) Statutory Authority: 5 ILCS 100/Art. 10
- C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2011.

ILLINOIS DEPARTMENT OF LABOR

JANUARY 2011 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated
- F) Agency contact person for information:
- Valerie A. Puccini
Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago, IL 60601
(312) 793-7838
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Employee Classification; 56 Ill. Adm. Code 240
- 1) Rulemaking:
- A) Description: Amendments will be made to add an informal investigative hearing process to contest findings made by the Division and add guidelines and criteria for assessing the amount of a civil penalty.
- B) Statutory Authority: 820 ILCS 185/65
- C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2011.
- E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated
- F) Agency contact person for information:
- Carmela Gonzalez
Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago, IL 60601

ILLINOIS DEPARTMENT OF LABOR

JANUARY 2011 REGULATORY AGENDA

(312) 793-1808

G) Related rulemakings and other pertinent information: Nonee) Part(s) (Heading and Code Citation): The Employment of Illinois Workers on Public Works Act; PA 96-0929.1) Rulemaking:A) Description: Pursuant to Section 7.20 of PA 96-0929, a new Part may be necessary to allow the Department to adopt reasonable rules to implement and administer the Act.B) Statutory Authority: 30 ILCS 570/0.01C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2011.E) Effect on small businesses, small municipalities or not for profit corporations: None anticipatedF) Agency contact person for information:

Sara Scherer
Illinois Department of Labor
900 South Spring Street
Springfield, IL 62704
(217) 558-1270

G) Related rulemakings and other pertinent information: Nonef) Part(s) (Heading and Code Citation):1) Rulemaking: Illinois Child Labor Law; 56 Ill. Adm. Code 250

ILLINOIS DEPARTMENT OF LABOR

JANUARY 2011 REGULATORY AGENDA

- A) Description: Amendments may be necessary to comply with HB 6014 to avoid any confusion as to the process by which an out of state minor may obtain an Illinois employment certificate.
- B) Statutory Authority: 820 ILCS 205/8; 820 ILCS 205/11.
- C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2011.
- E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated
- F) Agency contact person for information:
- Sara Scherer
Illinois Department of Labor
900 South Spring Street
Springfield, IL 62704
(217) 558-1270
- G) Related rulemakings and other pertinent information: None

ATTORNEY GENERAL

JANUARY 2011 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Rulemaking and Organization (2 Ill. Adm. Code 575)
- 1) Rulemaking: Proposed amendment
- A) Description: The agency's organization rules were last amended in 1979 and need to be updated to address changes in the law and the agency's organizational structure.
- B) Statutory Authority: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Attorney General Act [5 ILCS 205/4].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date agency anticipates First Notice: Spring 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Melissa Mahoney
Deputy Chief of Staff, Administration
Office of the Attorney General
100 West Randolph Street, 12th Floor
Chicago, Illinois 60601
312/814-3950
- G) Related rulemakings and other pertinent information: None.
- b) Part(s) (Heading and Code Citation): Compliance with Freedom of Information Act (2 Ill. Adm. Code 576)
- 1) Rulemaking: Proposed amendment

ATTORNEY GENERAL

JANUARY 2011 REGULATORY AGENDA

- A) Description: The agency's rules were adopted in 1985 and need to be updated to address changes in the law and the agency's organizational structure.
- B) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140] and section 5-15 of the Administrative Procedure Act [5 ILCS 100/5-15].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date agency anticipates First Notice: Spring 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: The rulemaking may affect small businesses, small municipalities or not for profit corporations that file Freedom of Information Act requests for public records with the Office of the Attorney General.
- F) Agency contact person for information:
- John Costello
Freedom of Information Officer
Office of the Illinois Attorney General
500 South Second Street
Springfield, Illinois 62706
217/782-9024
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Complaint Procedure (2 Ill. Adm. Code 1520)
- 1) Rulemaking: Repealer
- A) Description: This rulemaking repeals provisions that created the Attorney General's Ethics Commission pursuant to the State Gift Ban Act [5 ILCS 425] and set forth procedures regarding the operations of the commission. With the repeal of the State Gift Ban Act by Public Act 93-617, effective December 9, 2003, and

ATTORNEY GENERAL

JANUARY 2011 REGULATORY AGENDA

the enactment of the State Officials and Employees Ethics Act [5 ILCS 430], the commission created by these rules became obsolete.

- B) Statutory Authority: Implementing and authorized by Sections 60 and 55 of the State Gift Ban Act [5 ILCS 425/60 and 55].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date agency anticipates First Notice: Spring 2011
- F) Effect on small businesses, small municipalities or not for profit corporations: None
- G) Agency contact person for information:

Michael Luke, Chief
Public Access & Opinions Division
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706
217/782-1974

- F) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Franchise Disclosure Act (14 Ill. Adm. Code 200)

1) Rulemaking: Proposed amendment

- A) Description: The amendments will implement revisions to the Illinois Franchise Disclosure Act [815 ILCS 705] made by Public Act 96-648, effective October 1, 2009, including revised formats for franchise disclosure documents, revised exemption requirements, and other changes that make the Illinois regulatory framework more consistent with the Federal Trade Commission's Franchise Rule.

ATTORNEY GENERAL

JANUARY 2011 REGULATORY AGENDA

- B) Statutory Authority: Illinois Franchise Disclosure Act [815 ILCS 705/32]
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date agency anticipates First Notice: Spring 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: The rulemaking should not affect small municipalities or not for profit corporations. The rulemaking may impact small businesses that purchase a franchise and receive disclosures prepared under the new rules, but the primary impact will be made with respect to the filing requirements of franchisors.
- F) Agency contact person for information:

Cassandra Karimi, Chief
Franchise Bureau
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706
217/782-4465
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Attorney General's Procurement (44 Ill. Adm. Code 1300)
- 1) Rulemaking: Proposed amendment
- A) Description: The rulemaking will update the procurement rules of the Office of the Attorney General consistent with amendments to the Illinois Procurement Code [30 ILCS 500], including those made by Public Acts 96-795, effective July 1, 2010; 96-920, effective July 1, 2010; 96-1444, effective August 20, 2010.
- B) Statutory Authority: Illinois Procurement Code [30 ILCS 500/1-30(b)]

ATTORNEY GENERAL

JANUARY 2011 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date agency anticipates First Notice: Spring 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: The rulemaking should not affect small municipalities or not for profit corporations. The rulemaking may impact small businesses doing business with or seeking to do business with the Attorney General's Office.
- F) Agency contact person for information:
- Melissa Mahoney
Deputy Chief of Staff, Administration
Office of the Attorney General
100 West Randolph Street, 12th Floor
Chicago, Illinois 60601
312/814-3950
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Violent Crime Victims Assistance Act (89 Ill. Adm. Code 260)
- 1) Rulemaking: Proposed amendment
- A) Description: The rulemaking will establish administrative hearing procedures for the recovery of grant funds distributed pursuant to the Violent Crime Victims Assistance Act.
- B) Statutory Authority: Implementing and authorized by the Illinois Administrative Procedure Act [5 ILCS 100], the Grant Funds Recovery Act [30 ILCS 705/7, 8], and the Violent Crime Victims Assistance Act [725 ILCS 240/6].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date agency anticipates First Notice: Spring 2011

ATTORNEY GENERAL

JANUARY 2011 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: The rulemaking should not affect small businesses or small municipalities. The rulemaking may affect not for profit corporations which receive grant funds under the Violent Crimes Victims Assistance Act.
- F) Agency contact person for information:
- Cynthia Hora, Chief
Crime Victims Services Division
Office of the Attorney General
100 West Randolph Street, 13th Floor
Chicago, Illinois 60601
312/814-1427
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

- a) Part: Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)
- 1) Rulemaking:
- A) Description: This rulemaking will implement a provision in Public Act 96-1149 authorizing the Department to reinstate a license for any Emergency Medical Technician (EMT) whose license has been expired for less than 36 months and who has fulfilled the obligations stated in the Act. Reinstatement shall require that the applicant submit verification of continuing medical education and clinical requirements and a recommendation from an EMS medical director, and pass a Department- approved test for the level of EMT license sought.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled meeting/hearing dates: State EMS Council -- Spring 2011
- D) Date agency anticipates First Notice: Spring 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, IL 62761
217-782-2043
e-mail: dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- 2) Rulemaking:

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

- A) Description: This rulemaking will implement Public Act 96-1009. The rulemaking will further define the stipulations and requirements for a United States Department of Veterans' Affairs, Veterans Health Administration facility to voluntarily participate in an Illinois EMS System.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled meeting/hearing dates: State EMS Council, Spring 2011
- D) Date agency anticipates First Notice: Spring 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: This will allow for Veterans Health Administration facilities to capture revenue otherwise generated by another health care facility in the area.
- F) Agency contact person for information:
Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, IL 62761
Telephone: 217-782-2043
e-mail: dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- 3) Rulemaking:
- A) Description: Amendments to the Emergency Medical Services and Trauma Center Code will contain changes corresponding to current medical standards of care.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: State EMS Council, Spring 2011
- D) Date agency anticipates First Notice: Spring 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Susan Meister
Administrative Rules Coordinator
Address: Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, IL 62761
Telephone: 217-782-2043
e-mail: dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- 4) Rulemaking:
- A) Description: This rulemaking will define the stipulations and requirements to recognize a hospital as a Pediatric Critical Care Center in the state of Illinois.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled meeting/hearing dates: State EMS Council, Spring 2011
- D) Date agency anticipates First Notice: Spring 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Susan Meister

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, IL 62761
Telephone: 217-782-2043
e-mail: dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

5) Rulemaking:

- A) Description: This rulemaking will contain the process for intra- and inter-System dispute resolution in emergency medical systems in Illinois. This amendment will authorize the Director of the Illinois Department of Public Health or his or her designee to resolve disputes between an EMS System, Vehicle Service Provider, Advisory Committee, EMS Medical Director or any combination thereof if the dispute causes an imminent threat to the health of the public.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled meeting/hearing dates: State EMS Council, Spring 2011
- D) Date agency anticipates First Notice: Spring 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: Any effect would depend on the dispute and the resolution of that dispute by the Director of the Illinois Department of Public Health.
- F) Agency contact person for information:
Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

Springfield, IL 62761
Telephone: 217-782-2043
e-mail: dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

6) Rulemaking:

A) Description: This rulemaking will amend Section 515.750 of the EMS and Trauma Center Code: Trauma Nurse Specialist. The amendment will decrease the didactic hours required to renew Trauma Nurse Specialist licensure from 40 hours every two years to 64 hours every four years. The amendment will also update the course curriculum to current practicing standards.

B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

C) Scheduled meeting/hearing dates: State EMS Council, Spring 2011

D) Date agency anticipates First Notice: Spring 2011

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, IL 62761
Telephone: 217-782-2043
e-mail: dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

7) Rulemaking:

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

- A) Description: This rulemaking will amend fines to be imposed for facility, system and equipment violations. This rulemaking will also add the cooperation or lack of cooperation with the Department's investigation to the circumstances to be included when determining the amount of the fine imposed.
 - B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
 - C) Scheduled meeting/hearing dates: State EMS Council, Spring 2011
 - D) Date agency anticipates First Notice: Spring 2011
 - E) Effect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, IL 62761
Telephone: 217-782-2043
e-mail: dph.rules@illinois.gov
 - G) Related rulemakings and other pertinent information: None
- b) Part: Physical Fitness Facility Medical Emergency Preparedness Act (77 Ill. Adm. Code 527)
- 1) Rulemaking:
 - A) Description: This rulemaking will implement Public Act 96-1268. The amendment to Section 527.600 will delete the requirement for providing an Automated External Defibrillator (AED) at all outdoor facilities where the AED is not housed in a building within 300 feet of the outdoor physical fitness facility.

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

- B) Statutory Authority: Physical Fitness Facility Medical Emergency Preparedness Act [210 ILCS 74]
 - C) Scheduled meeting/hearing dates: State Board of Health, Spring 2011
 - D) Date agency anticipates First Notice: Spring 2011
 - E) Effect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, IL 62761
Telephone: 217-782-2043
e-mail: dph.rules@illinois.gov
 - G) Related rulemakings and other pertinent information: None
- c) Part: Allied Health Care Professional Assistance Law (77 Ill. Adm. Code 598)
- 1) Rulemaking:
 - A) Description: Amendments are proposed to add several definitions, including advanced practice nurse, primary care, and medically underserved populations. New language will also be proposed to clarify the terms of performance required of scholarship recipients.
 - B) Statutory Authority: Allied Health Care Professional Assistance Law [110 ILCS 905].
 - C) Scheduled meeting/hearing dates: State Board of Health
 - D) Date agency anticipates First Notice: Spring 2011

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: No effect is anticipated on small businesses, small municipalities and not-for-profit corporations.
- F) Agency contact person for information:
- Name: Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson Street, 5th Floor
Springfield, IL 62761
Telephone: 217-782-2043
e-mail: dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- d) Part: Community Health Center Expansion (77 Ill. Adm. Code 975)
- 1) Rulemaking:
- A) Description: Part 975 will be amended to add definitions for several terms. New Sections will be proposed to describe application standards, integrate requirements from the Illinois Grant Funds Recovery Act and formalize the public comment process. Enhanced reporting requirements will also be proposed.
- B) Statutory Authority: Community Health Center Expansion Act [410 ILCS 66]
- C) Scheduled meeting/hearing dates: State Board of Health
- D) Date agency anticipates First Notice: Spring 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: No effect is anticipated on small municipalities. Not-for-profit entities that operate community health centers will potentially be affected by the proposal because of the additional reporting requirements from the Illinois Grant Funds Recovery Act and the public comment process.

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

- F) Agency contact person for information:
Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson Street, 5th Floor
Springfield, IL 62761
Telephone: 217-782-2043
e-mail: dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- e) Part: Illinois Rural Health Code (77 Ill. Adm. Code 596)
- 1) Rulemaking:
- A) Description: Sections 596.140, 596.240 and 596.340 state that priority consideration for funding is given to projects that can be self-sustaining within four to six years. However, the language in these Sections is unclear as to whether grant funds for projects can be sustained for this time frame. These Sections will be amended to add language clarifying that the Department of Public Health is able to fund projects for a certain time frame, depending on whether the projects are providing clinical services. Additionally, requirements of the Illinois Grant Funds Recovery Act will be included in the rulemaking.
- B) Statutory Authority: Illinois Rural/Downstate Health Act [410 ILCS 65]
- C) Scheduled meeting/hearing dates: State Board of Health
- D) Date agency anticipates First Notice: Spring 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: No effect is anticipated on small businesses or small municipalities.
- F) Agency contact person for information:

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson Street, 5th Floor
Springfield, IL 62761
Telephone: 217-782-2043
e-mail: dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

f) Part: Psychiatry Practice Incentive (New Part)

1) Rulemaking:

A) Description: Public Act 96-1411 mandates that the Illinois Department of Public Health establish and administer a program to provide funding for physicians who agree to establish and maintain a psychiatric practice in areas of Illinois where mental health shortages exist. Rules will be promulgated to establish definitions, application standards, selection criteria, terms of performance, and reporting requirements.

B) Statutory Authority: Psychiatry Practice Incentive Act (P.A. 96-1411)

C) Scheduled meeting/hearing dates: State Board of Health

D) Date agency anticipates First Notice: Spring 2011

E) Effect on small businesses, small municipalities or not for profit corporations: No effect is anticipated on small businesses or small municipalities.

F) Agency contact person for information:

Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson Street, 5th Floor

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

Springfield, IL 62761
Telephone: 217-782-2043
e-mail: dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: Noneg) Part: Institutional Review Board (New Part)1) Rulemaking:

- A) Description: The Department will be creating an Institutional Review Board (IRB) to review and approve requests for data, which may include the name, address, or other unique personal identifier of an individual that is supplying health data to an individual or organization solely for bona fide research and statistical purposes or a purpose that is described in the health data. Release of this information is prohibited until a Department-approved IRB (or its equivalent) on the protection of human subjects in research has reviewed and approved the data request.
- B) Statutory Authority: Illinois Health Statistics Act [410 ILCS 520] as amended by PA 96-0966 (effective July 2, 2010)
- C) Scheduled meeting/hearing dates: State Board of Health
- D) Date agency anticipates First Notice: May 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield, IL 62761
Telephone: 217/782-2043
e-mail: dph.rules@illinois.gov

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: Collection, Disclosure, and Confidentiality of Health Statistics (77 Ill. Adm. Code 1005)
- h) Part: Life Care Facilities Contract Code (77 Ill. Adm. Code 396)
- 1) Rulemaking:
- A) Description: The Department may amend this Part to: address changes in the ownership of these facilities; add, update and modify certain definitions; add provisions to incorporate provisions concerning Alzheimer's care disclosures; and make other changes regarding disclosures by facilities for the protection of the interests of the residents and the people of this State.
- B) Statutory Authority: Life Care Facilities Act [210 ILCS 40]
- C) Scheduled meeting/hearing dates: State Board of Health
- D) Date agency anticipates First Notice: June 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: Minimal effect on certain not for profits that operate Continuing Care Retirement Communities under the Life Care Facilities Act; these regulatory updates will promote orderly functioning of the industry and consumer interests.
- F) Agency contact person for information:
Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield, IL62761
Telephone: 217/782-2043
e-mail: dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- i) Part: Food Service Sanitation Code (77 Ill. Adm. Code 750)

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: The proposed amendments will update the Food Service Sanitation Manager Certification requirements to clarify alternative methods of training, online course requirements and reciprocity with other states. Additionally, the proposed revisions will update examination security measures and legal issues such as addressing child support requirements.
 - B) Statutory Authority: Food Handling Regulation Enforcement Act [410 ILCS 625]
 - C) Scheduled meeting/hearing dates: State Board of Health
 - D) Date agency anticipates First Notice: Spring 2011
 - E) Effect on small businesses, small municipalities or not for profit corporations: It is anticipated that the proposed changes will have minimum impact on the regulated industry.
 - F) Agency contact person for information:
Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield, IL 62761
Telephone: 217-782-2043
e-mail: dph.rules@illinois.gov
 - G) Related rulemakings and other pertinent information: None
- j) Part: Perinatal HIV Prevention Code (77 Ill. Adm. Code 699)
 - 1) Rulemaking:
 - A) Description: These amendments will provide updates to the most current HIV testing methods, follow up services during the perinatal period, protection of confidential information,

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

patient/client consent requirements, and the delivery of partner services based on U.S. Centers for Disease Control and Prevention recommendations.

- B) Statutory Authority: AIDS Confidentiality Act [410 ILCS 305]; AIDS Registry Act [410 ILCS 310]; Communicable Disease Prevention Act [410 ILCS 315]; Perinatal HIV Prevention Act [410 ILCS 335]; and Sections 2310-10, 2310-315, 2310-325, and 2310-580 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10, 2310-315, 2310-325 and 2310-580]
 - C) Scheduled meeting/hearing dates: State Board of Health
 - D) Date agency anticipates First Notice: Spring 2011
 - E) Effect on small businesses, small municipalities or not for profit corporations: It is anticipated that the proposed changes will have minimum impact on the regulated industry.
 - F) Agency contact person for information:
Susan Meister
Administrative Rules Coordinator
Address: Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield, IL 62761
Telephone: 217-782-2043
e-mail: dph.rules@illinois.gov
 - G) Related rulemakings and other pertinent information: None
- k) Part: HIV/AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697)
- 1) Rulemaking:
 - A) Description: These amendments will update the HIV/AIDS Confidentiality Code in accordance with revised recommendations for partner services programs for HIV infection and updated HIV testing for adults, adolescents, and pregnant women in health-care

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

setting in accordance with the U.S. Centers for Disease Control and Prevention guidelines.

- B) Statutory Authority: AIDS Confidentiality Act [410 ILCS 305]; AIDS Registry Act [410 ILCS 310]; Communicable Disease Prevention Act [410 ILCS 315]; Perinatal HIV Prevention Act [410 ILCS 335]; and Sections 2310-10, 2310-315, 2310-325, and 2310-580 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10, 2310-315, 2310-325 and 2310-580]
 - C) Scheduled meeting/hearing dates: State Board of Health
 - D) Date agency anticipates First Notice: Spring 2011
 - E) Effect on small businesses, small municipalities or not for profit corporations: It is anticipated that the proposed changes will have minimum impact on the regulated industry.
 - F) Agency contact person for information:
Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield, IL 62761
Telephone: 217-782-2043
e-mail: dph.rules@illinois.gov
 - G) Related rulemakings and other pertinent information: None
- l) Part: Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
- 1) Rulemaking:
 - A) Description: These amendments will update the Control of Sexually Transmissible Diseases Code in accordance with revised recommendations for case and laboratory reporting, and counseling and partner services, in accordance with the U.S. Centers for Disease Control and Prevention guidelines.

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

- B) Statutory Authority: Illinois Sexually Transmissible Disease Control Act [410 ILCS 325]; and Sections 2 and 6 of the Department of Public Health Act [20 ILCS 2305]
- C) Scheduled meeting/hearing dates: State Board of Health
- D) Date agency anticipates First Notice: Spring 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: It is anticipated that the proposed changes will have minimum impact on the regulated industry.
- F) Agency contact person for information:
Susan Meister
Administrative Rules Coordinator
Address: Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield, IL 62761
Telephone: 217-782-2043
e-mail: dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- m) Part: Collection, Disclosure, and Confidentiality of Health Statistics (77 Ill. Adm. Code 1005)
- 1) Rulemaking:
- A) Description: The Department will be creating an Institutional Review Board (IRB) to review and approve requests for data, which may include the name, address, or other unique personal identifier of an individual who is supplying health data to an individual or organization solely for bona fide research and statistical purposes, or who is described in the health data. This rule is related to the development of the Department-approved IRB (or its equivalent) and, thus, may need updating and modification considering the new Board.

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2011 REGULATORY AGENDA

- B) Statutory Authority: Illinois Health Statistics Act [410 ILCS 520] as amended by PA 96-0966 (effective July 2, 2010)
- C) Scheduled meeting/hearing dates: State Board of Health, Spring 2010
- D) Date agency anticipates First Notice: May 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Susan Meister
Administrative Rules Coordinator
Address: Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield, IL 62761
Telephone: 217/782-2043
e-mail: dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

a) Part(s) (Heading and Code Citations): Lottery (Hearings) 11 Ill. Adm. Code 1700

1) Rulemaking:

- A) Description: Amendment to Title 11, Part 1700 in order to bring the Illinois Lottery's hearing rules more in line with the rules followed for Illinois Department of Revenue administrative hearings, with respect to both terminology and procedure.
- B) Statutory Authority: 20 ILCS 1605/7.1 and 7.2
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: The date of first notice is unknown at this time.
- E) Effect on small business, small municipalities or not for profit corporations: We expect that these modifications to the hearing rules will have no significant impact on small businesses, municipalities or not for profit organizations that may avail themselves of the Lottery's administrative hearing process.
- F) Agency contact person for information:
- Lisa Crites
Illinois Department of Revenue
Illinois Lottery Division
101 W. Jefferson, MC5-950
Springfield, IL 62702
Telephone: 217/524-5253
Fax: 217/558-2168
e-mail: lisa.crites@illinois.gov
- G) Related rulemakings and other pertinent information: There are no related rulemakings.

b) Part(s) (Heading and Code Citations): Lottery (General), 11 Ill. Adm. Code 1770

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description:
 - 1) Amendment to Section 1770.30 to address the special class of license required by Public Act 96-1105 for veterans service organizations.
 - 2) Amendment to Section 1770.80 to redefine what constitutes a change of ownership for purposes of an Illinois Lottery license.
 - 3) Amendment to Section 1770.90 to allow slightly more time for retailers to deliver late payments to regional offices before lottery terminal functions are suppressed.
 - 4) Amendment to Section 1770.130 to replace a reference to "The Big Game" with a reference to the "Mega Millions" game.
 - 5) Amendment to Section 1770.190 to address methodology used to calculate Common School Fund and Capital Projects Fund transfers.
 - 6) We anticipate that various amendments to the Lottery's administrative rules will be required to accommodate structural and procedural changes that result from the private management agreement mandated by Public Act 96-34. However, until the private management agreement is executed and implemented, the precise nature of these changes cannot be determined.
 - B) Statutory Authority: 20 ILCS 1605/7.1 and 7.2
 - C) Scheduled meeting/hearing dates: No schedule has been established at this time.
 - D) Date agency anticipates First Notice: We anticipate first notice will be published in the first quarter of calendar year 2011.
 - E) Effect on small business, small municipalities or not for profit corporations: The amendments to Sections 1770.80 and 1770.90 will have

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

a positive effect on small businesses, small municipalities and not-for-profit organizations by allowing slightly more time for payment of delinquent accounts before lottery ticket sales at the location are halted, and by eliminating the need for the assignment of new retailer numbers and payment of additional fees in certain situations that are currently classified as changes of ownership (such as a transfer of a family-owned business from parent to adult child).

F) Agency contact person for information:

Lisa Crites
Illinois Department of Revenue
Illinois Lottery Division
101 W. Jefferson, MC5-950
Springfield, IL 62702
Telephone: 217/524-5253
Fax: 217/558-2168
e-mail: lisa.crites@illinois.gov

G) Related rulemakings and other pertinent information: There are no related rulemakings.c) Part(s) (Heading and Code Citations): Income Tax, 86 Ill. Adm. Code 1001) Rulemaking:A) Description: New rules will be added to Part 100 concerning the tax credit for Tech Prep Youth Vocational Programs (IITA Section 209); the reallocation of items under IITA Section 404; pass-through of investment credits from partnerships and Subchapter S corporations to their partners and shareholders; filing of refund claims and other collection matters, statutes of limitations, and interest computations.

Part 100 will be amended by adding rules and amending existing rules governing the computation of base income under Article 2 of the IITA and the allocation and apportionment of base income under Article 3 of the IITA.

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

Part 100 will be amended to update the provisions defining unitary business groups and computing the combined tax liability of unitary business groups.

Part 100 will be amended by adding rules providing guidance on the addition and subtraction modifications allowed in IITA Section 203, on the credit for residential property taxes paid in IITA Section 208, on the acceptance of substitute W-2s, and rounding amounts on returns to the nearest dollar.

Part 100 will be amended to clarify definitions of terms in IITA Section 1501(a).

Part 100 will be amended to implement legislation enacted in 2004, 2005, 2006, 2007, 2008, 2009 and 2010, including the small business jobs credit, the allowance of Economic Development for a Growing Economy credits to be used against withholding obligations, credits for hiring veterans and ex-felons, bonus depreciation adjustments, withholding by employers, partnerships, Subchapter S corporations and trusts, changes to apportionment formulas and taxation of real estate investment trusts and their investors.

Part 100 will be amended to provide additional guidance on nexus and on the Illinois income tax consequences of changes in federal income tax laws.

Finally, the Department will continue the updating and correction of Part 100.

Proposed rules that have been submitted to first notice and that should be adopted in the near future include:

Sections 100.9400 (amended) and 100.9410 (amended) – provide an automatic extension of time for taxpayers to file refund claims when the Department has not acted on an original return showing an overpayment.

- B) Statutory Authority: 35 ILCS 5/101 and 35 ILCS 5/1401

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: These rulemakings will affect any business that incurs an income tax filing obligation.
- F) Agency contact person for information:

Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 524-3951

- G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citations): Property Tax Code, 86 Ill. Adm. Code 110

1) Rulemaking:

- A) Description: Part 110 will be amended to implement the new Disabled Persons' Homestead Exemption under 35 ILCS 200/15-168.

Part 110 will be amended to adopt new rules to implement changes made to the Senior Citizens Assessment Freeze Homestead Exemption under 35 ILCS 200/15-172.

Part 110 will be amended with respect to 110.162 for Township and Multi-Township Assessor Qualifications. The amendment deals with the approved designation list from the Department of Revenue.

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

- B) Statutory Authority: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625]; 35 ILCS 200/15-168; 35 ILCS 200/15-65; and 35 ILCS 200/15-172
- C) Scheduled meeting/hearing dates: No schedule has been established.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 110 during the first six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Robin W. Gill
Associate Counsel, Property Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 524-4886
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citations): Rental Housing Support Program, 86 Ill. Adm. Code 121
- 1) Rulemaking:
- A) Description: New rules will be created under Part 121 to implement the new Rental Housing Support Program.
- B) Statutory Authority: 55 ILCS 5/3-5018
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings creating Part 121 during the first six months of this year.

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

E) Effect on small business, small municipalities or not for profit corporations: De minimus. Small business and not for profit organizations are subject to the \$10 recording fee for real estate related documents. Units of local government are exempt under the statute.

F) Agency contact person for information:

Robin W. Gill
Associate Counsel, Property Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 524-4886

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citations): Retailers' Occupation Tax, 86 Ill. Adm. Code 130

1) Rulemaking:

A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings. Some of the highlights of these changes include:

1. Amendment of Section 130.415 (transportation and delivery charges) to add examples and to clarify the requirement of a separate agreement between seller and purchaser, particularly in the case of Internet, mail order, telephone and television orders, and what tax rate applies to taxable handling charges for an order that contains both high tax rate and low tax rate items.
2. Amendment of Section 130.2005 regarding nonprofit service enterprises to clarify how tax-exempt organizations handle fundraising events, including occasional dinners and bake sales and similar events.

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

3. Amendment of Section 130.2013 regarding the lessor's credit to describe the requirements necessary for claiming the credit on sales to customers who are purchasing items that they had previously leased from those lessors.
4. Amendment of Section 130.455 regarding motor vehicle trade-ins to clarify issues regarding trade-ins including how advance trade-ins apply in auction situations.
5. Amendment of 130.2080 to update the regulation governing sales to governmental bodies, foreign diplomats and consular personnel.
6. Amendment of Section 130 ILLUSTRATION A – to update examples of tax exemption cards.
7. Amendment of Section 130.2050 – Sales and Gifts By Employers to Employees – to update the presumptive Use Tax base on meals provided to employees.
8. Creation of a new section regarding the exemption created by Public Act 95-0672 for tangible personal property sold to public-facilities corporations for purposes of constructing or furnishing a municipal convention hall.
9. Amendment of Section 130.2007 to explain the proper use by an exempt organization of its exemption identification number issued by the Department and consequences of an organization's failure to use ordinary care to ensure that the exemption identification number is properly utilized. Consequences include revocation of the exemption identification number.
10. Amendment of Section 130.325 regarding the graphic arts machinery and equipment exemption to add the August 30, 2014 sunset date created by Public Act 96-0116 for that exemption and includes changes from the Act that added a new requirement for equipment to qualify for that exemption.

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

11. Creation of a new section to provide guidance regarding the documentation requirements for sales by retailers to exempt organizations holding active exemption numbers issued by the Department.
 12. Amendment of Section 130.450 regarding installation, alteration, and special service charges to provide further guidance through examples for retailers who sell items that are commonly installed into real estate, such as cabinets and counter tops.
 13. Amendment of Section 130.340 regarding rolling stock to provide guidance through examples of items that qualify for the exemption but do not become a part of the vehicle.
 14. Amendment of Section 130.605 to add examples regarding the drive-away permit exemption described in subsection (b) of that Section.
- B) Statutory Authority: 35 ILCS 120/12
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six months. We anticipate filing rulemakings amending Part 130 on a regular basis during the next six months of this year. The First Notice for the amendment to Section 130.325 was filed on October 8, 2010.
- E) Effect on small business, small municipalities or not for profit corporations: Small businesses that sell tangible personal property at retail will be affected by these regulations. Businesses that sell tangible personal property through the Internet, mail order, telephone and television orders will be impacted by the changes to 130.415 regarding delivery and handling charges. Graphic artists will be impacted by the changes to the provisions of the Graphic Arts Machinery and Equipment exemption in Section 130.325. Retailers who sell counter tops and cabinets will be impacted by the changes to Section 130.450. Tax exempt organizations will be affected by the changes proposed to Section

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

130.2005, 130.2007, and the new section providing guidance on how to document exempt sales to those organizations.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: Noneg) Part(s) (Heading and Code Citations): Service Occupation Tax, 86 Ill. Adm. Code 1401) Rulemaking:

- A) Description: Amendments will be made as part of a general update to clarify application of the Service Occupation Tax and to reflect recent decisional law, statutory changes and Department policy. Some of the highlights of these changes are revisions to Section 140.108 to add an example of a company that provides water service as a de minimis serviceman; and the addition of language to reinforce that de minimis servicemen cannot provide certificates of resale if those de minimis servicemen are registered with the Department only for the limited purpose of self-assessing and remitting their own use tax liability.
- B) Statutory Authority: 35 ILCS 115/12
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six months. We anticipate filing rulemakings amending Part 140 on a regular basis during the next six months of this year.

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

- E) Effect on small business, small municipalities or not-for-profit corporations: Servicemen transferring tangible personal property incident to service will be affected by these rules.
- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citations): Use Tax, 86 Ill. Adm. Code 150
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Use Tax regulations to reflect new statutory developments, decisional law and Department policies. For example, amendments to Section 150.201 that set forth the Department's policies regarding the types of activities and relationships that establish nexus for Use Tax collection (definition of "retailer maintaining a place of business in this State"). Another example is the amendment of Section 150.310 to change the period of use from "30 or more days" to "more than 30 days" that will trigger Use Tax liability for a vehicle that was purchased in this State under the drive-away permit exemption. The change to Section 150.310 is being made in order to conform to the recent change by the Secretary of State's Office to extend the time period for a drive-away permit for a vehicle from 7 days to 30 days.
- B) Statutory Authority: 35 ILCS 105/12
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 150 during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Use Tax.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citations): Service Use Tax, 86 Ill. Adm. Code 160

1) Rulemaking:

A) Description: Amendments will be made to update the Service Use Tax regulations to reflect new statutory developments, decisional law and Department policies.

B) Statutory Authority: 35 ILCS 110/12

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 160 during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Service Use Tax, including persons required to collect Service Use Tax from Illinois purchasers.

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: None.j) Part(s) (Heading and Code Citations): Home Rule Municipal Retailers' Occupation Tax,
86 Ill. Adm. Code 2701) Rulemaking:

A) Description: The Department anticipates amending Section 270.115 – Jurisdictional Questions – to clarify factors used to determine where selling – and as a result, situs of local taxes – occurs. This rulemaking would be used as a prototype to amend similar sections in other Parts governing local taxes administered by the Department.

B) Statutory Authority: 35 ILCS 120/12 (incorporated by reference at 65 ILCS 5/8-11-1)

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Businesses that make sales in municipalities imposing taxes collected by the Department will be affected.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

- G) Related rulemakings and other pertinent information: Similar changes will be made to other Parts governing the Department's administration of locally imposed taxes.
- k) Part(s) (Heading and Code Citations): Metro East Mass Transit District Retailers' Occupation Tax, 86 Ill. Adm. Code 370
- 1) Rulemaking:
- A) Description: Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.
- B) Statutory Authority: 70 ILCS 3610/5.01
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Businesses that sell tangible personal property, especially titled or registered tangible personal property, in a Metro East Mass Transit District would be minimally impacted.
- F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: Similar changes will be made to Parts 380 and 390 regarding the taxes imposed in Metro East Mass Transit Districts.
- l) Part(s) (Heading and Code Citations): Metro East Mass Transit District Service Occupation Tax, 86 Ill. Adm. Code 380
- 1) Rulemaking:
- A) Description: Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.
- B) Statutory Authority: 70 ILCS 3610/5.01
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Businesses that make sales of service involving the transfer of tangible personal property in a Metro East Mass Transit District would be minimally impacted.
- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: Similar changes will be made to Parts 370 and 390 regarding the taxes imposed in Metro East Mass Transit Districts.

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

- m) Part(s) (Heading and Code Citations): Metro East Mass Transit District Use Tax, 86 Ill. Adm. Code 390
- 1) Rulemaking:
- A) Description: Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.
- B) Statutory Authority: 70 ILCS 3610/5.01
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Businesses that sell tangible personal property, especially titled or registered tangible personal property, in a Metro East Mass Transit District would be minimally impacted.
- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: Similar changes will be made to Parts 370 and 380 regarding the taxes imposed in Metro East Mass Transit Districts.
- n) Part(s) (Heading and Code Citations): Bingo License and Tax Act, 86 Ill. Adm. Code 430

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: Regulations will be updated to reflect the provisions of Public Act 93-742, which authorizes the Department to issue 3-year bingo licenses, including regular licenses, limited licenses or senior citizen restricted licenses, and the amendments in Public Act 95-228, dealing with licensing. The regulations will also be amended to clarify record keeping requirements and the documentation required for a license application.
 - B) Statutory Authority: 230 ILCS 25/1
 - C) Scheduled meeting/hearing dates: No schedule has been established at this time.
 - D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
 - E) Effect on small business, small municipalities or not for profit corporations: Entities eligible for bingo licenses will be affected by this rulemaking.
 - F) Agency contact person for information:

Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 524-3951
 - G) Related rulemakings and other pertinent information: There are no related rulemakings.
- o) Part(s) (Heading and Code Citations): Pull Tabs and Jar Games, 86 Ill. Adm. Code 432
 - 1) Rulemaking:

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

- A) Description: Regulations will be amended to implement the amendments in Public Act 95-228 dealing with licensing and to clarify record keeping requirements and the documentation required for a license application.
- B) Statutory Authority: 230 ILCS 20/1
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Entities eligible for pull tabs and jar games licenses will be affected by this rulemaking.
- F) Agency contact person for information:

Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 524-3951

- G) Related rulemakings and other pertinent information: There are no related rulemakings.

p) Part(s) (Heading and Code Citations): Charitable Games, 86 Ill. Adm. Code 435

1) Rulemaking:

- A) Description: Regulations will be amended to implement the amendments in Public Act 95-228 dealing with licensing and to clarify record keeping requirements and the documentation required for a license application.
- B) Statutory Authority: 230 ILCS 30/1

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Entities eligible for a charitable games license will be affected by this rulemaking.
- F) Agency contact person for information:
- Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 524-3951
- G) Related rulemakings and other pertinent information: There are no related rulemakings.
- q) Part(s) (Heading and Code Citations): Cigarette Tax Act, 86 Ill. Adm. Code 440
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Cigarette Tax Act regulations to reflect new statutory developments, decisional law and Department policies. Among those amendments, the Department anticipates amendments to these rules relating to the federal "Prevent All Cigarette Trafficking Act of 2009" P.L. 111-154. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.
- B) Statutory Authority: 20 ILCS 2505/2505-30
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Minimal, depending upon what legislation may be enacted.
- F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

- G) Related rulemakings and other pertinent information: None.

r) Part(s) (Heading and Code Citations): Cigarette Use Tax Act, 86 Ill. Adm. Code 450

1) Rulemaking:

- A) Description: Amendments will be made to update the Cigarette Use Tax Act regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.
- B) Statutory Authority: 20 ILCS 2505/2505-80
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Minimal, depending upon what legislation may be enacted.
- F) Agency contact person for information:

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: None

s) Part(s) (Heading and Code Citations): Telecommunications Excise Tax, 86 Ill. Adm. Code 495

1) Rulemaking:

A) Description: Regulations will be updated to reflect new statutory provisions, decisional law and Department policy. Examples include:

1. Regulations that explain the manner in which DSL services are taxed.
2. Regulations that explain the taxation of telecommunications that are provided by cable and satellite television companies as part of internet access services and the taxation of Voice Over Internet Protocol (VOIP).
3. Regulations which reflect the provisions of the Simplified Telecommunications Tax Act (92-526, 92-878, 92-602, 93-286, and 94-793) and the Mobile Telecommunications Sourcing Conformity Act. (92-474).
4. Regulations that explain the telecommunications tax liabilities involved when multiple parties are joined together in different conference calling arrangements.
5. Amendment of Section 495.100 to clarify the ending date for using alternate apportionment methods for imposing tax on portions of the interstate inter-office channels for private lines pursuant to P.A.93-286.

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

- B) Statutory Authority: 35 ILCS 630; Public Acts 92-526; 92-0602; 92-878, 93-286, and 94-793.
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings to Part 495 during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Retailers of telecommunications and their telecommunications customers will be affected by these regulations.
- F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

- G) Related rulemakings and other pertinent information: There are no related rulemakings.
- t) Part(s) (Heading and Code Citations): Motor Fuel Tax, 86 Ill. Adm. Code 500
- 1) Rulemaking:
- A) Description: Regulations will be updated to reflect new statutory provisions, new provisions and procedures under the International Fuel Tax Agreement, and changes in Department procedures.
- B) Statutory Authority: 35 ILCS 505/14
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

- D) Date agency anticipates First Notice: We anticipate filing rulemakings to Part 500 during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Motor fuel distributors, suppliers and receivers, as well as persons licensed under the International Fuel Tax Agreement, will be affected by these regulations.
- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: There are no related rulemakings.

u) Part(s) (Heading and Code Citations): Amnesty, 86 Ill. Adm. Code 520

1) Rulemaking:

- A) Description: Emergency regulations adopted after the Illinois Tax Delinquency Amnesty Act was amended in 2010 (Public Act 96-1435) will be replaced by permanent regulation.
- B) Statutory Authority: 35 ILCS 745
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: This rulemaking was sent to first notice at the same time the emergency regulations were adopted.
- E) Effect on small business, small municipalities and not for profit corporations: Any small business or not for profit corporation that had an Illinois tax liability that qualified for amnesty under the Illinois Tax

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

Delinquency Amnesty Act will receive guidance on the consequences of participating or failing to participate in the amnesty program.

F) Agency contact person for information:

Paul S. Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 524-3951

G) Related rulemakings and other pertinent information: Nonev) Part(s) (Heading and Code Citations): Special County Retailers' Occupation Tax for Public Safety, 86 Ill. Adm. Code 6701) Rulemaking:

- A) Description: Amendments will be made to update the Special County Retailers' Occupation Tax for Public Safety regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.
- B) Statutory Authority: Implementing Section 5-1006.5 of the Special County Occupation Tax For Public Safety Law of the Counties Code [55 ILCS 5/5-1006.5] and authorized by Section 2505-95 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-95].
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Small municipalities may impose this tax for purposes of building or improving public facilities.

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: Nonew) Part(s) (Heading and Code Citations): Special County Service Occupation Tax for Public Safety, 86 Ill. Adm. Code 6801) Rulemaking:

- A) Description: Amendments will be made to update the Special County Service Occupation Tax for Public Safety regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.
- B) Statutory Authority: Implementing Section 5-1006.5 of the Special County Occupation Tax For Public Safety Law of the Counties Code [55 ILCS 5/5-1006.5] and authorized by Section 2505-95 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-95].
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Small municipalities may impose this tax for purposes of building or improving public facilities.
- F) Agency contact person for information:

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: None.

x) Part(s) (Heading and Code Citations): Uniform Penalty and Interest Act, 86 Ill. Adm. Code 700

1) Rulemaking:

A) Description: The Department will amend the regulations in Part 700 to reflect recent amendments to the Uniform Penalty and Interest Act.

B) Statutory Authority: 20 ILCS 2505/2505-795.

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filings during the next six months of this year.

E) Effect on small business, small municipalities and not for profit corporations: These rulemakings will provide guidance for any business or not for profit corporation that incurs tax liabilities potentially subject to penalty or interest obligations under the Uniform Penalty and Interest Act.

F) Agency contact person for information:

Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone (217) 524-3951

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None.
- y) Part(s) (Heading and Code Citations): Electronic Filing of Returns and Other Documents, 86 Ill. Adm. Code 760
- 1) Rulemaking:
- A) Description: Amend 86 Ill. Adm. Code 760.100 to require electronic filing of individual Illinois income tax returns during years after 2010 by paid return preparers who are required to file federal individual income tax returns electronically during the year and who prepared more than 100 Illinois returns during the preceding year.
- B) Statutory Authority: 35 ILCS 5/501(a)
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: This rulemaking has been sent to first notice
- E) Effect on small business, small municipalities and not for profit corporations: Only relatively large tax preparation businesses are affected by this rulemaking.
- F) Agency contact person for information:
- Paul S. Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7055
- G) Related rulemakings and other pertinent information: None
- z) Part(s) (Heading and Code Citations): STAR Bonds, 86 Ill. Adm. Code 4000

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

- 1) Rulemaking:
- A) Description: Adds provisions to this Part concerning the administration of, monitoring of, and reporting by STAR bond districts created under the authority of the Innovation Development and Economy Act (P.A. 96-939).
- B) Statutory Authority: 50 ILCS 470/1 et seq.
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: This rulemaking would apply only to a municipality (and the small businesses and not-for-profit corporations in and near that municipality) that has established a STAR bond district in accordance with the Innovation Development and Economy Act.
- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: None.
- aa) Part(s) (Heading and Code Citations): New Part Governing Electronic Filing of Corporate Income Tax Returns
- 1) Rulemaking:
- A) Description: The Department will promulgate regulations providing the procedures for corporations, partnerships and tax exempt organizations to file their Illinois income tax returns electronically.

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

- B) Statutory Authority: 35 ILCS 5/502
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filings during the next six months of this year.
- E) Effect on small business, small municipalities and not for profit corporations: This rulemaking will provide guidance for corporations who will file their Illinois income tax returns electronically.
- F) Agency contact person for information:

Rickey A. Walton
Special Assistant Attorney General
Illinois Department of Revenue
100 W. Randolph St., 7-900
Chicago, IL 60601
Telephone: (312) 814-3185

- G) Related rulemakings and other pertinent information: None.

bb) Part(s) (Heading and Code Citations): New Part Governing County School Facility Retailers' Occupation Tax

- 1) Rulemaking:
 - A) Description: New regulations will be promulgated to implement the provisions of PA 95-675 imposing a County School Facility Retailers' Occupation Tax.
 - B) Statutory Authority: 55 ILCS 5/5-1006.7(a).
 - C) Scheduled meeting/hearing dates: No schedule has been established at this time.

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Affect on small business, small municipalities or not for profit corporations: Counties imposing this tax and retailers located in such jurisdictions will be affected by this rulemaking.
- F) Agency contact person for information:
- Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844
- G) Related rulemakings and other pertinent information: A new Part implementing a County School Facility Service Occupation Tax is related.
- cc) Part(s) (Heading and Code Citations): New Part Governing County School Facility Service Occupation Tax
- 1) Rulemaking:
- A) Description: New regulations will be promulgated to implement the provisions of PA 95-675 imposing a County School Facility Retailers' Occupation Tax.
- B) Statutory Authority: 55 ILCS 5/5-1006.7(b).
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Affect on small business, small municipalities or not for profit corporations: Businesses making sales of service in counties imposing the tax will be minimally affected.

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: A new Part Governing a County School Facility Retailers' Occupation Tax is related.dd) Part(s) (Heading and Code Citations): New Part Governing Internet Filing of Sales and Use Tax Returns1) Rulemaking:

A) Description: Regulations will be promulgated to provide the specific procedures and requirements for persons using an Internet-based system to file sales and use tax returns.

B) Statutory Authority: 20 ILCS 2505/2505-210.

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Persons using the Internet to file sales and use tax returns will be affected by these rules.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: None

ee) Part(s) (Heading and Code Citations): New Part Governing Business District Taxes

1) Rulemaking:

A) Description: Regulations will be promulgated to set out specific procedures and requirements for the business district taxes authorized by P.A. 93-1053.

B) Statutory Authority: 65 ILCS 5/11-74.3-6.

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Municipalities are authorized to impose these taxes within business districts established by those municipalities. All businesses that are engaged in making sales of tangible personal property at retail and sales of service when tangible personal property is transferred incident to those sales of service within a business district where those taxes are imposed will be subject to those taxes.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

DEPARTMENT OF REVENUE

JANUARY 2011 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None.

ff) Part(s) (Heading and Code Citations): New Part Governing Flood Prevention District Act

1) Rulemaking:

A) Description: Draft regulations relating to the Flood Prevention District Act to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.

B) Statutory Authority: 70 ILCS 750/ 1 et seq.

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Retailers located in flood prevention district may have the tax imposed upon them and will be required to remit the tax and keep books and records and file returns with the Department.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2011 REGULATORY AGENDA

- a) Part (Heading and Code Citation): General Provisions 23 Ill. Adm. Code 2700
- 1) Rulemaking:
- A) Description: New rules, to be added as Section 2700.90 and 2700.100 of Part 2700, will adopt procedures for applying for sponsored awards from nonprofit organizations, foundations or the government agencies or when awarding funds received from sponsoring organizations to nonprofit organizations or government agencies. Section 2700.20 will be amended to add definitional terms related to the procedures established by the proposed rules.
- B) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2011
- E) Effect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:
Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
847/948-8500
- G) Related rulemakings and other pertinent information: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2011 REGULATORY AGENDA

- b) Part (Heading and Code Citation): Grant Program For Dependents of Correctional Officers 23 Ill. Adm. Code 2731
- 1) Rulemaking:
- A) Description: This amendment is proposed to provide clarification as to when the child must be in the legal custody of the officer when a disability is involved. The child must be in the legal custody at the time the injury was sustained.
- B) Statutory Authority: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2011
- E) Effect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:
Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
847/948-8500
- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Grant Program For Dependents Of Police Or Fire Officers 23 Ill. Adm. Code 2732
- 1) Rulemaking:

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2011 REGULATORY AGENDA

- A) Description: This amendment is proposed to provide clarification as to when the child must be in the legal custody of the officer when a disability is involved. The child must be in the legal custody at the time the injury was sustained.
- B) Statutory Authority: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2011
- E) Effect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:
Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
847/948-8500
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Community College Transfer Grant Program
23 Ill. Adm. Code 2740
- 1) Rulemaking:
- A) Description: Public Act 96-1299 created the new Community College Transfer Grant Program providing grant assistance, subject to appropriation, to students who have received an associate's

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2011 REGULATORY AGENDA

degree at an Illinois community college and who are pursuing a baccalaureate degree at a public or private institution of higher education in Illinois. Proposed rulemaking for the program will set forth the applicant eligibility requirements, program procedures and institutional procedures.

- B) Statutory Authority: Implementing the Community College Transfer Grant Program Act [110 ILCS 924] and authorized by Section 10 of the Community College Transfer Grant Program Act [110 ILCS 924/10].
 - C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
 - D) Date agency anticipates First Notice: January 2011
 - E) Effect on small business, municipalities or not for profit corporations: None
 - F) Agency Contact Person for Information:
Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
847/948-8500
 - G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): Illinois Special Education Teach Tuition Waiver (SETTW) Program 23 Ill. Adm. Code 2765
- 1) Rulemaking:
 - A) Description: An amendment is proposed to clarify the language that it is up to the university to determine if a student is considered

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2011 REGULATORY AGENDA

"accepted or enrolled" in a Special Education program. An additional modification is included that would allow an exception to the repayment period start date when a student is transferring from one participating university to another and is continuously enrolled but not yet admitted to the special education teacher program.

- B) Statutory Authority: Implementing Section 65.15 and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 2011
- E) Affect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:
Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
847/948-8500
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF TRANSPORTATION

JANUARY 2011 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Inspection Procedures for Type I and Type II School Buses; 92 Ill. Adm. Code 441 and 443

1) Rulemaking:

- A) Description: The Department will be amending these Parts by adding and revising provisions pursuant to several Public Acts. PA 95-176, effective January 1, 2008, requires each school bus operated in Illinois to display the telephone number of the school bus owner on the rear of the bus for use in reporting erratic driving by the school bus driver. PA 95-260, effective August 17, 2007, requires each school district to have in place, by January 1, 2008, a policy to ensure that the school bus driver is the last person leaving the bus and that no passenger is left behind or remains on the vehicle at the end of a route, work shift or work day. If a school district has a contract with a private sector school bus company, the school district shall require, in the contract, that the company have a post-trip inspection policy in place by January 1, 2008 that requires the school bus driver to activate the interior lights and walk to the rear of the bus to check for children still on board. If a mechanical or electronic post-trip inspection reminder system is used, that device must activate the interior lights when the ignition is shut off. PA 95-352, effective August 23, 2007, allows both visual and audio recordings to be made of the interior of a school bus while the school bus is being used to transport students to and from school and school-sponsored activities (notice of the recordings must be clearly posted on the entrance door and inside the school bus). PA 96-818, effective November 17, 2009, requires all school buses registered in Illinois to be equipped with an operating two-way radio or a cellular radio telecommunication device (i.e., cell phone) that has digital two-way radio service capability while the school bus driver is in possession of the school bus. The two-way radio must be turned on and adjusted in a manner that would alert the school bus driver of an incoming communication request. PA 96-655, effective January 1, 2010, requires a sign to be displayed on the rear of a school bus that states: "TO COMMENT ON MY DRIVING, CALL (area code and telephone number of school bus owner)". However, a school bus owner who placed a sign conforming to previous requirements, i.e., "TO REPORT ERRATIC DRIVING" before the effective date of this Act, may continue to use that sign on the school bus. If the school bus owner replaces that sign, the replacement sign shall conform to the requirements of this Act. PA 96-1066, effective July 16,

DEPARTMENT OF TRANSPORTATION

JANUARY 2011 REGULATORY AGENDA

2010, requires a school bus to contain an operating cellular radio telecommunication device (cell phone) or a two-way radio (rather than just a two-way radio or a cell phone that has two-way radio service capability, as required by PA 96-818).

- B) Statutory Authority: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch.12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m) and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will affect small businesses and school districts within small municipalities that own or operate school buses in Illinois.
- F) Agency contact person for information:
 Christine Caronna-Beard, Rules Manager
 Illinois Department of Transportation
 Office of Chief Counsel, Room 317
 2300 South Dirksen Parkway
 Springfield, IL 62764
 217/524-3838
- G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Rules to Govern Petitions and Hearings under the Illinois Prompt Payment Act; __ Ill. Adm. Code __

1) Rulemaking:

- A) Description: The Department will promulgate a new Part to implement the provisions of the Illinois Prompt Payment Act.

DEPARTMENT OF TRANSPORTATION

JANUARY 2011 REGULATORY AGENDA

- B) Statutory Authority: 30 ILCS 540/7
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the rulemaking will make it easier for small businesses that are subcontractors or material suppliers to contractors under State public construction contracts to get paid by the contractors.
- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Rates to be Charged by Official Testing Stations;
92 Ill. Adm. Code 439
- 1) Rulemaking:
- A) Description: The Department intends to promulgate this new Part to replace Parts 446 and 454 so that rate increase procedures are consolidated into one Part covering all vehicles. The current rules are duplicative and, in some instances, inconsistent.
- B) Statutory Authority: 625 ILCS 5/13-106
- C) Scheduled meeting/hearing date: None scheduled

DEPARTMENT OF TRANSPORTATION

JANUARY 2011 REGULATORY AGENDA

- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: Small businesses will be positively impacted by the changes to the rate rules. The Department does not anticipate any impact on either small municipalities or not-for-profits.
- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838
- G) Related rulemakings and other pertinent information: Rates to be Charged by Official Testing Stations for Vehicles Other Than School Buses, 92 Ill. Adm. Code 454; and Rates to be Charged by Official Testing Stations for School Buses, 92 Ill. Adm. Code 446.
- d) Part(s) (Heading and Code Citation): Rates to be Charged by Official Testing Stations for School Buses; 92 Ill. Adm. Code 446
- 1) Rulemaking:
- A) Description: The Department intends to repeal this Part and replace it with a new Part that will cover rates for all vehicles not just school buses.
- B) Statutory Authority: 625 ILCS 5/13-106
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not impact small businesses, small municipalities or not-for-profit corporations.

DEPARTMENT OF TRANSPORTATION

JANUARY 2011 REGULATORY AGENDA

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838

G) Related rulemakings and other pertinent information: Rates to be Charged by Official Testing Stations for Vehicles Other Than School Buses, 92 Ill. Adm. Code 454; and a new Part the Department intends to promulgate titled, Rates to be Charged by Official Testing Stations, 92 Ill. Adm. Code 439.e) Part(s) (Heading and Code Citation): Rates to be Charged by Official Testing Stations for Vehicles Other Than School Buses; 92 Ill. Adm. Code 4541) Rulemaking:

A) Description: The Department intends to repeal this Part and replace it with a new Part that will cover rates for all vehicles including school buses.

B) Statutory Authority: 625 ILCS 5/13-106

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not impact small businesses, small municipalities or not-for-profit corporations.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager

DEPARTMENT OF TRANSPORTATION

JANUARY 2011 REGULATORY AGENDA

Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838

- G) Related rulemakings and other pertinent information: Rates to be Charged by Official Testing Stations for School Buses, 92 Ill. Adm. Code 446; and a new Part titled, Rates to be Charged by Official Testing Stations, 92 Ill. Adm. Code 439.
- f) Part(s) (Heading and Code Citation): Tourism Attraction Signing Program; 92 Ill. Adm. Code 543
- 1) Rulemaking:
- A) Description: Revisions will be made to allow additional tourism attraction signs to be displayed at an interchange based on what is allowed in the 2009 National Manual on Uniform Traffic Control Devices. These changes will afford some tourism-oriented businesses, including small businesses, not-for-profits and municipality-owned businesses, to have attraction logos displayed along State freeways. Businesses are responsible for their logo signs and the Department charges an annual fee for participation in the program based on the number of logo signs installed (except for not-for-profits).
- B) Statutory Authority: 225 ILCS 440/4.08 and 605 ILCS 5/4-201.1
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will provide opportunities for more small businesses, small municipalities or not-for-profits to participate in the program.
- F) Agency contact person for information:

DEPARTMENT OF TRANSPORTATION

JANUARY 2011 REGULATORY AGENDA

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Control of Outdoor Advertising Adjacent to Primary and Interstate Highways; 92 Ill. Adm. Code 522

1) Rulemaking:

A) Description: The Department intends to amend this Part to revise definitions, some for consistency with PA 96-919, effective June 9, 2010, and clarify and correct provisions. The Department is adding language which prescribes that an affiliation with an owner of an illegal sign is grounds for denial of a permit application. Language will be revised to clarify that damaged registered non-conforming signs are not allowed to be re-erected or maintained.

B) Statutory Authority: Implementing Section 9-112.1 and 9-112.2 of the Illinois Highway Code [605 ILCS 5/9-112.1 and 9-112.2 and Sections 1 through 8 and 10 of the Highway Advertising Control Act of 1971 [225 ILCS 440/1-8 and 10, as amended by P.A. 96-919, effective June 9, 2010] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01, as amended by P.A. 96-919, effective June 9, 2010]; implementing Section 1 and authorized by Section 17 of the Airport Zoning Act [620 ILCS 25/1 and 17]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

DEPARTMENT OF TRANSPORTATION

JANUARY 2011 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not for profit corporations: Small businesses and not-for-profit corporations that qualify will be impacted to the extent that those businesses and corporations wish to participate in the program.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

No second notices were received by the Joint Committee on Administrative Rules during the period of December 21, 2010 through December 27, 2010. 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. The Committee's next monthly meeting is scheduled for January 11, 2011 in Springfield.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JANUARY AGENDA

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
TENTATIVELY 8:00 A.M.
JANUARY 11, 2011

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@ilga.gov
Phone: 217/785-2254*

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Agriculture

1. Egg and Egg Products Act (8 Ill. Adm. Code 65)
 - First Notice Published: 34 Ill. Reg. 15590 – 10/15/10
 - Expiration of Second Notice: 1/30/11

Central Management Services

2. Conditions of Employment (80 Ill. Adm. Code 303)
 - First Notice Published: 34 Ill. Reg. 12575 – 9/3/10
 - Expiration of Second Notice: 1/13/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JANUARY AGENDA

Children and Family Services

3. Reports of Child Abuse and Neglect (89 Ill. Adm. Code 300)
-First Notice Published: 34 Ill. Reg. 2386 – 2/16/10
-Expiration of Second Notice: 1/26/11

Education

4. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
-First Notice Published: 34 Ill. Reg. 12760 – 9/3/10
-Expiration of Second Notice: 1/30/11
5. Requirements for Accounting, Budgeting, Financial Reporting and Auditing (23 Ill. Adm. Code 100)
-First Notice Published: 34 Ill. Reg. 14621 – 10/8/10
-Expiration of Second Notice: 1/30/11
6. Providers of Supplemental Educational Services (23 Ill. Adm. Code 675)
-First Notice Published: 34 Ill. Reg. 14623 – 10/8/10
-Expiration of Second Notice: 1/30/11

Elections

7. Campaign Financing (26 Ill. Adm. Code 100)
-First Notice Published: 34 Ill. Reg. 13898 – 10/1/10
-Expiration of Second Notice: 2/16/11
8. Practice and Procedure (26 Ill. Adm. Code 125)
-First Notice Published: 34 Ill. Reg. 13947 – 10/1/10
-Expiration of Second Notice: 2/15/11
9. Raffles Conducted by Political Committees (26 Ill. Adm. Code 210)
-First Notice Published: 34 Ill. Reg. 14004 – 10/1/10
-Expiration of Second Notice: 2/14/11

Environmental Protection Agency

10. Procedures and Criteria for Reviewing Applications for Provisional Variances (35 Ill. Adm. Code 180)
-First Notice Published: 34 Ill. Reg. 10599 – 7/30/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JANUARY AGENDA

-Expiration of Second Notice: 1/28/11

Financial and Professional Regulation

11. The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 (68 Ill. Adm. Code 1175)
 - First Notice Published: 34 Ill. Reg. 12578 – 9/3/10
 - Expiration of Second Notice: 1/30/11
12. Illinois Public Accounting Act (68 Ill. Adm. Code 1420)
 - First Notice Published: 34 Ill. Reg. 15939 – 10/22/10
 - Expiration of Second Notice: 1/29/11
13. Real Estate Appraiser Licensing (68 Ill. Adm. Code 1455)
 - First Notice Published: 34 Ill. Reg. 15669 – 10/15/10
 - Expiration of Second Notice: 1/19/11
14. The Illinois Speech-Language Pathology and Audiology Practice Act (68 Ill. Adm. Code 1465)
 - First Notice Published: 34 Ill. Reg. 16642 – 10/29/10
 - Expiration of Second Notice: 1/29/11

Healthcare and Family Services

15. Practice in Administrative Hearings (89 Ill. Adm. Code 104)
 - First Notice Published: 34 Ill. Reg. 16890 – 11/5/10
 - Expiration of Second Notice: 1/29/11
16. Child Support Services (89 Ill. Adm. Code 160)
 - First Notice Published: 34 Ill. Reg. 16903 – 11/5/10
 - Expiration of Second Notice: 1/29/11

Human Services

17. Child Care (89 Ill. Adm. Code 50)
 - First Notice Published: 34 Ill. Reg. 8834 – 7/9/10
 - Expiration of Second Notice: 1/16/11

Insurance

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JANUARY AGENDA

18. Standard Health Applications (50 Ill. Adm. Code 2030)
 - First Notice Published: 34 Ill. Reg. 15708 – 10/15/10
 - Expiration of Second Notice: 1/30/11
19. Portability of Creditable Service Time for Downstate and Suburban Police Pension Funds (50 Ill. Adm. Code 4404)
 - First Notice Published: 34 Ill. Reg. 12307 – 8/27/10
 - Expiration of Second Notice: 1/30/11

Natural Resources

20. The Taking of Wild Turkeys – Spring Season (17 Ill. Adm. Code 710)
 - First Notice Published: 34 Ill. Reg. 15749 – 10/15/10
 - Expiration of Second Notice: 1/22/11
21. Conservation Reserve Enhancement Program (CREP) (17 Ill. Adm. Code 1515)
 - First Notice Published: 34 Ill. Reg. 14825 – 10/8/10
 - Expiration of Second Notice: 1/22/11

Pollution Control Board

22. Site-Specific Closures of Coal Combustion Waste Surface Impoundments (35 Ill. Adm. Code 840)
 - First Notice Published: 34 Ill. Reg. 16188 – 10/22/10
 - Expiration of Second Notice: 1/30/11

Public Health

23. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
 - First Notice Published: 34 Ill. Reg. 7035 – 5/21/10
 - Expiration of Second Notice: 1/12/11
24. Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
 - First Notice Published: 34 Ill. Reg. 7071 – 5/21/10
 - Expiration of Second Notice: 1/12/11
25. Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)
 - First Notice Published: 34 Ill. Reg. 7097 – 5/21/10
 - Expiration of Second Notice: 1/12/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JANUARY AGENDA

26. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
-First Notice Published: 34 Ill. Reg. 7115 – 5/21/10
-Expiration of Second Notice: 1/12/11
27. Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
-First Notice Published: 34 Ill. Reg. 7149 – 5/21/10
-Expiration of Second Notice: 1/12/11

Revenue

28. Retailer's Occupation Tax (86 Ill. Adm. Code 130)
-First Notice Published: 34 Ill. Reg. 15241 – 10/8/10
-Expiration of Second Notice: 1/23/11

Secretary of State

29. Standard Procurement (44 Ill. Adm. Code 2000)
-First Notice Published: 34 Ill. Reg. 12682 – 9/3/10
-Expiration of Second Notice: 1/15/11
30. Issuance of Licenses (92 Ill. Adm. Code 1030)
-First Notice Published: 34 Ill. Reg. 15789 – 10/15/10
-Expiration of Second Notice: 1/15/11

Teachers' Retirement System

31. The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)
-First Notice Published: 34 Ill. Reg. 12145 – 8/20/10
-Expiration of Second Notice: 1/14/11

Transportation

32. Rates to be Charged by Official Testing Stations for School Buses (92 Ill. Adm. Code 446)
-First Notice Published: 34 Ill. Reg. 16301 – 10/22/10
-Expiration of Second Notice: 1/21/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JANUARY AGENDA

33. Rates to be Charged by Official Testing Stations for Vehicles Other Than School Buses (92 Ill. Adm. Code 454)
-First Notice Published: 34 Ill. Reg. 16315 – 10/22/10
-Expiration of Second Notice: 1/21/11

EMERGENCY RULEMAKING

Racing Board

34. Medication (11 Ill. Adm. Code 603)
-Notice Published: 35 Ill. Reg. 265 – 1/3/11

PEREMPTORY RULEMAKING

Central Management Services

35. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 34 Ill. Reg. 19582 – 12/17/10

ADOPTED RULEMAKING

Executive Ethics Commission

36. Organization, Information, Rulemaking and Hearings (2 Ill. Adm. Code 1620)
-Notice Published: 34 Ill. Reg. 19507 – 12/17/10

State Appellate Defender

37. Organization, Rulemaking and Public Information (2 Ill. Adm. Code 500)
-Notice Published: 35 Ill. Reg. 220 – 1/3/11

EXEMPT RULEMAKING

Pollution Control Board

38. Primary Drinking Water Standards (35 Ill. Adm. Code 611)
-Proposed Date: 10/8/10
-Adopted Date: 12/27/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JANUARY AGENDA

AGENCY RESPONSESEmergency Management Agency

39. Licensing of Radioactive Material (32 Ill. Adm. Code 330; 33 Ill. Reg. 12061 – 8/28/09)

Illinois Law Enforcement Training and Standards Board

40. Surcharge Fund Financial Assistance (20 Ill. Adm. Code 1700; 34 Ill. Reg. 8136 – 6/25/10)
41. Court Security Basic Training (20 Ill. Adm. Code 1780; 34 Ill. Reg. 7581 – 6/4/10)

Illinois Student Assistance Commission

42. Illinois Prepaid Tuition Program (23 Ill. Adm. Code 2775; 34 Ill. Reg. 13634 – 9/24/10)

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 35, Issue 2 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

89 - 271	.....	324
14 - 531	.....	331
83 - 454	.....	333
38 - 220	.....	340
77 - 100	.....	343

ADOPTED RULES

8 - 250	1/1/2011	351
14 - 529	12/21/2010	357
35 - 1150	12/22/2010	369
89 - 120	12/27/2010	379
89 - 140	12/27/2010	394
89 - 148	12/27/2010	420
77 - 630	12/22/2010	452
35 - 218	12/21/2010	469
35 - 219	12/21/2010	496
11 - 325	1/1/2011	522
86 - 760	12/21/2010	529
92 - 2520	12/27/2010	535

EMERGENCY RULES

14 - 531	12/27/2010	553
2 - 1620	1/1/2011	563

PEREMPTORY RULES

8 - 125	12/22/2010	571
---------	------------------	-----

ORDER FORM

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

--	--

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

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

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

Fax Order To: (217) 557-8919

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

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