

# 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](http://www.cyberdriveillinois.com)

 Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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January 21, 2011 Volume 35, Issue 4

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## INTRODUCTION

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

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

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

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

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2011

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
3	January 3, 2011	January 14, 2011
4	January 10, 2011	January 21, 2011
5	January 18, 2011	January 28, 2011
6	January 24, 2011	February 4, 2011
7	January 31, 2011	February 14, 2011
8	February 7, 2011	February 18, 2011
9	February 15, 2011	February 25, 2011
10	February 22, 2011	March 4, 2011
11	February 28, 2011	March 11, 2011
12	March 7, 2011	March 18, 2011
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 14, 2011
47	November 7, 2011	November 18, 2011
48	November 14, 2011	November 28, 2011
49	November 21, 2011	December 2, 2011
50	November 28, 2011	December 9, 2011
51	December 5, 2011	December 16, 2011
52	December 12, 2011	December 27, 2011
53	December 19, 2011	December 30, 2011

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Extensions of Jurisdiction
- 2) Code Citation: 80 Ill. Adm. Code 305
- 3) 

<u>Section Number:</u> 305.280	<u>Proposed Action:</u> New Section
-----------------------------------	----------------------------------------
- 4) Statutory Authority: Authorized by Sections 4b, 8a(1) and 9(7) of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a] and Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]
- 5) A Complete Description of the Subjects and Issues Involved: The Department of Central Management Services (CMS) is amending the Extensions of Jurisdiction (80 Ill. Adm. Code 305) by adding Section 305.280 to reflect seven Memoranda of Understanding between the American Federation of State, County and Municipal Employees (AFSCME) and the State of Illinois. The first Memorandum of Understanding (MOU) pertains to the non-Personnel-Code Program Manager title at the Department of Central Management Services' Bureau of Communication and Computer Services (BCCS) and was signed September 17, 2009. The second and third Memoranda of Understanding pertain to the non-Personnel-Code Technical Manager V title at the Department of Central Management Services' BCCS and was corrected after being signed December 16, 2009. The fourth MOU pertains to the non-Personnel-Code Technical Manager V title at the Department of Central Management Services' BCCS and was signed December 16, 2009. The fifth MOU pertains to the non-Personnel-Code Network Engineer Manager II title at the Department of Central Management Services' BCCS and was signed June 14, 2010. The sixth MOU pertains to the non-Personnel-Code Technical Manager V title at the Department of Central Management Services' Illinois Office of Communication and Information and was signed December 16, 2009. The seventh MOU pertains to the non-Personnel-Code Technical Manager V title at the Department of Central Management Services' Bureau of Benefits and was signed December 16, 2009.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands 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:
- Mr. Jeff Shuck  
CMS Deputy General Counsel - Bureau of Personnel  
720 Stratton Office Building, Floor 7  
Springfield, Illinois 62706
- Telephone: 217/782-5778
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 305  
EXTENSIONS OF JURISDICTION

## Section

305.50	Extends Jurisdiction A, B & C
305.60	Extends Jurisdiction A, B & C (July 1, 1970)
305.70	Extends Jurisdiction A, B & C (July 1, 1970)
305.80	Extends Jurisdiction A, B & C (August 1, 1970)
305.90	Extends Jurisdiction A, B & C (August 1, 1971)
305.100	Extends Jurisdiction A, B & C (November 16, 1971)
305.110	Extends Jurisdiction A, B & C (April 1, 1972)
305.120	Extends Jurisdiction A, B & C (May 1, 1972)
305.130	Extends Jurisdiction A & C (October 1, 1972)
305.140	Extends Jurisdiction A & C (October 1, 1972)
305.150	Extends Jurisdiction A, B and C (November 1, 1972)
305.160	Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)
305.170	Extension of Jurisdiction
305.180	Termination of Extension of Jurisdiction
305.190	Extension of Jurisdiction
305.200	Third Extension of Jurisdiction to Office of the Treasurer
305.210	Extends Jurisdiction A, B and C (December 1, 1998)
305.220	Extends Jurisdiction A, B and C (December 1, 1998)
305.230	Extends Jurisdiction A, B and C (July 16, 2002)
305.240	Extends Jurisdiction A, B and C (April 7, 2005)
305.250	Extends Jurisdiction A, B and C (January 16, 2006)
305.260	Extends Jurisdiction A, B and C (November 30, 2008)
305.270	Extends Jurisdiction A, B and C (December 30, 2009)
<u>305.280</u>	<u>Extends Jurisdiction A, B and C (April 1, 2011)</u>

AUTHORITY: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].

SOURCE: Filed May 29, 1975; emergency amendment at 2 Ill. Reg. 46, p. 3, effective January 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 1, p. 61, effective January 1, 1979;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

codified at 7 Ill. Reg. 13214; amended at 10 Ill. Reg. 21643, effective December 15, 1986; amended at 22 Ill. Reg. 21302, effective December 1, 1998; emergency amendment at 26 Ill. Reg. 12060, effective July 16, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16150, effective October 18, 2002; emergency amendment at 29 Ill. Reg. 5751, effective April 7, 2005, for a maximum of 150 days; emergency expired September 3, 2005; amended at 29 Ill. Reg. 14530, effective September 14, 2005; emergency amendment at 30 Ill. Reg. 1378, effective January 16, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 9321, effective May 4, 2006; amended at 32 Ill. Reg. 18931, effective November 30, 2008; amended at 34 Ill. Reg. 834, effective December 30, 2009; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 305.280 Extends Jurisdiction A, B and C (April 1, 2011)**

- a) Effective April 1, 2011, the Personnel Code Jurisdictions A, B and C will be extended to the Department of Central Management Services' Bureau of Communication and Computer Services positions performing work as Program Manager, Technical Manager V or Network Engineer Manager II; to the Department of Central Management Services' Illinois Office of Communication and Information position performing work as Technical Manager V; and to the Department of Central Management Services' Bureau of Benefits position performing work as Technical Manager V.
- b) With the exception of those employees who have already been determined qualified, the affected employees cited in subsections (a) will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All other appointments subsequent to April 1, 2011 will be made pursuant to provisions of the Illinois Personnel Code and the rules of the Department of Central Management Services (see 80 Ill. Adm. Code 301, 302, 303, 304, 310 and 320). No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and rules of the Department of Central Management Services will apply to the affected employees effective April 1, 2011.

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Consumer Installment Loan Act
- 2) Code Citation: 38 Ill. Adm. Code 110
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
110.1	Amendment
110.15	Amendment
110.80	Amendment
110.100	Amendment
110.170	Amendment
110.190	Amendment
110.200	Amendment
110.215	Amendment
110.216	New Section
110.280	New Section
110.290	New Section
- 4) Statutory Authority: Implementing and authorized by Section 22 of the Consumer Installment Loan Act [205 ILCS 670/22]
- 5) A complete description of the subjects and issues involved: This rulemaking is being promulgated for the purpose of administering the provisions of Public Act 96-936, which was signed into law on June 21, 2010. PA 96-936 (Act) amended the Consumer Installment Loan Act, the Payday Loan Reform Act and the Illinois Financial Services Development Act to add interest rate caps on consumer installment loans, create new loan products and limit the interest rate that can be charged by consumer installment and sales finance agency lenders for revolving credit pursuant to the Illinois Financial Services Development Act. The Act also creates a consumer reporting service database to be used by Consumer Installment Loan Act licensees for the purpose of tracking consumer installment loan transactions made by licensees under the Act on a real time basis. The proposed rulemaking establishes new Sections per those provisions of the Act, such as a clarification of both payday and installment loan terms and verification from the licensee (lender) of a consumer's Gross Monthly Income and setting guidelines for the lender to enter those loans into the consumer reporting service database.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## 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 Objective: This rulemaking will not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: None
- B) Reporting, bookkeeping, or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 38: FINANCIAL INSTITUTIONS

## CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## PART 110

## CONSUMER INSTALLMENT LOAN ACT

## SUBPART A: GENERAL PROVISIONS

## Section

110.1	Definitions
110.10	Minimum Requirements for Office Records
110.15	Application for License; Controlling Person
110.20	Loan Register
110.30	Individual Account Records
110.40	File of Original Papers
110.50	Cash Book
110.60	Alphabetical Record of Co-Makers, Obligors or Guarantors
110.65	Permanent File
110.70	Payments
110.80	Simple Interest Loans
110.90	Cancellation and Return of Documents
110.100	Finance Charges – Rebates and Delinquency Charges
110.110	Hypothecation at the Time of the Sale of Obligor's Notes
110.120	Legal Forms
110.130	Judgments
110.140	Sale of Security
110.150	Trouble File
110.160	Lien Charges
110.170	Insurance
110.180	Office and Office Hours
110.190	Advertising
110.200	Other Business
110.210	Examination Remittances
110.215	Document Preparation Fee
<a href="#">110.216</a>	<a href="#">Small Consumer Loans; Charges Permitted</a>
110.220	Credit Practices
110.225	Verification of Amount Owning
110.230	General
110.235	Relocation
110.236	Name Change

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

110.240	Hearing Procedures
110.250	Limited Purpose Branch
110.260	Off-Site Records
110.265	Servicing of Accounts by Contract
110.270	Revocation or Suspension of License
<a href="#">110.280</a>	<a href="#">Gross Monthly Income Verification – Official Documentation</a>
<a href="#">110.290</a>	<a href="#">Consumer Reporting Service</a>

## SUBPART B: TITLE-SECURED LENDING

Section	
110.300	Definitions
110.310	Applicability of Rule
110.320	Application for License
110.330	Renewal of License
110.340	Simple Interest and Replacement
110.350	Release of Lien
110.360	Availability of Debt Management Services
110.370	Lending Limits and Refinancing
110.380	Second Notice
110.390	Possession of Vehicle
110.400	Loan Proceeds
110.410	Security Interest
110.420	Approved Database
110.430	Gross Monthly Income Verification

## SUBPART C: MORTGAGE LENDING

Section	
110.500	Definitions (Repealed)
110.505	Applicability of Rule (Repealed)
110.510	Good Faith Requirements (Repealed)
110.515	Fraudulent or Deceptive Practices (Repealed)
110.520	Prohibited Refinances (Repealed)
110.525	Negative Amortization (Repealed)
110.530	Negative Equity (Repealed)
110.535	Balloon Payments (Repealed)
110.540	Financing of Certain Points and Fees (Repealed)
110.545	Financing of Single Premium Insurance Products (Repealed)
110.550	Lending Without Due Regard to Ability to Repay (Repealed)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 110.555 Verification of Ability to Repay (Repealed)  
110.560 Payments to Contractors (Repealed)  
110.565 Counseling Prior to Perfecting Foreclosure (Repealed)  
110.570 Mortgage Awareness Program (Repealed)  
110.575 Offer of Mortgage Awareness Program (Repealed)  
110.580 Third Party Review (Repealed)
- 110.APPENDIX A Estimated Monthly Income and Expenses Worksheet (Repealed)  
110.APPENDIX B Mortgage Ratio Worksheet (Repealed)  
110.TABLE A Illinois Rule of 78 Fractions for Rebating Charges According to Number of Months Originally Contracted For and Number of Months Prepaid in Full for Contracts of 2 to 120 Months (Repealed)  
110.TABLE B Rule of 78 Percentage Rebate Table (Repealed)

AUTHORITY: Implementing and authorized by Section 22 of the Consumer Installment Loan Act [205 ILCS 670/22].

SOURCE: Filed and effective June 19, 1970; amended at 3 Ill. Reg. 24, p. 16, effective June 15, 1979; emergency amendment at 4 Ill. Reg. 5, p. 372, effective January 16, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 36, p. 138, effective September 22, 1980; amended at 5 Ill. Reg. 1352, effective February 3, 1981; codified at 7 Ill. Reg. 11721; amended at 9 Ill. Reg. 1343, effective January 17, 1985; amended at 11 Ill. Reg. 2749, effective January 28, 1987; emergency amendment at 11 Ill. Reg. 14141, effective August 7, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 10456, effective June 7, 1988; amended at 19 Ill. Reg. 44, effective December 22, 1994; amended at 20 Ill. Reg. 5799, effective April 8, 1996; emergency amendment at 22 Ill. Reg. 1485, effective January 2, 1998, for a maximum of 150 days; emergency expired May 31, 1998; amended at 22 Ill. Reg. 13657, effective July 14, 1998; amended at 25 Ill. Reg. 6227, effective May 17, 2001; amended at 25 Ill. Reg. 7456, effective August 1, 2001; expedited correction at 29 Ill. Reg. 5776, effective August 1, 2001; amended at 26 Ill. Reg. 14232, effective October 1, 2002; amended at 30 Ill. Reg. 12558, effective July 7, 2006; amended at 33 Ill. Reg. 4142, effective April 1, 2009; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 110.1 Definitions**

"Act" means the Consumer Installment Loan Act [205 ILCS 670].

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

"Controlling person" means a person owning or holding the power to vote 25% or more of the outstanding voting securities of a licensee or the power to vote the securities of another controlling person of the licensee. For purpose of determining the percentage of a licensee controlled by a controlling person, the person's interest shall be combined with the interest of any other person controlled, directly or indirectly, by that person or by a spouse, parent, or child of that person.

"Date of the loan" means the date on which the loan agreement is signed or accepted by the lender.

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

"Director" means the Director of the Department of Financial and Professional Regulation-Division of Financial Institutions with the authority delegated by the Secretary.

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

"Generally accepted accounting procedures" or "GAAP" means those adopted by the American Institute of Certified Public Accountants and Federal Accounting Standards Board.

"Hypothecate" means to pledge a security instrument without transfer of Title.

"Insurance Code" means 215 ILCS 5.

"Licensee" means a person, partnership, association, limited liability company, corporation or other legal entity licensed under the Act. Any person or entity who holds himself, herself or itself out as a licensee or who is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings and the Illinois Administrative Procedure Act [5 ILCS 100].

"Obligor" means the person to whom the proceeds of a loan are delivered or on whose behalf the proceeds of a loan are expended.

"Person" means an individual, partnership, association, joint stock association, corporation, or any other form of business organization.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

"Recording fee" is a fee paid to a government agency to record or release a security instrument.

"Sales Finance Agency Act" means 205 ILCS 660.

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

"Small Consumer Loan" means a loan upon which interest is charged at an annual percentage rate exceeding 36.00% and with an amount financed of \$4,000 or less. Small Consumer Loan does not include a payday loan as defined by the Payday Loan Reform Act [815 ILCS 122].

"Uniform Commercial Code" means 810 ILCS 5.

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

**Section 110.15 Application for License; Controlling Person**

- a) An application for a license must be in writing, under oath, and in the form the Director prescribes. The application shall contain the following:
  - 1) The legal name of the applicant, including any other names the applicant does or intends to do business as, and the address of the proposed place of business;
  - 2) The form of business organization of the applicant, including:
    - A) a copy of its filed articles of incorporation;
    - B) a copy of the filed articles of organization, if the applicant is a limited liability company;
    - C) a certified statement of the ownership of the partnership and any subsequent changes to the ownership, if the applicant is a partnership.
  - 3) Information on Involved Individuals

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- A) The name, business and home address, credit report (except for a publicly traded company) and a chronological summary of the business experience, material litigation history, and felony convictions over the preceding 10 years of:
- iA) the proprietor, if the applicant is an individual;
  - iiB) every general partner, if the applicant is a partnership;
  - iiiC) President, Secretary, Executive and Senior Vice Presidents, Directors and individuals owning more than 25% of the corporate stock, if the applicant is a corporation; and
  - ivD) the manager, if the applicant is a limited liability company.
- B) A licensee shall not submit the information required in subsections (a)(2) and (3) of this Section if the licensee has previously submitted the information to the Division in a previous license application within the last 5 years and there have been no material changes, unless requested to by the Director.
- 4) The most current year end financial statements, prepared in accordance with generally accepted accounting principles (Miller Comprehensive GAAP Guide, Harcourt Brace & Co., 6277 Sea Harbor Dr., Orlando FL 32877 (1998, no subsequent dates or editions)) and a balance sheet and statement of operations as of the most recent quarterly report before the date of the application.
  - 5) A list of all states in which the applicant is licensed as a lender or sales finance agency and whether the licenses of the applicant has ever been withdrawn, refused, cancelled or suspended in any other state, with full details.
  - 6) Bond as required by the Act.
  - 7) Appointment of Attorney-in-Fact.
  - 8) Business Plan, which shall only detail the nature, amount and term of

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

loans to be made and types of security that will be taken.

- 9) Photographs of both the inside and outside of the proposed site.
  - 10) Details of any other businesses that will be conducted within the licensed premises.
  - 11) Information Form.
  - 12) The applicable fees as required by the Act.
  - 13) Any additional information the Director considers necessary.
- b) A licensee that is a corporation must notify the Director within 15 days after a person becomes a controlling person. Upon notification, the Director may require all information he or she considers necessary to determine if a new application is required. A licensee that is an entity other than a corporation shall submit a new application to the Director seeking prior approval whenever a person proposes to become a controlling person or acquire an ownership interest.

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

**Section 110.80 Simple Interest Loans**

- a) No payment shall be accepted on the principal balance unless interest is paid to date or is agreed to by the licensee, except a payment may be credited to principal if the amount of the payment is not sufficient to pay the interest due for one day.
- b) A calendar month is the period from a given date in one month to the same numbered date in the following month, and if there is no same numbered date in the following month, to the last day of the following month.
- c) Interest shall be computed on the basis of one month's interest for each calendar month and 1/30 of a month's interest for each day in a fraction of a month or, alternatively, 1/365 of the agreed annual rate for each day actually elapsed.
- d) When a simple interest loan contract is renewed or refinanced, accrued but uncollected interest may be included in the principal amount of the new loan contract.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- e) Loans must be fully amortizing and repayable in substantially equal and consecutive weekly, biweekly, semimonthly, or monthly installments. Rates may vary according to an index that is ~~A non-standard payment schedule with irregular times or amounts and varying interest rates is permissible, in accordance with Section 15(e)(3) of the Act, providing there is proper disclosure of an independently verifiable~~ and index beyond the control of the licensee.

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

**Section 110.100 Finance Charges – Rebates and Delinquency Charges**

- a) Computation of Finance Charge
- 1) Charges may be computed on the original face amount of the loan contract for the full term of the loan contract at the agreed rate not to exceed the rate permitted in Section 15 of the Act.
  - 2) The maximum charge so computed (or any lesser amount) may be added to the original principal amount of the loan or may be deducted from the face amount of the contract when the loan is made.
- b) A standard payment schedule is one under which a loan is repayable in substantially equal and consecutive weekly, biweekly, semimonthly, or monthly installments of principal and charges combined, and the first installment is due one weekly, biweekly, semimonthly, or monthly period ~~month~~ from the date of the note, except as provided in subsection ~~subsections~~ (b)(1), ~~and~~ (2) and (3).
- 1) The loan contract shall be drawn to reflect a standard payment schedule with payments to be made on a weekly, biweekly, semimonthly, or monthly ~~calendar month~~ basis, except that the first installment period may exceed one weekly, biweekly, semimonthly, or monthly period ~~month~~ by as much as the following:
    - A) For weekly payments, by 4 days;
    - B) For biweekly and semimonthly payments, by 7 days;
    - C) For monthly payments, by 15 days.

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- 2) If a charge is made for extra days in the first installment period it may be added to the first installment payment. The interest for such period may be increased by  $\frac{1}{30}$  of the agreed monthly rate for each extra day. A charge for extra days in the first installment period does not change the amount of rebate required for prepayment in full on or after the first installment date.
- 32) If the first installment period is less than one month the loan charge shall be reduced by  $\frac{1}{30}$  of the agreed monthly rate for each day that the first installment period is less than one month, and the amount of the first installment shall be reduced by the same amount. Such adjustment in the first installment period does not change the amount of rebate required for prepayment in full on or after the first installment date.
- c) The obligor shall have the right to prepay a loan in full on any installment due date. When prepayment in full occurs on a date other than a scheduled installment due date, the rebate may be computed as of the next following scheduled installment due date.
- d) When the contract is renewed or refinanced before maturity, or judgment is obtained before maturity, the same rebate is required as for prepayment in full.
- e) The Rule of 78 shall be the method of rebating precomputed contracts [that are not Small Consumer Loans](#). The rebate shall be that proportion of the original charge for the loan ~~that~~ which the sum of the monthly balances scheduled to follow ~~thesueh~~ prepayment in full bears to the sum of all the monthly balances, both sums to be determined according to the originally contracted payment schedule. The required rebate is a fraction (or percentage) of the precomputed interest charge. The fraction differs for each number of months that the contract is prepaid in full.
- f) When a precomputed interest loan contract is renewed or refinanced, accrued but uncollected interest may be included in the principal amount of the new loan contract.
- g) Delinquency or Default Charges
- 1) All delinquency charges (Default Charges) shall comply with the

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requirements and provisions of the applicable statute under which the contract was made.

- 2) Delinquency charges may be assessed and collected and added to the balance of the note, but interest shall not be collected on said charge.
  - 3) Earned, but uncollected, delinquency charges shall be recorded on the account record on the date the delinquent payment is received, if the licensee intends to collect the charges at a later date.
- h) If two or more installments are delinquent on any installment date the contract balance may be reduced as of ~~that~~such date by the rebate ~~that~~which would be required for prepayment in full on ~~that~~such date. Thereafter, the agreed contractual rate may be charged on the actual unpaid balances of the loan contract until the contract is fully paid. Interest so received shall be in lieu of the rebated charges and any delinquency charge ~~that~~which would otherwise accrue after the date of which the rebate was made.
- i) When a contract is prepaid in full, a statement or receipt shall be given to the obligor, showing the date of prepayment, the amount of the rebate, if any, and the amount paid to discharge the loan.
- j) Fifteen days after the expiration date of the loan contract, interest may be charged at the contractually agreed rate, not to exceed the rate permitted in Section 15 of the Act, on any balance remaining unpaid. At the time of final payment the licensee shall notify the obligor of the balance unpaid.
- k) Deferment
- 1) Except for Small Consumer Loans, the maximum amount ~~that~~which may be charged for a one month's deferment is equal to the difference between the rebate that would be required for prepayment in full as of the scheduled due date of the deferred installment and the rebate ~~that~~which would be required for prepayment in full as of one month prior to ~~the~~due~~said~~ date. In the case of Small Consumer Loans, deferment charges shall be calculated according to Section 15(f)(6) and (7) of the Act and shall not exceed 18% per annum.
  - 2) On a precomputed loan the rebate for prepayment in full after deferment

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interest has been charged shall be larger than the rebate ~~that which~~ otherwise would be required.

- 3) If a rebate is required one month or more before the deferred due date of the first deferred installment, the licensee, at its option, may make a separate rebate of deferment interest for each unexpired month of the deferment period and then rebate the standard precomputed finance charge for the number of months to the original final installment date, plus one month for each month that deferment is retained.

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

**Section 110.170 Insurance**

- a) Licensees may provide insurances to the obligor provided the obligor has indicated in a specific, dated and separately signed statement that he or she desires the insurance coverage. The purchase of any policy of insurance from or through the licensee shall not be a condition precedent to a loan. ~~The Such~~ insurance shall comply with the Illinois Insurance Code and all lawful requirements of the Director of the Department of Financial and Professional Regulation-Division of Insurance related to that insurance.
- b) The licensee may provide joint credit life or joint credit accident and health insurance if both insureds are obligated for the loan; however, this coverage shall not be a requirement precedent to the extension of credit.
- c) When a loan is prepaid in full, the obligor shall receive a refund of the insurance charges. The required refund shall be computed according to the Rule of 78 or the Sum of the Digits Method, except for those refunds calculated for Small Consumer Loans, which shall be calculated based on a method that is as least as favorable to the consumer as the actuarial method, as defined by the Federal Truth in Lending Act (15 USC 1601 et seq.). When the refund of any insurance premium is less than \$1.00, no refund is required.
- d) It shall be the licensee's responsibility to explain clearly to the obligor the benefits and limitations of any insurance requested in connection with any loan or loan extensions.
- e) The licensee shall also deliver or cause to be delivered to the obligor a copy of the

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policy, or policies, certificate, or other evidence at the time the loan is made, and all obligors shall sign and receive a copy of a separate agreement clearly and conspicuously disclosing the limits of coverage.

- f) No obligor shall be required to purchase any policy of insurance from any certain company, agent, broker or person as a condition precedent to a loan. No licensee shall decline new or existing insurance that is approved by the Department of Financial and Professional Regulation-Division of Insurance, or prevent any obligor from obtaining the insurance from any other source.
- g) When the loan is made, the insurance charges shall be computed for no more than the term of the loan contract on an amount ~~that~~<sup>which</sup> does not exceed the total amount required to pay the combined total of principal and interest charges.
- h) The obligor's estate shall be paid the amount due between the unpaid balance and the insurance benefit paid. Evidence of this payment shall be maintained by the licensee.
- i) In the case of a precomputed contract, the amount of the net unpaid balance shall be the unpaid balance of the note unless any required rebate for prepayment in full on the date of the borrower's death, plus accrued but unpaid delinquency charges. In the case of a simple interest contract, the amount of the net unpaid balance shall be the principal balance plus accrued interest to the date of the borrower's death.
- j) The licensee shall keep in its office a separate record of all accounts on which death claims have been paid. The account records shall indicate the date of death and the refunds of interest or loan charges and unearned insurance premiums paid to the estate. The refund check or voucher shall be available on demand.
- k) Insurance against loss or damage to real or personal property given as security for a loan or liability arising out of ownership may be required of an obligor.
- l) Property insurance provided by a licensee shall be consistent with the amount and term of the loan and shall not extend beyond the maturity of the loan unless the loan is delinquent, when it may be extended 30 days beyond the original expiration date without charge to the obligor.
- m) Upon cancellation of the loan by prepayment, renewal or refinancing, the obligor

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shall be entitled to a refund not less than the unearned premium based on the Rule of 78 in any amount exceeding \$1.00. [In the case of a Small Consumer Loan, the refund shall be calculated based on a method that is at least as favorable to the consumer as the actuarial method, as defined by the federal Truth in Lending Act.](#)

- n) The licensee or affiliate may receive compensation for the sale of any insurance or debt cancellation contract or other such product purchased pursuant to the loan made or held by the licensee, provided the licensee discloses to the obligor that either the licensee or an affiliate may receive something of value in connection with the purchase by the obligor. This must be prominently disclosed in the loan contract.

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

**Section 110.190 Advertising**

- a) Licensees shall not advertise "No co-makers required", "No endorsers required", "Signature only" loans, "Loans made on your plain note" or the like, unless the loans constitute at least 50% of all loans made by the licensee.
- b) Licensees shall not make reference, in any form of advertising such as newspapers, circulars, letters, radio, or other media, to "Low rates", or "Lower rates", or "Lowest rates", or "Lowest cost", or ~~to~~ indicate by direct or indirect means through such expression as "Low cost", "Lower cost", or "Easier to repay", or by any device that the charges for a loan are low.
- c) Licensees may advertise "New reduced rates" or "Reduced rates", or similar phrases for not more than 60 days after the effective date of the reduction in rates.
- d) Upon specific request by the Division, licensees shall forward to the Supervisor of the Consumer Credit ~~Section~~Division the complete text of all advertising copy, whether printed or broadcast, for which questions have been raised concerning compliance with the Act.
- e) A licensee may indicate in advertising and otherwise that its business is "regulated" or "examined" or "supervised" or "licensed" by the State of Illinois. A licensee may not advertise in a *false, misleading or deceptive manner* or imply or indicate that the rates or charges for loans made are "approved", "set" or "established" by the State government. [205 ILCS 670/18]

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- f) Should any advertisement by a licensee state the amount of any installment payment, dollar amount of any finance charge or number of installments, or period of repayment, the advertisement shall comply with the provisions of the [federal](#) Consumer Credit Protection Act ([15 USC 41 et seq.](#)) and the regulations applicable to that Act.
- g) Any statement of the payment schedule for a loan in an advertisement must show the proceeds of the loan exclusive of the finance charge and indicate the number and amount of the [weekly, biweekly, semimonthly, or](#) monthly installments required to pay the loan contract. The total of the installments must be sufficient to pay the total of the proceeds and finance charge for the loan according to the payment schedule. When a payment schedule is used, it must disclose the Annual Percentage Rate for each amount of loan advertised, using that term.
- h) If the advertisement includes an offer of insurance, the advertisement must disclose the type of insurance offered and whether or not the installments include the cost of the insurance.
- i) The licensee shall not advertise the conduct of business other than at the license location or other location approved by the Director.
- j) On a finding that an advertisement is false, misleading or deceptive, the Director may issue a cease and desist order.

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

**Section 110.200 Other Business**

Unless otherwise authorized by the Act, no other business may be conducted at the licensed location unless authorized in writing by the Director. The Director's authorization will be predicated upon the licensee's agreeing to the following:

- a) That the authorization will not conceal nor facilitate concealment of an evasion of the Act;
- b) To comply with any State or federal statute or regulation;
- c) To obtain any license or registration required by a federal, State or local

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government agency to engage in the other business authorized;

- d) That the Division may examine all records and investigate any or all transactions of the licensee;
- e) The Director retains the right, upon notice and opportunity to be heard, to alter, amend or revoke another business authorization;
- f) That, if any federal or State statute or regulation enacted after the authorization prohibits the activity, the authorization shall become null and void immediately;
- g) At the time of making the request for the authorization, the licensee shall pay to the Director a nonrefundable Other Business Authorization Request fee of \$100;
- h) At the time of renewing the annual license, the licensee shall pay to the Director the sum of \$25 [as a renewal fee](#) for each Other Business Authorization. Regardless of the number of licensed locations, only one fee per Other Business Authorization is required to be remitted.

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

**Section 110.215 Document Preparation Fee**

[Except for Small Consumer Loans](#), a licensee may assess the obligor a document preparation fee not to exceed \$25. This fee may be assessed for consummated loans only and shall be itemized and disclosed in the loan contract as prescribed under the [federal Truth in Lending Truth-in-Lending](#) Act. In the event of prepayment in full, no portion of this fee is required to be refunded.

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

**Section 110.216 Small Consumer Loans; Charges Permitted**

[A licensee may charge fees for Small Consumer Loans as permitted by Section 17.2 of the Act.](#)

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

**Section 110.280 Gross Monthly Income Verification – Official Documentation**

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- a) Prior to making a loan under the Act, the licensee must obtain from the consumer one or more of the following types of documentation to verify the gross monthly income of the consumer as required by Section 17.4 of the Act.
- 1) A copy of the consumer's most recent official pay stub or official payroll receipt.
  - 2) A copy of the consumer's most recent official receipt documenting payment of government benefits.
  - 3) A copy of the consumer's tax returns, but only during the first 30 days of the calendar year in which they are filed and only in conjunction with another form of official documentation, including, but not limited to, a consumer's most recent bank statement.
  - 4) Signed and verifiable documentation prepared by the source of the income.
  - 5) Other documentation as approved by the Director.
- b) The following documents are acceptable proof of income for individuals claiming self-employed income:
- 1) An Employment Contract in conjunction with a business bank account statement that discloses deposits that correspond to the employment contract. The bank statement must be dated within the 30 days prior to the date on which the loan is made.
  - 2) A Certified Financial Statement certifying consumer's income for the month prior to applying for the loan. In conjunction with the Certified Financial Statement, a business bank account statement must be provided that discloses deposits that correspond to the Financial Statement. The bank statement must be dated within the 30 days prior to the date on which the loan is made. If a Certified Financial Statement is used for income verification, the following language (written in the consumer's primary language) must be made part of the document and signed by the consumer:

I, \_\_\_\_\_, under penalty of perjury, do hereby swear that this certified financial statement is true and accurate. I hereby

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attest that the income and expenses as shown above (or attached hereto) for the period of \_\_\_\_\_ to \_\_\_\_\_ are factually correct; any misrepresentation of factual data above is solely my responsibility. Furthermore, I understand that this financial statement is being used to determine my ability to qualify for, and my ability to repay, a loan made under the Illinois Consumer Installment Loan Act.

- 3) Audited Financial Statements verifying income for the month prior to the date on which the loan is made and signed by an Illinois licensed accountant.

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

**Section 110.290 Consumer Reporting Service**

- a) For the purposes of this Section, "certified database" means the consumer reporting service database established pursuant to the Payday Loan Reform Act [815 ILCS 122].
- b) Within 90 days after making a Small Consumer Loan, a licensee shall enter information about the loan into the certified database.
- c) For every Small Consumer Loan made, the licensee shall input the following information into the certified database within 90 days after the loan is made:
- 1) the consumer's name and official identification number (for purposes of this Act, "official identification number" includes a Social Security Number, an Individual Taxpayer Identification Number, a Federal Employer Identification Number, an Alien Registration Number, or an identification number imprinted on a passport or consular identification document issued by a foreign government);
  - 2) the consumer's gross monthly income;
  - 3) the date of the loan;
  - 4) the amount financed;

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- 5) the term of the loan;
  - 6) the acquisition charge;
  - 7) the monthly installment account handling charge;
  - 8) the verification fee;
  - 9) the number and amount of payments; and
  - 10) whether the loan is a first or subsequent refinancing of a prior Small Consumer Loan.
- d) Once a loan is entered into the certified database, the certified database shall provide to the licensee a dated, time-stamped statement acknowledging the certified database's receipt of the information and assigning each loan a unique loan number.
- e) The licensee shall update the certified database within 90 days if any of the following events occur:
- 1) the loan is paid in full by cash;
  - 2) the loan is refinanced;
  - 3) the loan is renewed;
  - 4) the loan is satisfied in full or in part by collateral being sold after default;
  - 5) the loan is cancelled or rescinded; or
  - 6) the consumer's obligation on the loan is otherwise discharged by the licensee.
- f) To the extent a licensee sells a product or service to a consumer, other than a Small Consumer Loan, and finances any portion of the cost of the product or service, the licensee shall, in addition to and at the same time as the information inputted under subsection (d), enter into the certified database:

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- 1) a description of the product or service sold;
  - 2) the charge for the product or service; and
  - 3) the portion of the charge for the product or service, if any, that is included in the amount financed by a Small Consumer Loan.
- g) The certified database provider shall indemnify the licensee against all claims and actions arising from illegal or willful or wanton acts on the part of the certified database provider. The certified database provider may charge a fee not to exceed \$1 for each loan entered into the certified database under subsection (d). The database provider shall not charge any additional fees or charges to the licensee.
- h) All personally identifiable information regarding any consumer obtained by way of the certified database and maintained by the Department is strictly confidential and shall be exempt from disclosure under [Section 7\(1\)\(c\)](#) of the Freedom of Information Act [\[5 ILCS 140\]](#).
- i) A licensee who submits information to a certified database provider in accordance with this Section shall not be liable to any person for any subsequent release or disclosure of that information by the certified database provider, the Department, or any other person acquiring possession of the information, regardless of whether [the](#) subsequent release or disclosure was lawful, authorized or intentional.
- j) To the extent the certified database becomes unavailable to a licensee as a result of some event or events outside the control of the licensee or the certified database is decertified, the requirements of this Section and Section 17.4 of the Act are suspended until such time as the certified database becomes available.

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

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- 1) Heading of the Part: Payday Loan Reform Act
- 2) Code Citation: 38 Ill. Adm. Code 210
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
210.1	Amendment
210.16	New Section
210.70	Amendment
210.72	New Section
210.75	New Section
210.170	Amendment
210.250	Amendment
210.260	Amendment
- 4) Statutory Authority: Implementing and authorized by the Payday Loan Reform Act [815 ILCS 122]
- 5) A complete description of the subjects and issues involved: This rulemaking is being promulgated in conjunction with Public Act 96-936, which was signed into law on June 21, 2010. PA 96-936 (Act) amended the Consumer Installment Loan Act, the Payday Loan Reform Act and the Illinois Financial Services Development Act. The Act adds interest rate caps on consumer installment loans, creates new loan products and limits the interest rate that can be charged by consumer installment and sales finance agency lenders for revolving credit pursuant to the Illinois Financial Services Development Act. The Act creates a consumer reporting service database to be used by Consumer Installment Loan Act licensees for the purpose of tracking consumer installment loan transactions made by licensees under the Act on a real time basis. The proposed rulemaking establishes new Sections per the provisions of the Act, such as defining "installment payday loan", limitation of dual licensure per the Act (as a Consumer Installment Loan license), and specifying loan terms for those types of loans.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

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- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- Craig Cellini, Rules Coordinator  
Department of Financial and Professional Regulation  
320 West Washington, 3rd Floor  
Springfield, Illinois 62767-0001
- 217/785-0813  
FAX: 217/558-4451
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: None
- B) Reporting, bookkeeping, or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

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## TITLE 38: FINANCIAL INSTITUTIONS

## CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## PART 210

## PAYDAY LOAN REFORM ACT

## Section

210.1	Definitions
210.10	Minimum Requirements for Office Records
210.15	Application for Payday Lender License; Controlling Person
<a href="#">210.16</a>	<a href="#">Dual Licensure Limitation</a>
210.20	Loan Register
210.30	Individual Account Records
210.40	File of Original Papers
210.50	Cash Book
210.60	Alphabetical Record of Co-Makers, Consumers or Guarantors
210.65	Permanent File
210.70	Payments <a href="#">and Refunds</a>
<a href="#">210.72</a>	<a href="#">Loan Terms</a>
<a href="#">210.75</a>	<a href="#">Installment Payday Loans</a>
210.80	Cancellation and Return of Documents
210.90	Hypothecation at the Time of the Sale of Consumer's Loan Agreement
210.100	Legal Forms
210.110	Judgments
210.120	Trouble File
210.130	Office and Office Hours
210.140	Advertising
210.150	Other Business
210.160	Examination Remittances
210.170	General
210.180	Relocation
210.190	Name Change
210.200	Hearing Procedures
210.210	Off-Site Records
210.220	Servicing of Accounts by Contract
210.230	Revocation or Suspension of License
210.240	Consumer Written Verification of Compliance with Act
210.250	Gross Monthly Income Verification
210.260	Certified Database/Commercially Reasonable Method of Verification

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AUTHORITY: Implementing and authorized by the Payday Loan Reform Act [815 ILCS 122].

SOURCE: Adopted at 29 Ill. Reg. 21008, effective December 16, 2005; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 210.1 Definitions**

"Act" means the Payday Loan Reform Act [815 ILCS 122].

"Controlling person" means a person owning or holding the power to vote 25% or more of the outstanding voting securities of a licensee or the power to vote the securities of another controlling person of the licensee. For the purpose of determining the percentage of a licensee controlled by a controlling person, the person's interest shall be combined with the interest of any other person controlled, directly or indirectly, by that person or by a spouse, parent, or child of that person.

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

"Director" means the Director of the Division of Financial Institutions with the authority delegated by the Secretary.

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

"Generally accepted accounting principles" or "GAAP" means those adopted by the American Institute of Certified Public Accountants and Federal Accounting Standards Board and incorporated by reference in Section 210.15.

"Gross monthly income" means monthly income as demonstrated by official documentation of the income, including, but not limited to, a consumer's most recent pay stub or most recent receipt reflecting payment of government benefits.

"Hypothecate" means to pledge a security instrument without transfer of title.

"Installment payday loan" means a payday loan with a term agreed to by the parties of not less than 112 days and not exceeding 180 days and that is repayable

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in substantially equal and consecutive installments pursuant to Section 2-5(c) of the Act.

"Licensee" means a lender and licensee as defined in Section 1-10 of the Act.

"Loan Receivables" means the outstanding balances due on the loans of the licensee.

"Other business authorization" means the authorization in writing required by Section 3-5(g) of the Act to conduct another business in a location licensed under the Act that would not be contrary to the best interest of consumers.

"Payday Lender License" means a license issued pursuant to the Act.

"Person" means an individual, partnership, association, joint stock association, corporation, or any other form of business organization.

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

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

**Section 210.16 Dual Licensure Limitation**

Notwithstanding Section 3-5(g) of the Act, a licensee may obtain a license under the Consumer Installment Loan Act (CILA) for the exclusive purpose and use of making title secured loans, as defined in Section 15(a) of CILA and governed by 38 Ill. Adm. Code 110.300. A licensee may continue to service CILA loans that were outstanding as of the effective date of the amendatory Act of 2010 (March 21, 2011).

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

**Section 210.70 Payments and Refunds**

- a) All payments shall be credited on the account record as of the date received.
- b) When a payment is made in cash, the licensee shall give a receipt to the consumer. A receipt is not required for payment by check or money order unless requested by the consumer.

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- c) When any loan contract is paid in full, the licensee shall refund any unearned finance charge. Refunds of unearned finance charges for installment payday loans shall be paid to the consumer either in cash or by check by the final scheduled maturity date or upon full repayment of the loan, whichever is sooner. The unearned finance charge that is refunded shall be calculated based on a method that is at least as favorable to the consumer as the actuarial method, as defined by the federal Truth in Lending Act (15 USC 1601 et seq.). The sum of the digits or rule of 78 method of calculating prepaid interest refunds is prohibited.

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

**Section 210.72 Loan Terms**

- a) No lender may make a payday loan to a consumer if the total of all payday loan payments coming due within the first calendar month of the loan, when combined with the payment amount of all of the consumer's other outstanding payday loans coming due within the same month, exceeds the lesser of:
- 1) \$1,000; or
  - 2) in the case of one or more payday loans, 25% of the consumer's gross monthly income; or
  - 3) in the case of one or more installment payday loans, 22.5% of the consumer's gross monthly income; or
  - 4) in the case of a payday loan and an installment payday loan, 22.5% of the consumer's gross monthly income.
- b) No lender may charge more than \$15.50 per \$100 loaned on any payday loan, or more than \$15.50 per \$100 on the initial principal balance and on the principal balances scheduled to be outstanding during any installment period on any installment payday loan. Except for installment payday loans and except as provided in Section 2-25 of the Act, this charge is considered fully earned as of the date on which the loan is made.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- c) A lender may not take or attempt to take an interest in any of the consumer's personal property to secure a payday loan.
- d) A consumer has the right to redeem a check or any other item described in the definition of payday loan under Section 1-10 of the Act issued in connection with a payday loan from the lender holding the check or other item at any time before the payday loan becomes payable by paying the full amount of the check or other item.

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

**Section 210.75 Installment Payday Loans**

- a) Notwithstanding anything in the Act to the contrary, a payday loan shall also include any installment loan otherwise meeting the definition of payday loan contained in Section 1-10 of the Act, but that has a term agreed to by the parties of not less than 112 days and not exceeding 180 days (referred to in this Section as an "installment payday loan"). The following provisions shall apply:
  - 1) Any installment payday loan must be fully amortizing, with a finance charge calculated on the principal balances scheduled to be outstanding and be repayable in substantially equal and consecutive installments, according to a payment schedule agreed to by the parties, with not less than 13 days and not more than one month between payments; except that, the first installment period may be longer than the remaining installment periods by not more than 15 days, and the first installment payment may be larger than the remaining installment payments by the amount of finance charges applicable to the extra days.
  - 2) An installment payday loan may be refinanced by a new installment payday loan one time during the term of the initial loan; provided that the total duration of indebtedness on the initial installment payday loan, combined with the total term of indebtedness of the new loan refinancing that initial loan, shall not exceed 180 days. For purposes of the Act, a refinancing occurs when an existing installment payday loan is paid from the proceeds of a new installment payday loan.
  - 3) In the event an installment payday loan is paid in full prior to the date on which the last scheduled installment payment before maturity is due, other

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

than through a refinancing, no licensee may offer or make a payday loan to the consumer for at least 2 calendar days after the date on which the loan is paid in full.

- 4) No installment payday loan may be made to a consumer if the loan would result in the consumer being indebted to one or more payday lenders for a period in excess of 180 consecutive days.
- b) No loan shall be made to a consumer who has an outstanding balance on 2 payday loans, except that, for a period of 12 months after the effective date of the amendatory Act of 2010 (effective March 21, 2011), consumers with an existing CILA loan may be issued an installment loan issued under the Act from the company from which their CILA loan was issued. For purposes of this Section, "company" means a person or legal entity.
- c) No lender may charge more than \$15.50 per \$100 on the initial principal balance and on the principal balances scheduled to be outstanding during any installment period on any installment payday loans.
- d) For purposes of determining the finance charge earned on an installment payday loan, the disclosed annual percentage rate shall be applied to the principal balance outstanding from time to time until the loan is paid in full, or until the maturity date, whichever occurs first. No finance charge may be imposed after the final scheduled maturity date.
- e) Repayment plans on installment payday loans are prohibited.

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

**Section 210.170 General**

- a) Notary fees shall not be charged to or collected from the consumer.
- b) Examination of Records
- 1) The Division may examine all records and investigate any or all transactions in the office of the licensee and shall charge the licensee \$400 for each examiner day or portion of an examiner day.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 2) The examination of the books and records of the licensee may be conducted concurrently with the examination of any other business conducted by the licensee that is regulated or licensed by the Division. A separate charge shall be made for each examiner day or portion of an examiner day.
- 3) The Division may conduct an examination for the purpose of verifying that the licensee has taken necessary actions to correct violations of the Act or this Part and shall charge the licensee \$550 for each examiner day or portion of an examiner day, when the Director determines the verification examination must be performed on site at any facility of the licensee.
- c) For the purpose of any reports required by the Division, expenses of all businesses conducted in the licensed office shall be allocated to each separate business at the end of each year. The Division shall require information as to all the businesses in the licensee's annual report.
- d) A lender may charge a borrower a fee not to exceed \$1 for the verification required under Section 2-15 of the Act. Only one such fee may be collected by the lender with respect to a particular loan.

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

**Section 210.250 Gross Monthly Income Verification**

- a) Prior to making a loan under the Act, the licensee must obtain from the consumer one or more of the following types of documentation to verify the gross monthly income of the consumer as required by Section 2-5(c) of the Act.
  - 1a) A copy of the consumer's most recent official pay stub or official payroll receipt, ~~for the period 30 days prior to the date on which the loan is made.~~
  - 2b) A copy of the consumer's most recent official receipt documenting payment of government benefits, ~~for the period 30 days prior to the date on which the loan is made.~~
  - 3) A copy of the consumer's tax returns, but only during the first 30 days of the calendar year in which they are filed and only in conjunction with

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another form of official documentation, including, but not limited to, a consumer's most recent bank statement.

4) Signed and verifiable documentation prepared by the source of the income.

5e) Other documentation as approved by the Director.

b) The following documents are acceptable proof of income for individuals claiming self-employed income:

1) An Employment Contract in conjunction with a business bank account statement that discloses deposits that correspond to the employment contract. The bank statement must be dated within the 30 days prior to the date on which the loan was made.

2) A Certified Financial Statement certifying consumer's income for the month prior to applying for the loan. In conjunction with the Certified Financial Statement, a business bank account statement must be provided that discloses deposits that correspond to the Financial Statement. The bank statement must be dated within the 30 days prior to the date on which the loan is made. If a Certified Financial Statement is used for income verification, the following language (written in the consumer's primary language) must be made part of the document and signed by the consumer:

I, \_\_\_\_\_, under penalty of perjury, do hereby swear that this certified financial statement is true and accurate. I hereby attest that the income and expenses as shown above (or attached hereto) for the period of \_\_\_\_\_ to \_\_\_\_\_ are factually correct; any misrepresentation of factual data above is solely my responsibility. Furthermore, I understand that this financial statement is being used to determine my ability to qualify for, and my ability to repay, a loan made under the Payday Loan Reform Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 3) Audited Financial Statements verifying income for the month prior to the date on which the loan is made and signed by an Illinois licensed accountant.

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

**Section 210.260 Certified Database/Commercially Reasonable Method of Verification**

- a) Certified Database. In order to certify a consumer reporting service as a commercially reasonable database pursuant to the Act, the provider must comply with the following provisions:
- 1) Single, centralized consumer reporting service to track payday loan transactions made by licensees under the Act on a real time basis.
  - 2) Real time access by the Division and licensees to verify that individual consumers are eligible for a loan pursuant to the requirements of the Act.
  - 3) All requirements in Section 2-15 of the Act regarding verification.
  - 4) Customer support to licensees and consumers during regular business hours.
  - 5) Develop and provide training to Division staff and licensees under the Act prior to implementation and on an ongoing basis.
  - 6) Provide a charge-back methodology to licensees not to exceed \$1 for each search to determine eligibility of the consumer for a loan under the Act.
  - 7) All requirements of Section 2-17 of the Act regarding qualifications and bonding.
  - 8) All confidentiality and privacy requirements of the Act and required by law.
- b) The certified consumer reporting service may charge a verification fee not to exceed \$1 upon a loan being made or entered into the database. The certified consumer reporting service shall not charge any additional fees or charges.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- c) Additional Database Providers. As technology advances permit, the Division may certify additional database providers in the future. Any additional database provider must guarantee, to the satisfaction of the Director, that the additional database can interface with any other certified database to provide a single point of verification for licensees and the Division to determine consumer eligibility for a loan pursuant to the Act and to provide a single source for reporting purposes.
- de) Licensee Input into Database
- 1) The licensee shall input the following information into the certified database to determine whether the consumer is eligible for a loan pursuant to the requirements of the Act:
    - A) Consumer's Social Security Number or Alien Identification Number.
    - B) Consumer's gross monthly income.
    - C) Any additional information required by the database provider.
  - 2) On the same day the payday loan is made, the licensee shall update the certified database with the following information:
    - A) Consumer's Social Security Number or Alien Identification Number.
    - B) The principal amount of the loan.
    - C) The total amount of the loan.
    - D) The term of the loan.
    - E) Security accepted for the loan.
    - F) Any additional information required by the database provider.
  - 3) The licensee shall update the certified database with the information required by the database on the same day the loan transaction is made, including, but not limited to, the following transactions:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- A) Electing a repayment plan.
- B) Paying the loan in full, including the refinancing of an installment payday loan as permitted under Section 2-5(c) of the Act.
- C) Making a partial payment.
- D) Depositing the check used as security for the loan.
- E) Canceling a loan within 48 hours as allowed by the Act.
- F) Recording an NSF return on a previously closed transaction.
- G) Return of security.
- H) Any other transaction as required by the database provider.

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Award and Monitoring of Funds
- 2) Code Citation: 77 Ill. Adm. Code 2030
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2030.20	Amendment
2030.105	Amendment
2030.107	Amendment
2030.108	New Section
2030.109	New Section
- 4) Statutory Authority: Authorized by the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking allows for the process of utilization management to be performed by the Division of Alcoholism and Substance Abuse effective January, 2011. Services will be clinically reviewed and payments managed by DASA Utilization Review staff based on criteria established through this update for the providers of residential services throughout the State.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes, see Section 2030.109 (g).
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: DASA funded providers of residential rehabilitation services (ASAM Level 3.5).
  - B) Reporting, bookkeeping or other procedures required for compliance: Increased administrative time, oversight, and reviews documented directly related to submission of request for approval forms related to DASA Utilization Management processes required.
  - C) Types of professional skills necessary for compliance: Understanding of the DASA UM process, computer skills to submit application forms, and the ability to submit clear and concise clinical justifications for admission and continued stay reviews related to residential rehabilitation services.
- 14) Regulatory agenda on which this rulemaking was summarized: The proposed amendments were not included on the last two regulatory agendas as they were not anticipated at the time of filing the two most recent agendas.

The full text of the Proposed Amendments are identical to the text of the emergency amendments that appears in this issue of the *Illinois Register* on page 1448.



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

Harris Building, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762

217/557-1549

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: DASA funded providers of residential rehabilitation services (ASAM Level 3.5).
  - B) Reporting, bookkeeping or other procedures required for compliance: Increased administrative time, oversight, and reviews documented directly related to submission of request for approval forms related to DASA Utilization Management processes required.
  - C) Types of professional skills necessary for compliance: Understanding of the DASA UM process, computer skills to submit application forms, and the ability to submit clear and concise clinical justifications for admission and continued stay reviews related to residential rehabilitation services.
- 14) Regulatory agenda on which this rulemaking was summarized: This proposed rulemaking was not included on the last two Regulatory Agendas because they were not anticipated at the time of filing the two most recent agendas.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page 1465.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield, Illinois 62761

217/782-2043  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any organization that has an outdoor physical fitness facility as defined by the Act that does not have a building to house an AED within 300 feet.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: "Physical Fitness Facilities" are required to have an AED present at outdoor physical fitness facilities unless the facility falls under any exception in the rules.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH  
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
 SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

## PART 527

## PHYSICAL FITNESS FACILITY MEDICAL EMERGENCY PREPAREDNESS CODE

## Section

527.100	Definitions
527.200	Incorporated and Referenced Materials
527.300	Physical Fitness Facility
527.400	Medical Emergency Plan
527.500	Coordination with Local Emergency Medical Services Systems
527.600	Automated External Defibrillators Required
527.700	Maintenance and Testing of Automated External Defibrillators
527.800	Training
527.900	Complaints and Inspections
527.1000	Violations
527.1100	Hearings

AUTHORITY: Implementing and authorized by the Physical Fitness Facility Medical Emergency Preparedness Act [210 ILCS 74].

SOURCE: Adopted at 29 Ill. Reg. 13855, effective August 23, 2005; amended at 34 Ill. Reg. 11419, effective July 21, 2010; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 527.600 Automated External Defibrillators Required**

- a) By the compliance dates specified in Section 50 of the Act, each facility shall have at least one ~~operable~~**operational** AED on the premises at all times.
- b) If the AED becomes inoperable, the facility shall replace or repair the AED within 30 days. The AED shall be mobile and accessible at all times ~~when the AED is operable~~**operable**.
- c) *In the case of an outdoor physical fitness facility, the AED must be housed in a building, if any, that is within 300 feet of the outdoor facility where an event or activity is being conducted. If there is such a building within the required distance, the building must provide unimpeded and open access to the housed*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

*AED during the time the event or activity is being conducted. ~~The building's entrances shall further provide marked directions to the housed AED. The building's entrances shall provide marked directions to the housed AED. If there is no such building, the person responsible for supervising the event or activity at the outdoor physical fitness facility shall ensure that an AED is available at the outdoor facility during the time that the event or activity at the facility is being conducted.~~* (Section 15(b-10) of the Act)

- d) *Facilities described in paragraph (1.5) of Section 5.25 of the Act must have an AED on site as well as a trained AED user available only during activities or events sponsored and conducted or supervised by a person or persons employed by the unit of local government, school, college, or university.* (Section 5.25 of the Act)
- e) If multiple facilities are located on the same floor of a building, one AED can be used for multiple facilities so long as the AED is located not more than 300 feet from each facility and access to the AED is unimpeded from each facility.
- f) Facility owners/operators may enter into written contracts with third party operators to ensure that a proper number of AEDs and trained AED users are present during all third party sponsored activities that are not otherwise supervised by the owners/operators of the facility.
- g) Questions concerning this Part shall be directed to the following address:
- Illinois Department of Public Health  
Division of EMS & Highway Safety  
422 S. 5<sup>th</sup> St. – 3<sup>rd</sup> Floor  
Springfield IL 62701
- h) Entities requesting a formal Department determination on the application of the Act shall be subject to inspection under Section 527.900.

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Grant Program for Dependents of Correctional Officers
- 2) Code Citation: 23 Ill. Adm. Code 2731
- 3) Section Number: 2731.20                      Proposed Action: Amendment
- 4) 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)]
- 5) A Complete Description of the Subjects and Issues Involved: 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.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Deerfield, IL 60015

847/948-8500

email: lhynes@isac.org

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
 SUBTITLE A: EDUCATION  
 CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2731

## GRANT PROGRAM FOR DEPENDENTS OF CORRECTIONAL OFFICERS

## Section

2731.10	Summary and Purpose
2731.20	Applicant Eligibility
2731.30	Program Procedures
2731.40	Institutional Procedures

AUTHORITY: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20780, effective January 1, 1986; transferred from Chapter IX, 23 Ill. Adm. Code 1731 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2731 (Illinois Student Assistance Commission) pursuant to P.A. 86-169, effective July 1, 1989, at 13 Ill. Reg. 17853; amended at 14 Ill. Reg. 10534, effective July 1, 1990; amended at 17 Ill. Reg. 10559, effective July 1, 1993; amended at 18 Ill. Reg. 10299, effective July 1, 1994; amended at 20 Ill. Reg. 10183, effective July 15, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11100, effective July 18, 1997; amended at 30 Ill. Reg. 11632, effective July 1, 2006; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2731.20 Applicant Eligibility**

a) A qualified applicant shall be:

1) either:

A) the natural child, legally adopted child, or child in the legal custody of a correctional officer at the time the officer was ~~permanently disabled or~~ killed in the line of duty or at the time a permanently disabling injury occurred in the line of duty; or

B) the husband or wife of a correctional officer at the time the officer was ~~permanently disabled or~~ killed in the line of duty or at the time a permanently disabling injury occurred in the line of duty; and

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 2) a United States citizen or an eligible noncitizen; and
  - 3) enrolled on at least a half-time basis at an institution that is approved for participation in the Monetary Award Program (MAP) (see 23 Ill. Adm. Code 2735); and
  - 4) making satisfactory academic progress toward a degree or certificate.
- b) An applicant need not be a resident of Illinois at the time of enrollment.
  - c) An applicant does not have to demonstrate financial need to receive this grant.
  - d) A spouse who remarries after a correctional officer is killed in the line of duty, or divorces a permanently disabled officer, is not eligible. Common law partners are not eligible.
  - e) A step-child who was not in the legal custody of a correctional officer at the time the officer died or sustained a permanently disabling injury in the line of duty is not eligible.

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Grant Program for Dependents of Police or Fire Officers
- 2) Code Citation: 23 Ill. Adm. Code 2732
- 3) Section Number: 2732.20                      Proposed Action: Amendment
- 4) 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)]
- 5) A Complete Description of the Subjects and Issues Involved: 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.
- 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 the proposed amendment contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Deerfield, Illinois 60015

847/948-8500

email: lhynes@isac.org

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
 SUBTITLE A: EDUCATION  
 CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2732

## GRANT PROGRAM FOR DEPENDENTS OF POLICE OR FIRE OFFICERS

## Section

2732.10	Summary and Purpose
2732.20	Applicant Eligibility
2732.30	Program Procedures
2732.40	Institutional Procedures

**AUTHORITY:** Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].

**SOURCE:** Adopted at 9 Ill. Reg. 20873, effective January 1, 1986; amended at 11 Ill. Reg. 3239, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1732 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2732 (Illinois Student Assistance Commission) pursuant to P.A. 86-169, effective July 1, 1989, at 13 Ill. Reg. 17866; amended at 14 Ill. Reg. 10585, effective July 1, 1990; amended at 17 Ill. Reg. 10620, effective July 1, 1993; amended at 18 Ill. Reg. 10342, effective July 1, 1994; amended at 20 Ill. Reg. 10191, effective July 15, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11090, effective July 18, 1997; amended at 30 Ill. Reg. 11639, effective July 1, 2006; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2732.20 Applicant Eligibility**

a) A qualified applicant shall be:

1) either:

- A) the natural child, legally adopted child, or child in the legal custody of an Illinois police or fire officer at the time the officer was ~~permanently disabled or~~ killed in the line of duty or at the time a permanently disabling injury occurred in the line of duty; or
- B) the husband or wife of the Illinois police or fire officer at the time the officer was ~~permanently disabled or~~ killed in the line of duty or

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

at the time a permanently disabling injury occurred in the line of duty; and

- 2) a United States citizen or eligible noncitizen; and
  - 3) enrolled on at least a half-time basis at an institution that is approved for participation in the Monetary Award Program (MAP) (see Ill. Adm. Code 2735); and
  - 4) making satisfactory academic progress toward a degree or certificate.
- b) An applicant need not be a resident of Illinois at the time of enrollment.
  - c) An applicant does not have to demonstrate financial need to receive this grant.
  - d) A spouse who remarries after an Illinois police or fire officer is killed in the line of duty, or who divorces a permanently disabled Illinois police or fire officer, is not eligible. Common law partners are not eligible.
  - e) A step-child who was not in the legal custody of the Illinois police or fire officer at the time the officer died or sustained a permanently disabling injury in the line of duty is not eligible.

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Community College Transfer Grant (CCTG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2740
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2740.10	New Section
2740.20	New Section
2740.30	New Section
2740.40	New Section
- 4) 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]
- 5) A Complete Description of the Subjects and Issues Involved: 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 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.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Public Act 96-1299, effective July 1, 2010
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL 60015

847/948-8500  
email: lhynes@isac.org

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2740

## COMMUNITY COLLEGE TRANSFER GRANT (CCTG) PROGRAM

## Section

2740.10	Summary and Purpose
2740.20	Applicant Eligibility
2740.30	Program Procedures
2740.40	Institutional Procedures

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].

SOURCE: Adopted at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2740.10 Summary and Purpose**

- a) The Community College Transfer Grant (CCTG) Program provides grant assistance, subject to appropriation, to students who have received an associate's degree at an Illinois community college and who are pursuing a baccalaureate degree at a public or private institution of higher education in Illinois.
- b) This Part governs the Community College Transfer Grant Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

**Section 2740.20 Applicant Eligibility**

- a) A qualified applicant shall:
  - 1) be a citizen of the United States or eligible noncitizen;
  - 2) be a resident of Illinois;
  - 3) be enrolled at least half-time in a degree program (see 34 CFR 668.8) at the junior or senior class level as determined by the institution;

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

- 4) be enrolled at a public or not-for-profit private institution that is approved to participate in the Monetary Award Program (MAP);
  - 5) have an Expected Family Contribution of no more than \$9,000 as calculated by the federal government using the family's financial information as reported on the Free Application for Federal Student Aid (FAFSA); and
  - 6) have maintained a cumulative grade point average of at least 3.0 on a 4.0 scale or its equivalent while enrolled in an associate's degree program at a public community college, and while pursuing a baccalaureate degree, continue to maintain a cumulative grade point average of at least 3.0 on a 4.0 scale or its equivalent and make satisfactory academic progress toward a degree.
- b) Eligibility is restricted to undergraduate students.
- 1) CCTG recipients must not have received a baccalaureate degree.
  - 2) Graduate students are not eligible for CCTG assistance. For purposes of this Part, an institution of higher learning shall classify as a "graduate student" any student who:
    - A) is enrolled in an academic program or course above the baccalaureate level that leads to any degree above the baccalaureate level; and
    - B) is not eligible to receive federal financial assistance (see 34 CFR 674.2, 675.2, 676.2) as an undergraduate student; and
    - C) has completed the equivalent of at least three years of full-time postsecondary study, either prior to entrance into the academic program or as part of the academic program itself.

**Section 2740.30 Program Procedures**

- a) An applicant applies for a CCTG grant by using the form that the United States Department of Education designates as an application form for federal student

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

financial aid. (See Section 483 of the Higher Education Act of 1965, as amended (20 USC 1070a).)

- 1) An applicant, spouse or parents of the applicant, as applicable, are required to submit financial information on the application regarding income, asset value and non-taxable income (e.g., Temporary Assistance for Needy Families, public aid, veterans' or Social Security benefits). This information shall be kept confidential.
  - 2) A recipient must report to the institution all additional gift assistance, such as tuition waivers and scholarships.
  - 3) An applicant must file his or her complete application by the CCTG deadline date established by the Illinois Student Assistance Commission (ISAC).
- b) Awards are limited to two academic years or 60 credit hours and are not restricted to tuition and mandatory fees.
  - c) The maximum grant available to a qualified applicant is fixed at \$1,000 per year. Students pursuing an undergraduate degree in engineering, mathematics, nursing, teaching or science are eligible for an additional \$1,000 per year.
  - d) The grant will be disbursed in installments depending on the number of terms financed by the grant.
  - e) The grant payment is subject to the availability of funds and the amounts appropriated to ISAC by the General Assembly. If funds are insufficient to pay all claims, grants will be awarded according to the date the completed applications were received, until funds have been expended.
  - f) It is the responsibility of CCTG applicants to gain admission to approved Illinois institutions of higher learning and institutions are not obligated to admit them.

**Section 2740.40 Institutional Procedures**

- a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

- b) The institution shall submit its request for payment within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year. By submitting a payment request, an institution is certifying that the qualified applicants meet the requirements of Section 2740.20.
- c) Funds shall be remitted by ISAC to institutions on behalf of the recipients.
- d) Upon receipt of grant funds, the institution shall verify the qualified applicant's enrollment status. If enrolled, the institution may credit the grant funds to the student's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.
- e) Upon receipt of the grant, if the qualified applicant has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the grant payment to ISAC.
- f) Assistance received by a student under CCTG must not be reduced by the receipt of other financial aid from any source. Other aid must be reduced when the total amount of gift assistance received would exceed the cost of attendance used to calculate Title IV aid for that student.
- g) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests, except for summer term, must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.
- h) Payment requests received after those dates for the award year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Special Education Teacher Tuition Waiver (SETTW) Program
- 2) Code Citation: 23 Ill. Adm. Code 2765
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2765.20	Amendment
2765.30	Amendment
- 4) 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]
- 5) A Complete Description of the Subjects and Issues Involved: An amendment is proposed to clarify the language that it is up to the university to determine if a student is considered "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.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015

847/948-8500  
email: lhynes@isac.org

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2765

## ILLINOIS SPECIAL EDUCATION TEACHER TUITION WAIVER (SETTW) PROGRAM

## Section

2765.10	Summary and Purpose
2765.20	Applicant Eligibility
2765.30	Program Procedures
2765.40	Institutional Procedures

**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].

**SOURCE:** Adopted at 19 Ill. Reg. 8354, effective July 1, 1995; amended at 20 Ill. Reg. 9194, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11129, effective July 18, 1997; amended at 22 Ill. Reg. 11107, effective July 1, 1998; amended at 24 Ill. Reg. 9159, effective July 1, 2000; amended at 26 Ill. Reg. 10037, effective July 1, 2002; amended at 27 Ill. Reg. 10405, effective July 1, 2003; amended at 28 Ill. Reg. 9170, effective July 1, 2004; amended at 29 Ill. Reg. 9941, effective July 1, 2005; amended at 30 Ill. Reg. 11697, effective July 1, 2006; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2765.20 Applicant Eligibility**

- a) A qualified applicant shall be:
- 1) a United States citizen or an eligible noncitizen;
  - 2) a resident of Illinois;
  - 3) a graduate of an approved high school; a student scheduled to graduate from an approved high school by the end of the academic year in which the award is made who ranks in the upper half of his or her high school graduating class at the end of the sixth semester; or a person holding a valid teaching certificate that is not in the discipline of Special Education;
  - 4) enrolled, or accepted for enrollment, as an undergraduate or graduate student seeking initial certification in any area of Special Education [as](#)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

[determined by the university;](#)

- 5) attending, or planning to attend, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Southern Illinois University (Carbondale), Southern Illinois University (Edwardsville), University of Illinois (Chicago), University of Illinois (Springfield), University of Illinois (Urbana) or Western Illinois University; and
  - 6) a potential new recipient in that he or she shall have not received the Illinois Special Education Teacher Tuition Waiver in the past.
- b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship (23 Ill. Adm. Code 2763), the Illinois Future Teacher Corps Program (23 Ill. Adm. Code 2764), or Teach Illinois Scholarship Program (23 Ill. Adm. Code 2768), he or she shall not be eligible for an Illinois Special Education Teacher Tuition Waiver.

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

**Section 2765.30 Program Procedures**

- a) A completed ISAC application for the Illinois SETTW Program must be postmarked on or before March 1 immediately preceding the academic year for which the tuition waiver is being requested, in order to receive priority consideration for an award.
- b) ISAC applications for the Illinois SETTW Program are available from eligible institutions; the offices of Regional Superintendents of Education in Illinois; ISAC's Web site; Illinois State legislative and Illinois federal Congressional offices; and ISAC's Springfield, Deerfield and Chicago offices.
- c) If the student section of an application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the student section is complete and received in ISAC's Deerfield office.
- d) Before March 1 of each year, principals of public, private and parochial high

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schools in Illinois will provide the names of all students in their high school who are anticipated to be qualified applicants.

- e) ISAC shall award 250 Illinois Special Education Teacher Tuition Waivers annually as follows:
- 1) A maximum of 40 tuition waivers may be awarded annually to qualified applicants who hold valid teaching certificates that are not in the discipline of Special Education. If more than 40 applicants qualify under these provisions, a lottery shall be used to select 40 recipients;
  - 2) A minimum of 105 tuition waivers shall be awarded annually to students scheduled to graduate from an approved high school in the academic year in which the award is made and who rank in the upper half of their class at the end of the sixth semester. Any of the 145 tuition waivers not awarded pursuant to subsections (e)(1) and (3) of this Section shall be awarded to this group;
  - 3) A maximum of 105 tuition waivers may be awarded annually to qualified applicants who have graduated from an approved high school prior to the academic year in which the award is made. If more than 105 applicants qualify under this subsection (e)(3), a lottery shall be used to select the 105 recipients;
  - 4) ISAC shall select recipients, pursuant to subsection (e)(2), from among qualified applicants based on the highest ACT or SAT I test scores from the time periods set forth in 23 Ill. Adm. Code 2760.20(b), (c) and (d), as converted according to the Illinois Standard Test Score table (see 23 Ill. Adm. Code 2760.30(b)(1) and (2));
  - 5) A lottery will be used to determine recipients pursuant to subsection (e)(2) if the number of qualified applicants sharing the same Illinois Standard Test Score exceeds the number of tuition waivers to be awarded.
- f) Notice of eligibility will be sent by July 1 to each qualified applicant who is selected to receive a tuition waiver. The qualified applicant is then responsible for providing a copy of the notice of eligibility to the institution. All other qualified applicants will be notified that they were not selected.
- g) Tuition waivers are applicable towards credit for any semester/quarter within an

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

academic year.

- h) A recipient shall be exempt from paying tuition and mandatory fees for up to four calendar years.
- i) Prior to receiving assistance, the qualified applicant must sign a Teaching Agreement/Promissory Note, which must be submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
  - 1) the recipient pledges to begin teaching on a full-time basis, in the field of Special Education, within one year following graduation from or termination of enrollment in a teacher education program, at a nonprofit, public, private or parochial preschool, elementary or secondary school in Illinois and to continue teaching for at least 2 of the 5 years immediately following;
  - 2) if the teaching requirement is not fulfilled, the tuition waiver converts to a loan and the recipient must repay the entire amount of the tuition waiver (prorated according to the fraction of the teaching obligation not completed), plus interest at a rate equal to 5% per annum; and
  - 3) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.).
- j) The five-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:
  - 1) serves, for not more than three years, as a member of the United States Armed Forces;
  - 2) is enrolled full-time in an academic program related to the field of teaching, leading to a graduate or postgraduate degree;
  - 3) is temporarily totally disabled for a period of time not to exceed three years, as established by the sworn affidavit of a qualified physician;
  - 4) is actively seeking but unable to find full-time employment as a teacher at an Illinois public, private, or parochial school for one continuous period not to exceed two years, and is able to provide evidence of that fact;

## ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois; or
  - 6) is fulfilling teaching requirements associated with other programs administered by ISAC if he or she cannot concurrently fulfill them in a period of time equal to the length of the teaching obligation.
- k) A recipient may be granted a leave of absence by the president of the institution, or his/her designee, for the following reasons:
- 1) earning funds to defray the recipient's educational expenses;
  - 2) illness of the recipient or a member of the recipient's immediate family, as established by the sworn statement of a licensed physician; or
  - 3) military service.
- l) A recipient must complete his or her course of study within six years including leaves of absence. A recipient must remain enrolled on a continuous basis during the regular school year for four years, unless granted a leave of absence. However, a leave of absence granted for military service shall not be considered part of the six years within which a recipient must complete a degree.
- m) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to initial certification as a teacher in Special Education, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study. [A recipient who has transferred and is waiting to be accepted into the Special Education program at the new university shall not be subject to this provision provided he or she is enrolled and is pursuing course work that meets the new university's requirements to gain admission to the Special Education program;](#)
  - 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
  - 3) the latest date upon which the recipient must have begun teaching in order

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to complete the teaching obligation within five years after completing the postsecondary education for which the waiver was awarded.

- n) If a recipient is required to repay any portion of the tuition waiver, the repayment period shall be completed within five years after the tuition waiver converts to a loan. The five-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
  - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
  - 3) is pursuing a graduate or postgraduate degree and is enrolled on a full-time basis for one continuous period of time not to exceed three years;
  - 4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact;  
or
  - 5) withdraws from a course of study leading to a teacher certification in Special Education but remains enrolled on at least a half-time basis in another academic discipline.
- o) During the time a recipient qualifies for any of the extensions listed in subsection (n) of this Section, he or she shall not be required to make payments and interest shall not continue to accrue.
- p) A recipient shall not be required to pay the amount of the tuition and fees waived if he or she becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)); or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.
- q) A [holder of a tuition waiver](#)~~recipient~~ must [register for enrollment](#)~~be enrolled~~ in a special education program [of teacher education](#) within ten days after the beginning of the term for which the tuition waiver was initially awarded. If the recipient fails to comply with this requirement, he or she will forfeit the tuition waiver and ISAC will award it to another qualified applicant.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

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

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Early Childhood Construction Grant Rules
- 2) Code Citation: 71 Ill. Adm. Code 43
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
43.100	New
43.110	New
43.120	New
43.130	New
43.140	New
43.150	New
43.160	New
43.170	New
43.180	New
- 4) Statutory Authority: Implementing and authorized by the Early Childhood Construction Grants Act [Public Act 0096-0037 and Public Act 0096-1402]
- 5) Effective Date of Rules: January 6, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 34 Ill. Reg. 12564; September 3, 2010
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Various nonsubstantive grammatical and formatting amendments were made to the final proposed rulemaking.
- 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

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Early Childhood Construction Grant Program authorizes CDB to issue and administer the Early Childhood Construction Grants to Early Childhood providers and centers. The adopted rules provide a mechanism for implementing the grant-making process. The rulemaking provides additional support to Early Childhood providers and centers throughout the State through grant-making for facilities and/or equipment. The rules contain several components, including definitions, incorporated and referenced material, grant requirements, sustainability funding guidelines, eligibility requirements, authorized usage of grant monies, reporting obligations, and public comment requirements.
- 16) Information and questions regarding these adopted rules shall be directed to:

Ngozi C. Okorafor  
Capital Development Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 14-600  
Chicago, Illinois 60601

312/814-6037  
ngozi.okorafor@illinois.gov

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

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY  
CHAPTER I: CAPITAL DEVELOPMENT BOARD  
SUBCHAPTER a: RULESPART 43  
EARLY CHILDHOOD CONSTRUCTION GRANT RULES

## Section

43.100	Definitions
43.110	Eligible Applicants
43.120	Early Childhood Construction Projects Grants Eligibility Requirements
43.130	Award of Early Childhood Construction Project Grants
43.140	Use of Grant Monies
43.150	Evaluation Process
43.160	Grant Award Process
43.170	Reporting
43.180	Payment Schedules

AUTHORITY: Implementing and authorized by Section 5-300 of the School Construction Law [105 ILCS 230/5-300].

SOURCE: Adopted at 35 Ill. Reg. 1358, effective January 6, 2011.

**Section 43.100 Definitions**

As used in this Part, the following terms shall be defined as follows:

"Act" means Section 5-300 of the School Construction Law [105 ILCS 230/5-300].

"Board" means the Capital Development Board.

"Early Childhood Center" means a facility where a public school district or not-for-profit entity provides educational, health, social and/or child development services to young children, ages 0 to 5 years old, and their families as defined in the Illinois State Board of Education (SBE) Early Childhood Block Grant Program rules (23 Ill. Adm. Code 235).

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

"Early Childhood Provider" means a public school district or not-for-profit entity that provides educational, health, social and/or child development services to young children, ages 0 to 5 years old, and their families, as defined in 23 Ill. Adm. Code 235.10 of the SBE Early Childhood Block Grant Program rules.

"Early Childhood Construction Grant" or "Grant" means the Early Childhood Construction Grant created by the Act.

"Early Childhood Construction Project" or "Project" means a project, other than a school construction project, school maintenance project, or school energy efficiency project as defined in Section 5-5 of the School Construction Law, intended to provide for the construction, addition or renovation of an early childhood center, but does not include ongoing operational costs. A project may involve renovation, equipping or expansion of an existing facility or construction or acquisition of a new facility.

"Equipment" means movable equipment, including all items of equipment, other than built-in equipment, necessary and appropriate for the functioning of a particular facility for its specific purpose, and that will be used solely or primarily for purposes related to the early childhood center. Further, equipment is defined as manufactured items that have an extended useful life, are not affixed to a building and are capable of being moved or relocated from room to room or building to building, are not consumed in use, and have an identity and function that will not be lost through incorporation into a more complex unit. The following guidelines should be applied in defining durable, movable equipment:

No commodities will be purchased from bond funds.

Office/household equipment and furniture will be bondable.

Machinery, implements and major tools will be bondable.

Scientific instruments and apparatus will be bondable with the exception of those items that are subject to short useful life, i.e., glassware, tubing, crockery, light bulbs, etc.

Library books, maps, and paintings are not bondable.

Livestock, for any use, is not bondable.

## CAPITAL DEVELOPMENT BOARD

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Rolling stock, including cars, trucks and boats and related items are not bondable.

Spare and replacement parts are not bondable.

Transportation costs and installation costs incurred with an outside source will be considered as part of the equipment cost.

Computer hardware meeting the requirements of this definition is considered bondable.

"Not-for-profit Corporation" means a public charity with a legitimate corporate purpose and formal structure to fulfill its mission that is publicly accountable and exempt from certain federal corporate income taxes under IRC section 501(c)(3).

"Not-for-profit Entity" means an organization:

incorporated under State laws and approved by both the Illinois Secretary of State and the entity's taxing authority; and

operating for educational, charitable, social, religious, civic or humanitarian purposes.

**Section 43.110 Eligible Applicants**

- a) Eligible applicants for Early Childhood Construction Grants include any public school district or private not-for-profit entity with experience in providing educational, health, social and/or child development services to young children and their families.
- b) If an early childhood center is operated in or by a child care center subject to the licensure requirement of the Illinois Department of Children and Family Services (DCFS), then that child care center must hold the appropriate licensure in accordance with DCFS rules (see 89 Ill. Adm. Code 403 (Licensing Standards for Group Homes), 405 (Licensing Standards for Day Care Agencies), 406 (Licensing Standards for Day Care Homes), 407 (Licensing Standards for Day Care Centers) and 408 (Licensing Standards for Group Day Care Homes)).

## CAPITAL DEVELOPMENT BOARD

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**Section 43.120 Early Childhood Construction Project Grants Eligibility Requirements**

Eligible applicants must meet the following criteria:

- a) Applicants must be willing to enter into a grant agreement with the Board that outlines the roles, responsibilities and obligations of each party;
- b) Applicants must demonstrate that the facility will be operational upon completion of the capital project, including funding and staffing;
- c) If applicants are requesting capital grant funds for a portion of the total project costs, applicants must demonstrate that they have or will be able to secure sufficient sources of funding for total costs associated with the entire project;
- d) Applicants must demonstrate that the proposed new or expanded center addresses the needs of underserved populations of young children in the community;
- e) Applicants must provide a narrative describing the proposed project, including the following components:
  - 1) General project description and rationale;
  - 2) New or expanded services/programs to be offered, the number of children to be served by each, and the number of new classrooms and the estimated date/year of completion;
  - 3) Site analysis;
  - 4) Funding sources and cost estimates;
  - 5) Time schedule of major events; and
  - 6) Impact, if any, on ability to meet licensing and/or accreditation standards;
- f) Applicants must provide a description of the population to be served. The description shall include:
  - 1) How the eligible population will be recruited;

## CAPITAL DEVELOPMENT BOARD

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- 2) The geographic area to be served;
- 3) The estimated number of children and/or families to be enrolled;
- 4) Population of children to be served by new/expanded programs, including the ages and percentage of high-need children;
- 5) Staff to child ratios for new/expanded programs and, if applicable, proposed changes to current staff to child ratios; and
- 6) Other proposed program improvements and components.

**Section 43.130 Award of Early Childhood Construction Project Grants**

- a) Not-for-profit Applicants/Applicants that are not School Districts with Populations Exceeding 500,000
  - 1) The Board is authorized to make grants to public school districts and not-for-profit entities for early childhood construction projects. These grants shall be paid out of monies appropriated for that purpose. The grants shall be for the purpose of:
    - A) Constructing an addition onto an existing building;
    - B) New construction of a facility or renovations to an existing facility in order to create a new early childhood center;
    - C) Acquisition of facility;
    - D) Purchase or replacement of equipment;
    - E) Safety improvements; and
    - F) Classroom conversions.
  - 2) An applicant that submits a complete and accurate application that is in compliance with this Section and that indicates that the applicant has a qualifying project shall be awarded a grant for the approved project, provided that the available State funding is sufficient to fund the grant.

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- 3) If the available State funding for any fiscal year is insufficient to fund all approved projects, grants shall be awarded in a priority order until the available State funding is exhausted. Priority order permits the Board to give preference to *projects located in communities in the State with the greatest underserved population of young children, utilizing Census data and other reliable local early childhood service data* (Section 5-300(c) of the Act).
- b) Applicant School Districts with Populations Exceeding 500,000  
A school district with a population exceeding 500,000 that submits a complete and accurate application in compliance with the Act and this Section shall be awarded a grant in the amount provided by the Act provided that State funding is sufficient to fund the grant.

**Section 43.140 Use of Grant Monies**

- a) A recipient of a grant under the Act and this Part may use the grant monies to do one or more of the following:
  - 1) Construction of an addition to an existing building;
  - 2) New construction of a facility or renovations to an existing facility in order to create a new early childhood center;
  - 3) Acquisition of a facility;
  - 4) Purchase or replacement of equipment;
  - 5) Safety improvements; and
  - 6) Classroom conversions.
- b) Grant funds shall not be used for the following:
  - 1) To offset existing debt;
  - 2) To supplant existing funds that support a service, program or activity for which grant support is requested;

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- 3) To fund expenses associated with the operations of the early childhood center;
- 4) To lease/rent space for occupancy;
- 5) To use for sectarian instruction, religious worship or a school or department of divinity; and
- 6) To use for the proportional share of joint use facilities that either provide personal residential space for those who are not students or provide space for business activities unrelated to the educational mission of the early childhood center.

**Section 43.150 Evaluation Process**

- a) The Board will review applications for eligibility and will notify those applicants that fail to meet eligibility requirements. This does not prohibit applicants from submitting future applications if funding is available.
- b) Applications will be reviewed based upon the following criteria:
  - 1) Documented need for the project with priority given to projects located in those communities in the State with the greatest underserved population of young children.
  - 2) Ability to successfully complete project objectives described in the grant application.
  - 3) Ability to implement and sustain the early childhood center's new operations upon completion of the capital project.
  - 4) Realistic budget and timeline for the completion of the project, including a detailed description of additional funds to be used toward the applicant's financial contribution and the readiness of the project to begin once the grant funds are awarded.

**Section 43.160 Grant Award Process**

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- a) Grants will be awarded by the Board.
- b) Grants shall be subject to the Illinois Grant Funds Recovery Act [30 ILCS 705]. Any grant funds not legally obligated within two years after disbursement by the State shall be returned to the Board within 45 days.
- c) Grant funds may only be used for the project described in the grant agreement. The applicant must provide matching funds in an amount equal to 10% of the grant amount. The grant amount shall not exceed more than 90% of the total project expenditures.
- d) Applicants may apply for up to \$5,000,000 per provider per application period and must demonstrate their ability to obtain balance of the funds required for the proposed project.
- e) Grant awards of \$250,000 or more are conditioned upon the recipient's written certification complying with the practices for minority-owned businesses, female-owned businesses, and businesses owned by persons with disabilities of the Business Enterprise for Minorities, Females and Persons with Disabilities Act [30 ILCS 575] and the equal employment practices of Section 2-105 of the Illinois Human Rights Act [775 ILCS 5/2-105].
- f) Grants will be awarded based on the availability of funding within a given application period.
- g) *For grants awarded to not-for-profit corporations for the acquisition or construction of new facilities, the Board or any State agency it designates shall hold title to or place a lien on the facility for a period of 10 years after the date of the grant award, after which title to the facility shall be transferred to the not-for-profit corporation or the lien shall be removed, provided that the not-for-profit corporation has complied with the terms of its grant agreement. (Section 5-300(b-5) of the Act)*

**Section 43.170 Reporting**

- a) The grant recipient must submit a progress report to the Board. The Board may assist each grant recipient in meeting the goals and objectives stated in the original grant proposal submitted by the recipient, and may assist the grant recipient in ensuring that grant monies are being used for appropriate purposes,

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and that residents of the community are being served by the early childhood centers established with grant monies.

- b) For grants in excess of \$25,000, the grant recipient must submit quarterly reports to the Board describing the progress of the program, project or use and the related expenditure of the grant funds.

**Section 43.180 Payment Schedules**

Grant funds will be disbursed as agreed to in the Grant Agreement.

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- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1800.110	Amendment
1800.520	Amendment
1800.615	Amendment
1800.650	Amendment
1800.910	New Section
1800.920	New Section
1800.930	New Section
1800.1010	New Section
1800.1020	New Section
1800.1030	New Section
1800.1040	New Section
1800.1050	New Section
1800.1060	New Section
1800.1070	New Section
1800.1110	New Section
- 4) Statutory Authority: Implementing and authorized by the Video Gaming Act [230 ILCS 40/1 et seq.]
- 5) Effective date of rulemaking: January 5, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: July 2, 2010; 34 Ill. Reg. 8494
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The changes are all of a minor, clarifying, or nonsubstantive, nature.

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- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No, the emergency amendments expired November 11, 2010.
- 14) Are there any amendments pending on this part? No
- 15) Summary and purpose of rulemaking: The present rulemaking amends regulatory provisions currently contained in 11 Ill. Adm. Code Part 1800. It amends existing Sections pertaining to definitions (1800.110), licensing procedures (1800.520), and denials of applications for licensure (1800.615 and 1800.650). It adds new Subparts pertaining to security interests (new Subpart I), transportation and distribution of video gaming terminals (new Subpart J), and State-local relations (new Subpart K).

The present rulemaking is intended to further implement the provisions of the Video Gaming Act enacted by Public Act 96-0034 and amended by Public Acts 96-0037, 96-0038, 96-1410, 96-1000, and 96-1479. The Video Gaming Act authorizes installation of video gaming terminals used for wagering purposes in various categories of licensed locations, and provides for the distribution of specified percentages of video gaming revenues to State and local governments for designated purposes. The Illinois Gaming Board is responsible for administering and enforcing the Video Gaming Act.

- 16) Information and questions regarding this adopted rulemaking may be addressed to:

Erin Alexander  
Acting General Counsel  
Illinois Gaming Board  
160 North LaSalle Street  
Chicago, Illinois 60601

Fax No. 312/814-4143

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING  
SUBTITLE D: VIDEO GAMING  
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800  
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
1800.120	Inspection

SUBPART B: DUTIES OF LICENSEES

Section	
1800.210	General Duties of All Video Gaming Licensees
1800.220	Continuing Duty to Report Violations
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
1800.250	Duties of Licensed Video Terminal Operators
1800.260	Duties of Licensed Technicians
1800.270	Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements

SUBPART D: LICENSING QUALIFICATIONS

Section	
1800.410	Coverage of Subpart
1800.420	Qualifications for Licensure
1800.430	Persons with Significant Influence or Control

SUBPART E: LICENSING PROCEDURES

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## Section

1800.510	Coverage of Subpart
1800.520	<del>Applications</del> <del>Form of Application</del>
1800.530	Submission of Application
1800.540	Application Fees
1800.550	Consideration of Applications by the Board
1800.560	Issuance of License
1800.570	Renewal of License
1800.580	Renewal Fees and Dates

## SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

## Section

1800.610	Coverage of Subpart
1800.615	Requests for Hearing <del>Regarding Denial of Application</del>
1800.620	Appearances
1800.625	Appointment of Administrative Law Judge
1800.630	Discovery
1800.635	Subpoenas
1800.640	Motions for Summary Judgment
1800.650	Proceedings
1800.660	Evidence
1800.670	Prohibition on Ex Parte Communication
1800.680	Sanctions and Penalties
1800.690	Transmittal of Record and Recommendation to the Board
1800.695	Status of Applicant for Licensure Upon Filing Request for Hearing

## SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

## Section

1800.710	Coverage of Subpart
1800.715	Notice of Proposed Disciplinary Action Against Licensees
1800.720	Hearings in Disciplinary Actions
1800.725	Appearances
1800.730	Appointment of Administrative Law Judge
1800.735	Discovery
1800.740	Subpoenas
1800.745	Motions for Summary Judgment

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1800.750	Proceedings
1800.760	Evidence
1800.770	Prohibition on Ex Parte Communication
1800.780	Sanctions and Penalties
1800.790	Transmittal of Record and Recommendation to the Board

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN  
LICENSED VIDEO GAMING LOCATIONS

Section	
1800.810	Location and Placement of Video Gaming Terminals
1800.811	

SUBPART I: SECURITY INTERESTS

<u>Section</u>	
<u>1800.910</u>	<u>Approvals Required, Applicability, Scope of Approval</u>
<u>1800.920</u>	<u>Notice of Enforcement of a Security Interest</u>
<u>1800.930</u>	<u>Prior Registration</u>

SUBPART J: TRANSPORTATION AND DISTRIBUTION  
OF VIDEO GAMING TERMINALS

<u>Section</u>	
<u>1800.1010</u>	<u>Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals</u>
<u>1800.1020</u>	<u>Transportation of Video Gaming Terminals into the State</u>
<u>1800.1030</u>	<u>Receipt of Video Gaming Terminals in the State</u>
<u>1800.1040</u>	<u>Transportation of Video Gaming Terminals Between Locations in the State</u>
<u>1800.1050</u>	<u>Approval to Transport Video Gaming Terminals Outside of the State</u>
<u>1800.1060</u>	<u>Placement of Video Gaming Terminals</u>
<u>1800.1070</u>	<u>Disposal of Video Gaming Terminals</u>

SUBPART K: STATE-LOCAL RELATIONS

<u>Section</u>	
<u>1800.1110</u>	<u>State-Local Relations</u>

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

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SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011.

## SUBPART A: GENERAL PROVISIONS

**Section 1800.110 Definitions**

For purposes of this Part the following terms shall have the following meanings:

"Act": The Video Gaming Act [230 ILCS 40].

"Administrator": The chief executive officer responsible for day-to-day operations of the Illinois Gaming Board.

"Affiliate": An "affiliate of", or person "affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Affiliated entity": An "affiliated entity" of a person is any business entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, the person.

"Applicant": A person applying for any license under the Video Gaming Act.

"Application": All material submitted, including the instructions, definitions, forms and other documents issued by the Illinois Gaming Board, comprising the video gaming license application submitted to the Illinois Gaming Board.

"Associated video gaming equipment": Ticket payout systems and validation procedures; wireless, promotional and bonusing systems; kiosks; gaming-related peripherals; hardware, software and systems; and other gaming devices and equipment for compliance with:

Illinois laws, regulations, and requirements as codified or otherwise set forth; and

Board-approved video gaming industry standards.

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"Attributed interest": A direct or indirect interest in an enterprise deemed to be held by an individual not through the individual's actual holdings but either through the holdings of the individual's relatives or through a third party or parties on behalf of the individual pursuant to a plan, arrangement, agreement or contract.

"Board": The Illinois Gaming Board.

"Business entity" or "Business": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chi-square test": A statistical test used to determine if a relationship between variables exists by comparing expected and observed cell frequencies. Specifically, a chi-square test examines the observed frequencies in a category and compares them to what would be expected by chance or would be expected if there was no relationship between variables.

"Control": The possession, direct or indirect, of power to direct or cause the direction of the management and policies of an applicant or licensee through the ownership of voting securities, by contract or otherwise.

"Convenience store": A retail store that is open long hours and; sells motor fuel; and a limited selection of snacks and general goods.

"Credit": One, five~~Five~~, 10~~ten~~ or 25~~twenty-five~~ cents.

"Distributor": An individual, partnership, ~~or~~ corporation or limited liability company licensed under ~~the~~this Act to buy, sell, lease or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

"Enforce a security interest": To transfer possession of ownership or title pursuant to a security interest.

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a game on a video gaming terminal.

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"Fraternal organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(8) or (c)(10) of the Internal Revenue Code.

"Game": A gambling activity that is played for money, property or anything of value, including without limitation those played with cards, chips, tokens, vouchers, dice, implements, or electronic, electrical or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any game.

"Gaming operation": The conducting of gaming or the providing or servicing of gaming equipment.

"Gaming property collateral": Video gaming equipment subject to a security interest.

"Illinois resident":

With respect to an individual, an individual who is either:

domiciled in Illinois or maintains a bona fide place of abode in Illinois; or

is required to file an Illinois tax return during the taxable year.

With respect to a corporation, any corporation organized under the laws of this State and any foreign corporation with a certificate of authority to transact business in Illinois. A foreign corporation not authorized to transact business in this State is a nonresident of this State.

With respect to a partnership, a partnership in which any partner is an Illinois resident, or where the partnership has an office and is doing business in Illinois.

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With respect to an irrevocable trust, a trust where the grantor was an Illinois resident individual at the time the trust became irrevocable.

"Institutional investor":

A retirement fund administered by a public agency for the exclusive benefit of federal, state or local public employees;

An investment company registered under Section 8 of the Investment Company Act of 1940 (15 USC 80a-8);

A collective investment trust organized by a bank under Part 9 of the Rules of the Comptroller of the Currency (12 CFR 9.18);

A closed end investment trust registered with the United States Securities and Exchange Commission;

A chartered or licensed life insurance company or property and casualty insurance company;

A federal or state bank;

An investment advisor registered under the Investment Advisors Act of 1940 (15 USC 80b-1 through 80b-21); or

Such other person as the Illinois Gaming Board may determine for reasons consistent with the Act and this Part.

"License": Authorization granted by the Board permitting a licensee to engage in the defined activities of video gaming.

"Licensed establishment": Any ~~licensed~~ retail establishment licensed under the Act where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises. Licensed establishment does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Riverboat Gambling Act.

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"Licensed fraternal establishment": The location licensed under the Act where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

"Licensed technician": An individual who is licensed under thethis Act to repair, service, and maintain video gaming terminals.

"Licensed terminal handler": A person, including but not limited to an employee or independent contractor working for a manufacturer, distributor, supplier, technician or terminal operator, who is licensed under thethis Act to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal. A licensed terminal handler does not include an individual, partnership, ~~or~~ corporation or limited liability company defined as a manufacturer, distributor, supplier, technician or terminal operator under Section 5 of the Video Gaming Act.

"Licensed truck stop establishment": A facility licensed under the Act that is at least a 3-acre facility with a convenience store, ~~and that has with~~ separate diesel islands for fueling commercial motor vehicles, that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and that has parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning and parking spaces for commercial motor vehicles as defined in Section 18b-101 of the Illinois Vehicle Code [625 ILCS 5/18b-101]. The 10,000 gallon requirement may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

"Licensed veterans establishment": The location licensed under the Act where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

"Licensed video gaming location": A licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, all as defined in Section 5 of the Video Gaming Act and this Part.

"Liquor license": A license issued by a governmental body authorizing the holder to sell and offer for sale at retail alcoholic liquor for use or consumption.

"Major components or parts": Components or parts that comprise the inner workings and peripherals of a video gaming terminal, including but not limited to

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the device's hardware, software, human interface devices, interface ports, power supply, ticket payout system, bill validator, printer and any component that affects or could affect the result of a game played on the device.

"Manufacturer": An individual, partnership, ~~or~~ corporation or limited liability company that is licensed under ~~the~~this Act and that manufactures or assembles video gaming terminals.

"Net terminal income": Money put into a video gaming terminal minus credits paid out to players.

"Nominee": Any individual or business entity that holds as owner of record the legal title to tangible or intangible personal or real property, including without limitation any stock, bond, debenture, note, investment contract or real estate on behalf of another individual or business entity, and as such is designated and authorized to act on his, her or its behalf with respect to the property.

"Ownership interest": Includes, but is not limited to, direct, indirect, beneficial or attributed interest, or holder of stock options, convertible debt, warrants or stock appreciation rights, or holder of any beneficial ownership or leasehold interest in a business entity.

"Person": Includes both individuals and business entities.

"Person with significant interest and control": Any of the following:

Each person in whose name the liquor license is maintained for each licensed video gaming location;

Each person who holds, directly or indirectly, a substantial interest in an applicant or licensee;

Each person who, in the opinion of the Administrator, has the ability to control the activities of the corporate applicant or licensee, or elect a majority of the board of directors of that corporation, other than a bank or licensed lending institution that holds a mortgage or other lien acquired in the ordinary course of business;

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For any applicant or licensee that is not a corporation, persons who, in the opinion of the Administrator, have the ability to control the applicant or licensee;

Persons having the power to exercise significant influence over decisions concerning any part of the applicant's or licensee's video gaming operation.

"Secured party": A person who is a lender, seller or other person who holds a valid security interest.

"Security": An ownership right or creditor relationship.

"Security agreement": An agreement that creates or provides a security interest, including but not limited to a use agreement.

"Security interest": An interest in property that secures the payment or performance of an obligation or judgment.

"Sole proprietor": An individual who in his or her own name owns 100% of the assets and who is solely liable for the debts of a business.

"Substantial interest": With respect to a partnership, a corporation, an organization, an association, a business or a limited liability company means:

When, with respect to a sole proprietorship, an individual or his or her spouse owns, operates, manages, or conducts, directly or indirectly, the organization, association or business, or any part thereof; or

When, with respect to a partnership, the individual or his or her spouse shares in any of the profits, or potential profits, of the partnership activities; or

When, with respect to a corporation, an individual or his or her spouse is an officer or director or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of any class of stock of the corporation; or

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When, with respect to a limited liability company, an individual or his or her spouse is a member, or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of the membership interest of the limited liability company; or

When, with respect to any other organization not covered in the preceding four paragraphs, an individual or his or her spouse is an officer or manages the business affairs, or the individual or his or her spouse is the owner of, or otherwise controls, 10% or more of the assets of the organization; or

When an individual or his or her spouse furnishes 5% or more of the capital, whether in cash, goods or services, for the operation of any business, association or organization during any calendar year.

For purposes of this definition, "individual" includes all individuals or their spouses whose combined interest would qualify as a substantial interest under this definition and whose activities with respect to an organization, association, or business are so closely aligned or coordinated as to constitute the activities of a single entity.

"Supplier": An individual, partnership, ~~or~~ corporation or limited liability company that is licensed under ~~the~~this Act to supply major components or parts to video gaming terminals to licensed terminal operators.

"Terminal operator": An individual, partnership, ~~or~~ corporation or limited liability company that is licensed under ~~the~~this Act that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments or licensed veterans establishments.

"Use agreement": A contractual agreement between a licensed terminal operator and a licensed video gaming location establishing terms and conditions for placement and operation of video gaming terminals by the licensed terminal operator within the premises of the licensed video gaming location.

"Veterans organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(19) of the Internal Revenue Code (26 USC 501(c)(19)).

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"Video gaming equipment": Video gaming terminals, associated video gaming equipment and major components or parts.

"Video gaming operation": As the context requires, the conducting of video gaming and all related activities.

"Video gaming terminal": Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(Source: Amended at 35 Ill. Reg. 1369, effective January 5, 2011)

## SUBPART E: LICENSING PROCEDURES

**Section 1800.520 Applications~~Form of Application~~**

- a) Applications for licensure or renewal shall be submitted on applications and forms provided by the Board.
- b) An applicant or its affiliate may be required to submit forms or materials in addition to an application as required by subsection (a).
- c) Institutional Investor
  - 1) A business entity that qualifies as an institutional investor may submit a Video Gaming Institutional Investor Disclosure Form in lieu of a Video Gaming Business Entity Disclosure Form as instructed in an application if the institutional investor:
    - A) submits a Video Gaming Institutional Investor Disclosure Form to the Illinois Gaming Board within 45 days after the institutional investor individually or jointly with others cumulatively acquires, directly or indirectly, 5% or more but less than 20% of any class of

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- publicly traded securities issued by a corporate applicant, licensee, parent or subsidiary company of an applicant or licensee;
- B) holds or controls the publicly traded securities issued by a corporate applicant, licensee, parent or subsidiary company of an applicant or licensee in the ordinary course of business for investment purposes only; and
- C) does not exercise or intend to exercise influence or control over the affairs of the issuer of the publicly traded securities issued by a corporate applicant, licensee, parent or subsidiary company of an applicant or licensee or their affiliates.
- 2) An institutional investor's exercise in voting privileges on matters put to the vote of the outstanding security holders shall not be deemed the exercise or intent to exercise influence or control over the affairs of the issuer of those securities.
- 3) If an institutional investor exempt from filing a Video Gaming Business Entity Disclosure Form as allowed in this subsection (c) subsequently determines to exercise influence or control over the affairs of the issuer of the publicly traded securities issued by a corporate applicant, licensee, parent or subsidiary company of an applicant or licensee or their affiliates, the institutional investor shall provide not less than 30 days notice of the intent and shall file with the Illinois Gaming Board a Video Gaming Business Entity Disclosure Form before taking any action that may influence or control the affairs of the issuer of those securities or their affiliates.
- 4) The Video Gaming Institutional Investor Disclosure Form shall not be construed to preclude the Illinois Gaming Board from requiring an institutional investor to submit a Video Gaming Business Entity Disclosure Form if the Illinois Gaming Board determines that the submission is proper and in furtherance of the Act and this Part.
- 5) An institutional investor exempt from filing a Video Gaming Business Entity Disclosure Form as allowed in this subsection (c) shall certify in writing to be bound by and comply with the Video Gaming Act and this Part.

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d) Application Procedures

- 1) An applicant is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism or other action, or financial loss that may occur in connection with the application process.
- 2) Any misrepresentation or omission made with respect to an application may be grounds for denial of the application.
- 3) Applications, forms, and requested materials shall be submitted in triplicate and as required by the applications and instructions.
- 4) Individuals required to submit Video Gaming Personal Disclosure Forms and licensed technician or licensed terminal handler applications shall be photographed and fingerprinted at a place and time designated by the Administrator.
- 5) An application shall be deemed filed when the completed application form, including all required documents and materials, and the application fee have been submitted.

e) Amendments and Incorporation by Reference

- 1) An application may be amended with approval by the Administrator.
- 2) The Administrator may allow information, documents, or other materials submitted by an applicant to be incorporated by reference into a subsequent application.

f) Withdrawal of Applications

- 1) A manufacturer's, distributor's, supplier's, terminal operator's or licensed video gaming location's application may be withdrawn only upon leave of the Board.

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- A) A request for leave to withdraw an application shall not be considered by the Board unless received prior to Board action on licensure.
- B) The Board may deny leave to withdraw an application if it determines that withdrawal of the application would not be in the best interests of the public the gaming industry, or the State.
- 2) If a manufacturer's, distributor's, supplier's, terminal operator's or licensed video gaming location's application is withdrawn, the applicant may not reapply for a license within one year from the date withdrawal is granted, without leave of the Board.
- 3) Applications for licensed technician and licensed terminal handler may be withdrawn without leave of the Board, if written notification of withdrawal is received prior to Board action on licensure and unless the intended withdrawal is objected to by the Administrator, in which case leave of the Board is required.

~~All applicants for licenses issued by the Board must submit applications for licensure or renewal of license on forms provided by the Board.~~

(Source: Amended at 35 Ill. Reg. 1369, effective January 5, 2011)

## SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

**Section 1800.615 Requests for Hearing ~~Regarding Denial of Application~~**

- a) If the Board finds that an applicant is not suitable for ~~licensure~~licensing, it shall issue the applicant a notice of denial.
- b) The Board shall serve notice on the applicant by personal service or U.S. certified mail and U.S. mail to the last known address of the applicant. Service is complete four days after mailing.
- c) Should an applicant wish to contest the action the Board has taken regarding his application, the applicant must submit a request for hearing to the Board.

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- d) All requests for hearing shall be in writing and shall include an original and one copy. The request shall contain the following:
- 1) The name, current address and current telephone number of the petitioner (the applicant);
  - 2) Detailed reasons why and the facts upon which the petitioner will rely to show that the petitioner is suitable for licensure, including specific responses to any facts enumerated in the Board's notice of denial;
  - 3) A signature of the petitioner;
  - 4) A verification of the petition in the following form:  
The undersigned certifies that the statements set forth in this request are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.
  - 5) The request must be notarized.
- e) A request for hearing must be made within 10 days after receipt of notice of denial from the Board. A request shall be deemed filed on the date on which it is postmarked.
- f) If a request for hearing is not filed within 10 days after the receipt of notice from the Board, then the notice of denial becomes the final order of the Board denying the applicant's license application.
- g) A request for hearing shall be deemed granted unless denied. The Board may deny a request for hearing if the statement of the reasons and facts that it contains does not establish a prima facie case or fails to comply with any of the other requirements of this Section. The Board's denial of a request for hearing is a final decision and the denial of licensure becomes a final order on the date the Board denies the request for hearing.
- h) A request for hearing may not be withdrawn or voluntarily dismissed if the Board determines that withdrawal or voluntary dismissal is not in the best interests of the public and the video gaming industry. If the Board allows a petitioner to withdraw a hearing request, the initial notice of denial becomes a final Board

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order on the date leave to withdraw is granted. If the petitioner does not prosecute his/her case after 21 days, the Board may move for entry of default judgment. Failure to prosecute shall result in entry of default judgment against the petitioner.

- i) The petitioner may submit a request for hearing by:
  - 1) personal delivery;
  - 2) certified mail, postage prepaid; or
  - 3) overnight express mail, postage prepaid.
- j) All requests for hearing must be submitted to the Administrator at the Board's offices in Chicago.
- k) If a request is granted, an ~~Administrative Administrator~~ Law Judge will be appointed to ~~condu~~conducting a hearing.

(Source: Amended at 35 Ill. Reg. 1369, effective January 5, 2011)

**Section 1800.650 Proceedings**

- a) The burden of proof is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing by clear and convincing evidence that the petitioner is suitable for licensing or that enforcement of a security interest is warranted.
- b) All testimony shall be given under oath or affirmation.
- c) Both parties may present opening statements. Petitioner proceeds first.
- d) The petitioner shall then present his, her, or its case-in-chief.
- e) Upon the conclusion of the petitioner's case-in chief, the Board may move for a directed finding. The Administrative Law Judge may hear arguments on the motion or may grant, deny or reserve decision, without argument.

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- f) If no motion for directed finding is made, or if the motion is denied or decision reserved, the Board may present its case.
- g) Each party may conduct cross-examination of adverse witnesses.
- h) Upon the conclusion of the Board's case, the petitioner may present evidence in rebuttal.
- i) Both parties may present closing arguments. The petitioner proceeds first, then the Board, and thereafter the petitioner may present rebuttal argument.

(Source: Amended at 35 Ill. Reg. 1369, effective January 5, 2011)

SUBPART I: SECURITY INTERESTS

**Section 1800.910 Approvals Required, Applicability, Scope of Approval**

- a) A person may not enforce a security interest in gaming property collateral except as set forth in this Subpart. Any attempt to enforce a security interest is void if the secured party has not complied with the requirements of this Subpart.
- b) This Subpart does not apply to the enforcement of a security interest in property other than gaming property collateral.
- c) Compliance with this Subpart does not constitute any of the following:
  - 1) a determination by the Board as to the validity or enforceability of a security interest;
  - 2) licensing eligibility;
  - 3) approval of any other sale, transfer or other disposition of the gaming property collateral after the enforcement of the security interest.

(Source: Added at 35 Ill. Reg. 1369, effective January 5, 2011)

**Section 1800.920 Notice of Enforcement of a Security Interest**

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- a) A secured party must give prior written notice to the Board that it intends to enforce a security interest in gaming property collateral using such forms as the Board may require. The notice must include the following:
- 1) a complete description of the gaming property collateral that is the subject of the security interest;
  - 2) copies of the security agreement and documents evidencing the obligation secured by the gaming property collateral;
  - 3) a statement by the secured party identifying the act of default by the licensee that is the basis for seeking to enforce the security interest, including notice of default sent to the licensee; and
  - 4) any other information requested by the Board.
- b) The Administrator will investigate the facts and circumstances related to the notice of enforcement of a security interest. The investigation may include the following:
- 1) review of all pertinent documents;
  - 2) review of the transaction to determine whether the security interest was given in violation of the Act or this Part or an attempt to evade the requirements of the Act or this Part regarding the sale, assignment, transfer or other disposition of an interest in a gaming operation or in the type of property subject to this Section, including but not limited to video gaming terminals; and
  - 3) review of any other data or information requested.

(Source: Added at 35 Ill. Reg. 1369, effective January 5, 2011)

**Section 1800.930 Prior Registration**

- a) Financing for video gaming terminals may only be provided by, and secured from, a person who has registered with the Board on forms provided by the Board.

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- b) Prior registration of the secured party seeking to enforce a security interest is required. The Board will not approve the enforcement of any security interest in gaming property collateral unless all persons have been either registered or licensed, as applicable.

(Source: Added at 35 Ill. Reg. 1369, effective January 5, 2011)

SUBPART J: TRANSPORTATION AND DISTRIBUTION  
OF VIDEO GAMING TERMINALS

Section 1800.1010 Restriction on Sale, Distribution, Transfer, Supply, and Operation of Video Gaming Terminals

- a) No licensee shall sell, distribute, transfer or supply a video gaming terminal to any person that could not lawfully own or operate the video gaming terminal.
- b) No terminal operator or licensed video gaming location shall operate a video gaming terminal without first obtaining a terminal operator's license or a license for a video gaming location, as applicable.

(Source: Added at 35 Ill. Reg. 1369, effective January 5, 2011)

Section 1800.1020 Transportation of Video Gaming Terminals into the State

- a) A video gaming terminal is shipped or transported into the State when the starting point for shipping or transporting begins outside the State and terminates in the State.
- b) Video gaming terminals may not be shipped directly to licensed video locations.
- c) A manufacturer or distributor shipping or transporting a video gaming terminal into the State to a terminal operator, manufacturer or distributor shall provide the following information to the Board not less than 14 calendar days prior to shipment, unless otherwise directed by the Administrator, on forms provided by the Board:
- 1) the full name, address, and Illinois Gaming Board license number of the person making the shipment;

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- 2) the method of shipment and the name of the carrier, if any;
  - 3) the manner and method of how the shipment will be secured;
  - 4) the full name, address, and Illinois Gaming Board license number of the terminal operator, manufacturer or distributor to whom the video gaming terminals are being sent and the destination of the shipment, if different from the address;
  - 5) the number of video gaming terminals in the shipment;
  - 6) the model, serial number, and description of each video gaming terminal;
  - 7) the expected arrival date of the video gaming terminals at their destination within the State; and
  - 8) such other information as required by the Board.
- d) Each video gaming terminal transported into the State shall be inspected by an agent of the Board at a location to be determined by the Board prior to delivery to a licensed video gaming location.
- e) No EPROM, logic board, or non-alterable storage media may be activated prior to signature verification by the Board or its agent.

(Source: Added at 35 Ill. Reg. 1369, effective January 5, 2011)

**Section 1800.1030 Receipt of Video Gaming Terminals in the State**

- a) Any terminal operator, manufacturer or distributor in the State that receives a video gaming terminal from outside of the State shall, immediately upon receipt of the video gaming terminal, provide the Board with the following information on forms provided by the Board:
- 1) the full name, address, and Illinois Gaming Board license number of the terminal operator, manufacturer or distributor receiving the video gaming terminal;

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- 2) the full name, address and Illinois Gaming Board license number of the person from whom the video gaming terminal was received;
  - 3) the date of receipt of the video gaming terminal;
  - 4) the model, serial number and description of each video gaming terminal;
  - 5) the manufacturer of the video gaming terminal;
  - 6) the location where the video gaming terminal will be stored until placed in a licensed video gaming location;
  - 7) such other information as required by the Board.
- b) The storage location shall be approved in advance by the Administrator. At the time the video gaming terminal is removed from inventory and transported to another location within the State, the terminal operator, distributor or manufacturer shall comply with the requirements in this Subpart.

(Source: Added at 35 Ill. Reg. 1369, effective January 5, 2011)

**Section 1800.1040 Transportation of Video Gaming Terminals Between Locations in the State**

- a) Manufacturers, distributors, licensed terminal handlers, and terminal operators are authorized to transport video gaming terminals within the State.
- b) Except as otherwise provided in this Section, any authorized person transporting a video gaming terminal from an approved location to another approved location in the State for any purpose shall notify the Board before transporting the video gaming terminal and provide the following information on forms provided by the Board:
  - 1) the full name, address and Illinois Gaming Board license number of the person transporting the video gaming terminal from its current location;
  - 2) the reason for transporting the video gaming terminal;

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- 3) the full name, address and Illinois Gaming Board license number of the person to whom the video gaming terminal is being sent and the destination of the video gaming terminal if different from the address;
  - 4) the name and address of the carrier and the method of transport;
  - 5) the manner and method of how the shipment will be secured;
  - 6) the model, serial number and description of the video gaming terminal;
  - 7) the video gaming terminal license number, if any;
  - 8) the manufacturer of the video gaming terminal;
  - 9) the expected date and time of delivery and/or installation of the video gaming terminal in the location; and
  - 10) such other information as the Board may require.
- c) This Section does not apply to the movement of video gaming terminals within the same licensed video gaming location. The relocation is subject to Board approval pursuant to Section 1800.810.
- d) Unless otherwise specified in this Section, an agent of the Board must approve and may inspect all video gaming terminals before the transportation of video gaming terminals within the State.
- e) Movement of a video gaming terminal that has been inoperable pursuant to Section 1800.250 requires notice to the Board on forms provided by the Board. Transportation of an inoperable video gaming terminal must be to an approved location.

(Source: Added at 35 Ill. Reg. 1369, effective January 5, 2011)

**Section 1800.1050 Approval to Transport Video Gaming Terminals Outside of the State**

- a) Manufacturers and distributors located in the State shall not sell, ship, transport, or distribute video gaming terminals out of the State without the prior approval of the Administrator or as the Board provides. Applications for approval to sell,

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ship, transport or distribute video gaming terminals out of the State shall be made, processed and determined in such manner and using the forms the Board provides. Each application shall include:

- 1) the full name, state of residence, address of the purchaser, and jurisdiction where the purchaser is licensed;
  - 2) the full name, state of residence and address of the person to whom shipment is being made, if different than the purchaser;
  - 3) the number of video gaming terminals to be shipped;
  - 4) the model, serial number and description of each video gaming terminal to be shipped;
  - 5) the expected date and time of shipment;
  - 6) the method of shipment and name and address of the carrier; and
  - 7) the method and manner of how the shipment will be secured.
- b) Manufacturers and distributors shall not ship video gaming terminals to any destination where possession of video gaming terminals or gaming devices is illegal.
- c) An agent of the Board must inspect all video gaming terminals before transportation outside of the State. Licensees shall make video gaming terminals available for inspection upon request.

(Source: Added at 35 Ill. Reg. 1369, effective January 5, 2011)

**Section 1800.1060 Placement of Video Gaming Terminals**

Manufacturers, distributors and terminal operators may store and display, and persons licensed pursuant to the Act may repair, service or maintain, video gaming terminals only at locations approved in advance by the Administrator.

(Source: Added at 35 Ill. Reg. 1369, effective January 5, 2011)

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**Section 1800.1070 Disposal of Video Gaming Terminals**

- a) A video gaming terminal shall be disposed of only with the Administrator's prior approval and only if the manner of disposal makes the video gaming terminal incapable of use or operation. Any person seeking to dispose of a video gaming terminal shall notify the Administrator in writing on forms to be provided by the Board prior to disposal and provide the following information:
- 1) the full name, address, and Illinois Gaming Board license number of the person seeking to dispose of the video gaming terminal;
  - 2) the model, serial number and description of the video gaming terminal;
  - 3) the manufacturer of the video gaming terminal;
  - 4) the video gaming terminal Illinois Gaming Board license number;
  - 5) the location of the video gaming terminal;
  - 6) the proposed manner, time and place of disposal; and
  - 7) any other information required by the Board.
- b) Disposal of a video gaming terminal pursuant to this Section shall take place in the presence of an agent of the Board.

(Source: Added at 35 Ill. Reg. 1369, effective January 5, 2011)

**SUBPART K: STATE-LOCAL RELATIONS****Section 1800.1110 State-Local Relations**

- a) Whenever the Board takes any action authorizing or prohibiting the licensing, operation, or use of video gaming terminals, it shall notify the police department or sheriff's office whose jurisdiction includes the premises on which the video gaming terminals are authorized or prohibited.
- b) Any municipality, county or law enforcement agency that takes action relating to the operation or use of a video gaming terminal, whether licensed or unlicensed,

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shall notify the Board and specify the extent of the action taken and the reasons for the action. The Board shall thereupon take whatever action is necessary under the Act. Any law enforcement agency that confiscates video gaming terminals or terminal income shall, as soon as practicable under the circumstances, turn over the video gaming terminals and terminal income to the Board unless otherwise ordered by a court of competent jurisdiction.

(Source: Added at 35 Ill. Reg. 1369, effective January 5, 2011)

## DEPARTMENT OF HUMAN SERVICES

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- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Section Numbers:                      Adopted Action:  
50.310                                              Amendment  
50.320                                              Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13]
- 5) Effective Date of Amendments: January 6, 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 amendments, including any material incorporated, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in the Illinois Register: July 2, 2010; 34 Ill. Reg. 8498
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
50.105	Amendment	34 Ill. Reg. 8834; July 9, 2010
50.210	Amendment	34 Ill. Reg. 8834; July 9, 2010
50.240	Repeal	34 Ill. Reg. 9701; July 16, 2010
50.400	New Section	34 Ill. Reg. 9701; July 16, 2010

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50.410	Amendment	34 Ill. Reg. 9701; July 16, 2010
50.420	Amendment	34 Ill. Reg. 9701; July 16, 2010
50.430	New Section	34 Ill. Reg. 9701; July 16, 2010
50.440	New Section	34 Ill. Reg. 9701; July 16, 2010

15) Summary and Purpose of Rulemaking: This rulemaking establishes that during the period of May 1, 2010, through September 30, 2011, or as long as ARRA funds are available, the child care co-payment fees will be reduced. This rulemaking also deletes the provisions for households receiving care for less than 5 hours per day.

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, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762

217/785-9772

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

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

DEPARTMENT OF HUMAN SERVICES

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

PART 50  
CHILD CARE

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: APPLICABILITY

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

SUBPART C: PAYMENT FEES

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

SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section	
50.410	Provider Eligibility
50.420	Payment for Child Care Services

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## SUBPART E: GREAT START PROGRAM

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

## SUBPART F: CHILD CARE COLLABORATION PROGRAM

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

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

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

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effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 9604, effective June 20, 2008; amended at 32 Ill. Reg. 14742, effective August 28, 2008; amended at 33 Ill. Reg. 8195, effective June 8, 2009; emergency amendment at 33 Ill. Reg. 15889, effective November 1, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 16517, effective November 1, 2009, for a maximum of 150 days; emergency expired March 30, 2010; amended at 34 Ill. Reg. 5275, effective March 29, 2010; emergency amendment at 34 Ill. Reg. 8619, effective June 16, 2010, for a maximum of 150 days; emergency expired November 12, 2010; amended at 34 Ill. Reg. 10512, effective July 8, 2010; amended at 34 Ill. Reg. 19539, effective December 6, 2010; amended at 35 Ill. Reg. 1397, effective January 6, 2011.

## SUBPART C: PAYMENT FEES

**Section 50.310 Fees for Child Care Services**

All parents must share in the cost of child care as illustrated in Section 50.320, except relatives (other than parents) who receive a child-only TANF or GA benefit for children needing care due to the relatives' employment. ~~If the care is for less than 5 hours per day, the parent share is 50% of the amount shown, rounded up to the nearest cent.~~

(Source: Amended at 35 Ill. Reg. 1397, effective January 6, 2011)

**Section 50.320 Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care**

The monthly co-pays in Table A are subject to the availability of funds under the American Recovery and Reinvestment Act (ARRA) and will be effective ~~May 1, 2010~~November 1, 2009 through September 30, 2011, or as long as ARRA funds are available. Once ARRA funds are exhausted, the monthly co-pays in Table B are effective.

TABLE A

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## Family Size 2

Monthly Income	1 Child Monthly Co-Pay
\$ 0 - <u>122327</u>	\$ <u>1.003.68</u>
<u>123328</u> - <u>243491</u>	<u>1.0011.05</u>
<u>244492</u> - <u>365654</u>	<u>1.0018.42</u>
<u>366655</u> - <u>486818</u>	<u>1.0029.46</u>
<u>487819</u> - <u>608981</u>	<u>1.0040.51</u>
<u>609982</u> - <u>7291,145</u>	<u>7.0055.25</u>
<u>7301,146</u> - <u>8501,308</u>	<u>9.0073.66</u>
<u>8511,309</u> - <u>9721,472</u>	<u>10.0092.08</u>
<u>9731,473</u> - <u>1,0931,636</u>	<u>11.00114.17</u>
<u>1,0941,637</u> - <u>1,2151,799</u>	<u>12.00136.27</u>
<u>1,2161,800</u> - <u>1,3361,962</u>	<u>27.00158.37</u>
<u>1,3371,963</u> - <u>1,4572,125</u>	<u>36.00180.47</u>
<u>1,4582,126</u> - <u>1,5792,288</u>	<u>43.00202.57</u>
<u>1,5802,289</u> - <u>1,7002,429</u>	<u>51.00224.67</u>
<u>1,701-1,822</u>	<u>59.00</u>
<u>1,823-1,943</u>	<u>68.00</u>
<u>1,944-2,065</u>	<u>77.00</u>
<u>2,066-2,186</u>	<u>87.00</u>
<u>2,187-2,307</u>	<u>98.00</u>
<u>2,308-2,429</u>	<u>109.00</u>

## Family Size 3

Monthly Income	1 Child Monthly Co-Pay	2 Children Monthly Co-Pay
\$ 0 - <u>153423</u>	\$ <u>1.003.68</u>	\$ <u>2.007.37</u>
<u>154424</u> - <u>306606</u>	<u>1.0011.05</u>	<u>2.0014.73</u>
<u>307607</u> - <u>458808</u>	<u>1.0018.42</u>	<u>2.0025.78</u>
<u>459809</u> - <u>6111,010</u>	<u>1.0029.46</u>	<u>2.0044.20</u>
<u>6121,011</u> - <u>7631,212</u>	<u>1.0040.51</u>	<u>2.0058.93</u>
<u>7641,213</u> - <u>9161,414</u>	<u>9.0055.25</u>	<u>10.0081.03</u>
<u>9171,415</u> - <u>1,0691,616</u>	<u>11.0073.66</u>	<u>12.00125.22</u>
<u>1,0701,617</u> - <u>1,2211,818</u>	<u>12.0092.08</u>	<u>13.00162.05</u>
<u>1,2221,819</u> - <u>1,3742,020</u>	<u>14.00114.17</u>	<u>15.00198.88</u>
<u>1,3752,021</u> - <u>1,5262,222</u>	<u>15.00136.27</u>	<u>16.00235.72</u>



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Monthly Income	Monthly Co-Pay	Monthly Co-Pay
\$ 0 - <u>215558</u>	\$ <u>1.003.68</u>	\$ <u>2.007.37</u>
<u>216559</u> - <u>430837</u>	<u>1.0011.05</u>	<u>2.0014.73</u>
<u>431838</u> - <u>6451,116</u>	<u>1.0018.42</u>	<u>2.0025.78</u>
<u>6461,117</u> - <u>8601,395</u>	<u>1.0029.46</u>	<u>2.0044.20</u>
<u>8611,396</u> - <u>1,0751,674</u>	<u>1.0040.51</u>	<u>2.0058.93</u>
<u>1,0761,675</u> - <u>1,2901,953</u>	<u>13.0055.25</u>	<u>14.0081.03</u>
<u>1,2911,954</u> - <u>1,5052,232</u>	<u>15.0073.66</u>	<u>16.00125.22</u>
<u>1,5062,233</u> - <u>1,7202,511</u>	<u>17.0092.08</u>	<u>18.00162.05</u>
<u>1,7212,512</u> - <u>1,9352,790</u>	<u>19.00114.17</u>	<u>20.00198.88</u>
<u>1,9362,791</u> - <u>2,1503,069</u>	<u>22.00136.27</u>	<u>23.00235.72</u>
<u>2,1513,070</u> - <u>2,3653,348</u>	<u>47.00158.37</u>	<u>48.00272.55</u>
<u>2,3663,349</u> - <u>2,5793,627</u>	<u>64.00180.47</u>	<u>65.00309.38</u>
<u>2,5803,628</u> - <u>2,7943,906</u>	<u>77.00202.57</u>	<u>78.00346.21</u>
<u>2,7953,907</u> - <u>3,0094,185</u>	<u>90.00224.67</u>	<u>91.00383.04</u>
<u>3,0104,186</u> - <u>3,2244,299</u>	<u>105.00246.76</u>	<u>106.00419.87</u>
<u>3,225-3,439</u>	<u>120.00</u>	<u>121.00</u>
<u>3,440-3,654</u>	<u>137.00</u>	<u>138.00</u>
<u>3,655-3,869</u>	<u>155.00</u>	<u>156.00</u>
<u>3,870-4,084</u>	<u>174.00</u>	<u>175.00</u>
<u>4,085-4,299</u>	<u>193.00</u>	<u>194.00</u>

## Family Size 6

Monthly Income	1 Child Monthly Co-Pay	2 or more Children Monthly Co-Pay
\$ 0 - <u>247635</u>	\$ <u>1.003.68</u>	\$ <u>2.007.37</u>
<u>248636</u> - <u>493952</u>	<u>1.0011.05</u>	<u>2.0014.73</u>
<u>494953</u> - <u>7391,270</u>	<u>1.0018.42</u>	<u>2.0025.78</u>
<u>7401,271</u> - <u>9851,587</u>	<u>1.0029.46</u>	<u>2.0044.20</u>
<u>9861,588</u> - <u>1,2311,905</u>	<u>1.0040.51</u>	<u>2.0058.93</u>
<u>1,2321,906</u> - <u>1,4772,222</u>	<u>15.0055.25</u>	<u>16.0081.03</u>
<u>1,4782,223</u> - <u>1,7232,540</u>	<u>17.0073.66</u>	<u>18.00125.22</u>
<u>1,7242,541</u> - <u>1,9692,857</u>	<u>20.0092.08</u>	<u>21.00162.05</u>
<u>1,9702,858</u> - <u>2,2153,175</u>	<u>22.00114.17</u>	<u>23.00198.88</u>
<u>2,2163,176</u> - <u>2,4613,492</u>	<u>25.00136.27</u>	<u>26.00235.72</u>
<u>2,4623,493</u> - <u>2,7073,809</u>	<u>54.00158.37</u>	<u>55.00272.55</u>
<u>2,7083,810</u> - <u>2,9534,126</u>	<u>74.00180.47</u>	<u>75.00309.38</u>
<u>2,9544,127</u> - <u>3,2004,443</u>	<u>88.00202.57</u>	<u>89.00346.21</u>

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<u>3,2014,444 - 3,4464,760</u>	<u>103.00224.67</u>	<u>104.00383.04</u>
<u>3,4474,761 - 3,6924,922</u>	<u>120.00246.76</u>	<u>121.00419.87</u>
<u>3,693-3,938</u>	<u>138.00</u>	<u>139.00</u>
<u>3,939-4,184</u>	<u>157.00</u>	<u>158.00</u>
<u>4,185-4,430</u>	<u>177.00</u>	<u>178.00</u>
<u>4,431-4,676</u>	<u>199.00</u>	<u>200.00</u>
<u>4,677-4,922</u>	<u>221.00</u>	<u>222.00</u>

Family Size 7

Monthly Income	1 Child Monthly Co-Pay	2 or more Children Monthly Co-Pay
\$ 0 - <u>278649</u>	\$ <u>1.003.68</u>	\$ <u>2.007.37</u>
<u>279650 - 555974</u>	<u>1.0011.05</u>	<u>2.0014.73</u>
<u>556975 - 8321,299</u>	<u>1.0018.42</u>	<u>2.0025.78</u>
<u>8331,300 - 1,1091,623</u>	<u>1.0029.46</u>	<u>2.0044.20</u>
<u>1,1101,624 - 1,3871,948</u>	<u>1.0040.51</u>	<u>2.0058.93</u>
<u>1,3881,949 - 1,6642,273</u>	<u>17.0055.25</u>	<u>18.0081.03</u>
<u>1,6652,274 - 1,9412,598</u>	<u>19.0073.66</u>	<u>20.00125.22</u>
<u>1,9422,599 - 2,2182,922</u>	<u>22.0092.08</u>	<u>23.00162.05</u>
<u>2,2192,923 - 2,4963,247</u>	<u>25.00114.17</u>	<u>26.00198.88</u>
<u>2,4973,248 - 2,7733,572</u>	<u>28.00136.27</u>	<u>29.00235.72</u>
<u>2,7743,573 - 3,0503,897</u>	<u>61.00158.37</u>	<u>62.00272.55</u>
<u>3,0513,898 - 3,3274,222</u>	<u>83.00180.47</u>	<u>84.00309.38</u>
<u>3,3284,223 - 3,6054,547</u>	<u>99.00202.57</u>	<u>100.00346.21</u>
<u>3,6064,548 - 3,8824,872</u>	<u>116.00224.67</u>	<u>117.00383.04</u>
<u>3,8834,873 - 4,1595,197</u>	<u>135.00246.76</u>	<u>136.00419.87</u>
<u>4,1605,198 - 4,4365,522</u>	<u>155.00268.86</u>	<u>156.00456.70</u>
<u>4,4375,523 - 4,7145,545</u>	<u>177.00290.96</u>	<u>178.00493.53</u>
<u>4,715-4,991</u>	<u>200.00</u>	<u>201.00</u>
<u>4,992-5,268</u>	<u>224.00</u>	<u>225.00</u>
<u>5,269-5,545</u>	<u>250.00</u>	<u>251.00</u>

Family Size 8

Monthly Income	1 Child Monthly Co-Pay	2 or more Children Monthly Co-Pay
\$ 0 - <u>309664</u>	\$ <u>1.003.68</u>	\$ <u>2.007.37</u>
<u>310665 - 617996</u>	<u>1.0011.05</u>	<u>2.0014.73</u>

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<u>618997 - 9261,328</u>	<u>1.0018.42</u>	<u>2.0025.78</u>
<u>9271,329 - 1,2341,660</u>	<u>1.0029.46</u>	<u>2.0044.20</u>
<u>1,2351,661 - 1,5431,992</u>	<u>1.0040.51</u>	<u>2.0058.93</u>
<u>1,5441,993 - 1,8512,323</u>	<u>19.0055.25</u>	<u>20.0081.03</u>
<u>1,8522,324 - 2,1592,655</u>	<u>22.0073.66</u>	<u>23.00125.22</u>
<u>2,1602,656 - 2,4682,987</u>	<u>25.0092.08</u>	<u>26.00162.05</u>
<u>2,4692,988 - 2,7763,319</u>	<u>28.00114.17</u>	<u>29.00198.88</u>
<u>2,7773,320 - 3,0853,651</u>	<u>31.00136.27</u>	<u>32.00235.72</u>
<u>3,0863,652 - 3,3933,983</u>	<u>68.00158.37</u>	<u>69.00272.55</u>
<u>3,3943,984 - 3,7014,315</u>	<u>93.00180.47</u>	<u>94.00309.38</u>
<u>3,7024,316 - 4,0104,647</u>	<u>110.00202.57</u>	<u>111.00346.21</u>
<u>4,0114,648 - 4,3184,979</u>	<u>130.00224.67</u>	<u>131.00383.04</u>
<u>4,3194,980 - 4,6275,311</u>	<u>150.00246.76</u>	<u>151.00419.87</u>
<u>4,6285,312 - 4,9355,643</u>	<u>173.00268.86</u>	<u>174.00456.70</u>
<u>4,9365,644 - 5,2445,975</u>	<u>197.00290.96</u>	<u>198.00493.53</u>
<u>5,2455,976 - 5,5526,169</u>	<u>222.00313.06</u>	<u>223.00530.36</u>
<u>5,553-5,860</u>	<u>249.00</u>	<u>250.00</u>
<u>5,861-6,169</u>	<u>278.00</u>	<u>279.00</u>

TABLE B

## Family Size 2

Monthly Income	1 Child Monthly Co-Pay
\$ 0 - 327	\$ 4.33
328 - 491	13.00
492 - 654	21.67
655 - 818	34.66
819 - 981	47.66
982 - 1,145	65.00
1,146 - 1,308	86.66
1,309 - 1,472	108.33
1,473 - 1,636	134.32
1,637 - 1,799	160.32
1,800 - 1,962	186.32
1,963 - 2,125	212.32
2,126 - 2,288	238.32
2,289 - 2,429	264.31

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## Family Size 3

Monthly Income	1	2
	Child Monthly Co-Pay	Children Monthly Co-Pay
\$ 0 - 423	\$ 4.33	\$ 8.67
424 - 606	13.00	17.33
607 - 808	21.67	30.33
809 - 1,010	34.66	52.00
1,011 - 1,212	47.66	69.33
1,213 - 1,414	65.00	95.33
1,415 - 1,616	86.66	147.32
1,617 - 1,818	108.33	190.65
1,819 - 2,020	134.32	233.98
2,021 - 2,222	160.32	277.31
2,223 - 2,424	186.32	320.64
2,425 - 2,626	212.32	363.97
2,627 - 2,828	238.32	407.30
2,829 - 3030	264.31	450.63
3,031 - 3,052	290.31	493.96

## Family Size 4

Monthly Income	1 Child	2 or more Children
	Monthly Co-Pay	Monthly Co-Pay
\$ 0 - 481	\$ 4.33	\$ 8.67
482 - 722	13.00	17.33
723 - 962	21.67	30.33
963 - 1,203	34.66	52.00
1,204 - 1,443	47.66	69.33
1,444 - 1,684	65.00	95.33
1,685 - 1,924	86.66	147.32
1,925 - 2,165	108.33	190.65
2,166 - 2,405	134.32	233.98
2,406 - 2,646	160.32	277.31

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2,647 - 2,887	186.32	320.64
2,888 - 3,128	212.32	363.97
3,129 - 3,369	238.32	407.30
3,370 - 3,610	264.31	450.63
3,611 - 3,675	290.31	493.96

## Family Size 5

Monthly Income	1 Child	2 or more
	Monthly Co-Pay	Children Monthly Co-Pay
\$ 0 - 558	\$ 4.33	\$ 8.67
559 - 837	13.00	17.33
838 - 1,116	21.67	30.33
1,117 - 1,395	34.66	52.00
1,396 - 1,674	47.66	69.33
1,675 - 1,953	65.00	95.33
1,954 - 2,232	86.66	147.32
2,233 - 2,511	108.33	190.65
2,512 - 2,790	134.32	233.98
2,791 - 3,069	160.32	277.31
3,070 - 3,348	186.32	320.64
3,349 - 3,627	212.32	363.97
3,628 - 3,906	238.32	407.30
3,907 - 4,185	264.31	450.63
4,186 - 4,299	290.31	493.96

## Family Size 6

Monthly Income	1 Child	2 or more
	Monthly Co-Pay	Children Monthly Co-Pay
\$ 0 - 635	\$ 4.33	\$ 8.67
636 - 952	13.00	17.33
953 - 1,270	21.67	30.33
1,271 - 1,587	34.66	52.00
1,588 - 1,905	47.66	69.33

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1,906 - 2,222	65.00	95.33
2,223 - 2,540	86.66	147.32
2,541 - 2,857	108.33	190.65
2,858 - 3,175	134.32	233.98
3,176 - 3,492	160.32	277.31
3,493 - 3,809	186.32	320.64
3,810 - 4,126	212.32	363.97
4,127 - 4,443	238.32	407.30
4,444 - 4,760	264.31	450.63
4,761 - 4,922	290.31	493.96

## Family Size 7

Monthly Income	1	2 or more
	Child Monthly Co-Pay	Children Monthly Co-Pay
\$ 0 - 649	\$ 4.33	\$ 8.67
650 - 974	13.00	17.33
975 - 1,299	21.67	30.33
1,300 - 1,623	34.66	52.00
1,624 - 1,948	47.66	69.33
1,949 - 2,273	65.00	95.33
2,274 - 2,598	86.66	147.32
2,599 - 2,922	108.33	190.65
2,923 - 3,247	134.32	233.98
3,248 - 3,572	160.32	277.31
3,573 - 3,897	186.32	320.64
3,898 - 4,222	212.32	363.97
4,223 - 4,547	238.32	407.30
4,548 - 4,872	264.31	450.63
4,873 - 5,197	290.31	493.96
5,198 - 5,522	316.31	537.29
5,523 - 5,545	342.31	580.62

## Family Size 8

1	2 or more
Child	Children

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Monthly Income	Monthly Co-Pay	Monthly Co-Pay
\$ 0 - 664	\$ 4.33	\$ 8.67
665 - 996	13.00	17.33
997 - 1,328	21.67	30.33
1,329 - 1,660	34.66	52.00
1,661 - 1,992	47.66	69.33
1,993 - 2,323	65.00	95.33
2,324 - 2,655	86.66	147.32
2,656 - 2,987	108.33	190.65
2,988 - 3,319	134.32	233.98
3,320 - 3,651	160.32	277.31
3,652 - 3,983	186.32	320.64
3,984 - 4,315	212.32	363.97
4,316 - 4,647	238.32	407.30
4,648 - 4,979	264.31	450.63
4,980 - 5,311	290.31	493.96
5,312 - 5,643	316.31	537.29
5,644 - 5,975	342.31	580.62
5,976 - 6,169	368.31	623.95

(Source: Amended at 35 Ill. Reg. 1397, effective January 6, 2011)

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- 1) Heading of the Part: Snowmobile Trail Establishment Fund Grant Program
- 2) Code Citation: 17 Ill. Adm. Code 3020
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3020.50	Amendment
3020.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 9-1 and 9-2 of the Snowmobile Registration and Safety Act [625 ILCS 40/9-1 and 9-2]
- 5) Effective Date of Amendments: January 5, 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 rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 17, 2010; 34 Ill. Reg. 13278
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to add language to clarify that the use of grant funds may be used to purchase mandatory liability insurance and to add language pertaining to the maintenance and retention of all financial records on approved projects.

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

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

217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER g: GRANTSPART 3020  
SNOWMOBILE TRAIL ESTABLISHMENT FUND GRANT PROGRAM

## Section

3020.10	Program Objective
3020.20	Program Eligibility Requirements
3020.30	Funding Assistance Formula
3020.40	General Procedures for Grant Applications and Awards
3020.50	Eligible Project Expenditures
3020.60	Project Evaluation Criteria/Priorities
3020.70	Program Compliance Requirements
3020.80	Program Information

**AUTHORITY:** Implementing and authorized by Sections 9-1 and 9-2 of the Snowmobile Registration and Safety Act [625 ILCS 40/9-1 and 9-2].

**SOURCE:** Adopted and codified at 7 Ill. Reg. 198, effective December 22, 1982; amended at 7 Ill. Reg. 14964, effective November 1, 1983; amended at 11 Ill. Reg. 12869, effective July 28, 1987; amended at 16 Ill. Reg. 1833, effective January 17, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 9085, effective June 26, 1997; amended at 28 Ill. Reg. 10635, effective July 13, 2004; amended at 35 Ill. Reg. 1411, effective January 5, 2011.

**Section 3020.50 Eligible Project Expenditures**

- a) Grant assistance may be obtained for, but not limited to, the purchase of the following items or materials necessary to construct such items:
- 1) trail signs;
  - 2) trail fencing;
  - 3) trail groomers;
  - 4) bridges or fence traversing ramps (must be portable);

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- 5) parking facilities;
- 6) warming shelters/restrooms (facility must be located on public park land);
- 7) equipment rental necessary for facility construction; and
- 8) other (considered on a case-by-case basis).

b) [Grant assistance may be obtained for mandatory liability insurance as required under Section 3020.40\(c\) of this Part.](#)

c)b) Grant assistance may be obtained for annual trail maintenance costs as authorized by the Department to cover fuel and necessary oils/fluids, vehicle insurance, equipment repairs, and routine maintenance parts directly associated with the operation and transporting of STEF-assisted grooming equipment while maintaining designated trails open to the general public for snowmobile use.

d)e) It is the Department's policy that the STEF grant program be used to assist local snowmobile clubs purchase necessary materials for development and maintenance of snowmobile facilities. Labor necessary for project completion and maintenance shall be the sole responsibility of the project sponsor utilizing donated/volunteer labor. No funding assistance will be provided for club member labor costs associated with an approved project.

e)d) No grant assistance will be awarded to projects which, either in whole or in part, will not be open to the general public for snowmobile use. If the project sponsor so chooses, use of the project facilities can be restricted to only those snowmobilers who can show proof of adequate personal liability insurance coverage or are willing to sign liability waivers concerning use of the facility.

(Source: Amended at 35 Ill. Reg. 1411, effective January 5, 2011)

**Section 3020.70 Program Compliance Requirements**

- a) Grants awarded through the STEF grant program shall be for a period not to exceed 18 months. All approved projects must be in accordance with the agreed upon project specifications and a final billing request for reimbursement submitted to the Department.

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- b) All equipment/materials purchased through the STEF grant program utilized on private property shall be subject to repossession by the Department and shall be reclaimed upon the dissolution of the project sponsor or as a result of project sponsor non-compliance with program regulations as stated herein.
- c) With the exception of designated snowmobile routes on township roads, all snowmobile facilities developed with assistance from the STEF shall be posted with a liability disclaimer sign at ingress/egress points to the facility that warns snowmobilers they use the facility at their own risk.
- d) With the exception of designated snowmobile routes on township roads, it shall be the sole responsibility of the project sponsor to adequately patrol the STEF-assisted facility to insure proper usage of the facility and user compliance with all State and local snowmobiling regulations. Failure of the project sponsor to take corrective measures, which bring the facility into compliance with this Part, to help remedy complaints lodged by local citizens concerning misuse of STEF-assisted facilities shall be grounds for rescission of Department participation in the project.
- e) For projects proposing permanent land/facility improvements, such as warming shelters, picnic shelters, bridges, and parking lots, it shall be necessary for the project sponsor(s) to possess/obtain signed "letters of agreement" or "leases" from all property owners directly associated with the development of STEF-assisted facilities which shall, at a minimum, stipulate the following terms:
  - 1) General
    - A) The effective dates of the agreement/lease which shall, at a minimum, be for a 4 month period from December 1 to April 1 for 2 consecutive years.
    - B) A precise description of the property to be covered under the terms of the agreement/lease for snowmobiling use.
    - C) If applicable, the agreed upon rental/lease fee to be paid the landowner in consideration for use of the designated property. PLEASE NOTE that any private landowner who accepts a valuable consideration in return for opening his/her land for public

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snowmobiling purposes jeopardizes the possibility for limited liability protection afforded under the Snowmobile Registration and Safety Act [625 ILCS 40/5-1(I) and (J)] to private landowners who open their lands to snowmobiling for no valuable consideration.

- D) The agreement/lease is non-revocable by the landowner unless terms of the agreement/lease are violated by the club or excessive vandalism by snowmobile users is evident. Should either the project sponsor or landowner wish to terminate the agreement/lease for any reason prior to the expiration date, the Department must be notified and made a party to the negotiations for termination.

2) Permitters (landowners) Acknowledgements

- A) Permitter agrees that the described property in the agreement/lease will be open to the general public for ~~snowmobiling~~~~snowmobile~~ purposes regardless of race, sex, color, creed or national origin.
- B) During the terms of the agreement/lease, the permitter shall not utilize, make alterations to, further sublet or in other ways legally encumber the designated premises or parts thereof so as to interfere with the intended snowmobiling use of the property.
- C) Permitter shall not post "no trespassing" or other restrictive use signs on the described property at any time during the terms of the agreement/lease.
- D) Permitter shall be allowed to restrict snowmobile use on the described property during the terms of the agreement/lease only when:
- i) snowcover is less than 4 inches,
  - ii) there is evidence of continued facility misuse or damage to the designated property by snowmobilers,
  - iii) it is judged that conditions of the facility jeopardize user

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safety.

- E) Permitter agrees that all materials/equipment used to make improvements to or mark the designated property for snowmobiling use shall remain the property of the permittee and State of Illinois and shall be reclaimed/removed at the termination of the agreement/lease.
  - F) Permitter agrees to hold harmless permittee, its officers and members, and the State of Illinois and its agents from any and all claims, demands, judgments, and executions which may arise as a direct or indirect result of this agreement/lease or actions taken in reliance thereupon.
  - G) Permitter in no way implies or assures through the execution of this agreement/lease that the designated property is safe for snowmobile use; or confers upon any trail user the legal status of invitee to whom a duty of care is owed; or assumes liability responsibility for injury to person/property caused through snowmobile use of the designated property.
- 3) Permittees (snowmobile club) Acknowledgements
- A) To restrict snowmobiling on the Permitter's property to those areas specifically designated for that purpose in the agreement/lease.
  - B) To make only those improvements or trim and cut only those trees and shrubs on the designated property as approved by the property owner. It is further understood that all damage to fencing or other personal property of the property owner as a result of facility development or usage shall be repaired by the permittee to pre-damage condition upon termination of the agreement/lease or request of the property owner.
  - C) To post necessary trail signs to insure safe and proper snowmobile usage of the designated property and remove them, as requested, upon termination of the agreement/lease or snowmobiling season.
  - D) To patrol and use all reasonable measures to promote safe and

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proper snowmobile usage of the designated property and to prevent the deposit of litter upon said property by users and to remove such litter that may be deposited.

- f) All Leases/Letters of Agreement must be submitted to the Department, and must be consistent with subsection (e) of this Section prior to consideration for STEF grant assistance. Upon the expiration or termination of a lease agreement which causes relocation of project facilities, the Department shall be notified as to the location of the new facility site.
- g) During all times of operation of a STEF-assisted snowmobile facility, the project sponsor must possess, in current force, its Charter papers proving Not-for-Profit corporation status with the State of Illinois, and must possess insurance protection providing a minimum of \$1,000,000 liability coverage.
- h) The project sponsor must possess the resource capabilities to:
  - 1) Initially finance 100% of the total cost prior to grant reimbursement; and
  - 2) Properly maintain and operate the fund-assisted snowmobile facility after project completion.
- i) Documents required at the time of final billing for grant reimbursement on a project include the following:
  - 1) a signed "Billing Request" Form that itemizes specific project costs and contains a certification statement verifying project expenditures;
  - 2) copies of receipts/invoices for all approved project costs incurred in completing the project for which reimbursement is claimed;
  - 3) copies of cancelled checks showing proof of payment; and
  - 4) "as-built" drawings for the completed project.

(~~NOTE~~Note: It shall be understood by the project sponsor that 45-60 days are required by the Department to disburse grant reimbursement funds to local project sponsors after receipt of an acceptable "Billing Request" submittal in compliance with the above listed items.)

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- j) All financial records on approved projects must be maintained and retained, [in accordance with the Grant Funds Recovery Act \[30 ILCS 705\] and the State Records Act \[5 ILCS 160\]](#), by the project sponsor for possible State audit ~~for a period of 5 years~~ after final reimbursement payment is made by the Department.
- k) The project sponsor must permanently post at the project site a STEF grant program acknowledgement sign. The required acknowledgement sign will be furnished by the Department.
- l) All work specifications must be submitted by the project sponsor to the Department upon request for review prior to commencing work. Project sponsor will be notified by the Department if the proposed project requires the approval of a registered structural engineer.
- m) Department representatives shall have access to STEF-assisted project sites at any time during construction to assess project progress and during facility operation to ensure compliance with program regulations. As time allows, Department representatives shall be available, upon request, for consultation/technical assistance concerning project development. It shall be further understood that a final inspection and acceptance of the completed project work must be made by a Department representative prior to approval of final reimbursement payment to the local project sponsor.
- n) The sponsoring agency shall ~~indemnify~~[identify](#), protect and hold harmless the Department from any and all liability, costs, damages, and claims arising as a direct or indirect result of the construction, operation or maintenance of STEF-assisted snowmobile facilities.
- o) In connection with, and prior to, the construction, and thereafter the subsequent operation and maintenance of STEF-assisted snowmobile facilities, sponsoring agency agrees that it shall be responsible for and obtain all necessary permits, licenses or forms of consent, as the case may be, from, but not limited to, the following agencies:
- 1) Illinois Department of Transportation: Division of Highways,
  - 2) Illinois Department of Natural Resources: Division of Water Resources,

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- 3) Illinois Environmental Protection Agency,
  - 4) U.S. Army Corp of Engineers,
  - 5) Local building, zoning or roadway boards/commissions.
- p) The project sponsor must comply with and abide by the following Operation and Maintenance provisions:
- 1) The charging of user fees for general public use of STEF-assisted snowmobile facilities is prohibited.
  - 2) All STEF-assisted snowmobile facilities shall be operated, maintained and utilized for general public use in such a manner as to maximize the facility's intended benefits.
  - 3) The sponsoring agency shall satisfactorily maintain STEF-assisted snowmobile facilities so as to promote the safe and enjoyable use of the facility by the snowmobiling public.
  - 4) All snowmobiling trails/facilities developed, improved and/or maintained as a result of STEF grant assistance must be open and available to general public use and enjoyment without regard to sex, race, color, creed or national origin.
  - 5) Department personnel shall have access to STEF-assisted facilities at all times for inspection purposes to ensure continued compliance with program regulations.
- q) All funds administered by the Department under the STEF grant program and expended by the project sponsor shall be in accordance with all applicable State statutes.
- r) The Department may unilaterally rescind project agreements at any time prior to commencement of the project, if the Department experiences a funding problem or the applicant demonstrates non-compliance with this Part. After project commencement, agreements may be rescinded, modified, or amended only by mutual agreement with the project sponsor. A project shall be deemed commenced when the project sponsor has made an expenditure or has incurred an

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obligation with respect to the project.

- s) Failure by the local project sponsor to comply with any of the herein cited program regulations and terms shall be cause for the suspension of all STEF grant assistance obligations and/or repossession of project equipment/material obtained thereunder, unless, in the judgment of the Department, such noncompliance was due to no fault of the project sponsor.

(Source: Amended at 35 Ill. Reg. 1411, effective January 5, 2011)

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- 1) Heading of the Part: Hospital Capital Investments
- 2) Code Citation: 77 Ill. Adm. Code 976
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
976.10	New
976.20	New
976.30	New
976.40	New
976.50	New
976.60	New
976.70	New
976.80	New
976.90	New
976.100	New
976.110	New
976.120	New
976.130	New
976.140	New
976.150	New
976.160	New
976.170	New
976.180	New
976.190	New
- 4) Statutory Authority: Department of Public Health Powers and Duties Law [20 ILCS 2310/2310-640]
- 5) Effective Date of Rulemaking: January 6, 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 rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments Published in Illinois Register: July 16, 2010; 34 Ill. Reg. 9716

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- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:
- No changes were made to the proposed rulemaking during the first notice period.
- The following changes were made in response to comments and suggestions of JCAR:
- In Section 976.20(b), add a subsection "10) Administrative Review Law [735 ILCS 5/Art. III]".
- 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: Public Act 96-37 mandates that the Illinois Department of Public Health establish and administer a program to award capital grants to hospitals. The grants are to be used to fund capital projects to improve or renovate the hospital's facility, or to improve, replace or acquire equipment or technology. Projects can include activities to satisfy building code, safety standard, or life safety code; maintain, improve, renovate, expand, or construct buildings or structures; maintain, establish, or improve health information technology; or maintain or improve patient safety, quality of care, or access to care.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:
- Susan Meister  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, 5<sup>th</sup> Floor  
Springfield, Illinois 62761
- e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

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

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICESPART 976  
HOSPITAL CAPITAL INVESTMENTS

## SUBPART A: GENERAL PROVISIONS

Section	
976.10	Definitions
976.20	Referenced Materials
976.30	Administrative Hearings
976.40	Freedom of Information

SUBPART B: SAFETY NET HOSPITAL GRANTS  
AND COMMUNITY HOSPITAL GRANTS

Section	
976.50	Grant Descriptions
976.60	Grant Eligibility
976.70	Grant Application Requirements
976.80	Grant Application Review Criteria
976.90	Notice of Grant Opportunity
976.100	Letter of Intent
976.110	Grant Application Processing
976.120	Grant Awards
976.130	Grant Funds Distribution
976.140	Grant Funds Recovery
976.150	Grant Validity
976.160	Obligation
976.170	Alteration
976.180	Progress Reports
976.190	Project Completion

AUTHORITY: Implementing and authorized by Section 2310-640 of the Department of Public Health Powers and Duties Law [20 ILCS 2310/2310-640].

SOURCE: Adopted at 35 Ill. Reg. 1422, effective January 6, 2011.

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## SUBPART A: GENERAL PROVISIONS

**Section 976.10 Definitions**

"Act" means Section 2310-640 of the Department of Public Health Powers and Duties Law.

"Ambulatory Surgical Treatment Center" means any institution, place or building licensed pursuant to the Ambulatory Surgical Treatment Center Act.

"Architectural and Engineering Costs" means the costs associated with the development and implementation of drawings and design materials for a project.

"Authorized Beds" means the number of beds recognized at a hospital as reflected in the Inventory of Health Care Facilities and Services and Need Determinations from the Health Facilities and Services Review Board (see 77 Ill. Adm. Code 1100.220).

"Calendar Day" means all days in a month or prescribed time frame, including weekends and holidays.

"Capital Expenditure" means an expenditure that creates a future benefit. A capital expenditure occurs when an entity acquires an asset or adds to the value of an existing asset with a useful life that is beyond one year. Under generally accepted accounting principles, capital expenditures are costs that cannot be deducted in the year in which the asset was acquired. If the asset has a useful life longer than one year, the capital expenditure cost is depreciated over the life of the asset.

"Capital Lease" means a lease that is recognized as an asset and liability. Under generally accepted accounting principles, this applies to leases through which the entity acquires all of the economic benefits and risks of the leased asset.

"Cash and Equivalents" means the most liquid assets in the balance sheet. Equivalents are securities with maturities of less than three months and can be sold with little or no loss of value.

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"Case Mix Index" for a hospital shall mean either the case mix index used in Section 5A-12.2(n) of the Illinois Public Aid Code or the case mix index used under the federal Medicare program as specified in the Final Rule entitled, "Medicare Program: Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2009 Rates" published in the Federal Register on August 19, 2008, whichever is greater.

"Category of Service" shall have the meaning ascribed in the Health Facilities and Services Review Board's rules (see 77 Ill. Adm. Code 1100.220).

"Certificate of Exemption" or "COE" is an exemption issued by the Health Facilities and Services Review Board for construction or modification of a health care facility.

"Certificate of Need" or "CON" is a permit issued by the Health Facilities and Services Review Board for construction or modification of a health care facility.

"Change of Ownership" shall have the meaning ascribed in the Health Facilities and Services Review Board's rules (see 77 Ill. Adm. Code 1130.140).

"Changes the Bed Capacity of Health Care Facility" means *increasing the total number of beds or by distributing beds among various categories of service or by relocating beds from one physical facility or site to another by more than 20 beds or more than 10% of total bed capacity, whichever is less.* (Section 5(c) of the Illinois Health Facilities Planning Act)

"Children's Hospital" means a hospital that is devoted exclusively to care for children (see 89 Ill. Adm. Code 149.50(c)(3)(A)).

"Clinical Service Area" shall have the meaning ascribed in the Health Facilities and Services Review Board's rules (see 77 Ill. Adm. Code 1130.140).

"Construction" or "Modernization" means the establishment, building, alteration, reconstruction, modernization, or improvement of a hospital.

"Construction Costs" or "Modernization Costs" means expenses from a construction contract.

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"Contingencies" means an allowance for unforeseeable events relating to the construction or modernization component of a project.

"Control" shall have the meaning ascribed in the Health Facilities and Services Review Board's rules (see 77 Ill. Adm. Code 1130.140).

"Debt Financing" means all or a portion of a project's costs financed through borrowing. For purposes of this Part, leasing is considered borrowing.

*"Department" means the Department of Public Health.* (Section 2310-5 of the Department of Public Health Powers and Duties Law)

"Depreciation" means the reduction in the balance sheet value of an asset to reflect its loss of value through age and use.

"Depreciation Schedule" means the annual apportionment of the depreciable cost of an asset to future accounting periods.

"Discontinue" shall have the meaning ascribed in the Health Facilities and Services Review Board's rules (see 77 Ill. Adm. Code 1130.140).

*"Director" means the Director of Public Health.* (Section 2310-5 of the Department of Public Health Powers and Duties Law)

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

"Establish" or "Establishment" shall have the meaning ascribed in the Health Facilities and Services Review Board's rules (see 77 Ill. Adm. Code 1130.140).

"Estimated Total Project Cost" means all of the capital expenditures required to complete a project.

"Equipment Cost" means the cost of movable equipment, including movable medical equipment, and the cost of making this equipment operational (e.g., installation costs).

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*"General Acute Care Hospital"* shall have the meaning ascribed in both Section 5A-12.2 of the Illinois Public Aid Code (Section 2310-640(e) of the Act) and the Illinois Department of Healthcare and Family Services' rules (see 89 Ill. Adm. Code 148.458(a)).

"Grant Agreement" means the agreement entered into between the Department and the grantee setting forth the terms and conditions of a grant award.

"Grant Funds" means public funds dispensed by the Department to any person or entity for obligation, capital expenditure, or use for a specific purpose.

"Grantee" means a recipient of a grant under this Part.

*"Hospital"* shall have the meaning ascribed in Section 3 of the Hospital Licensing Act, but in no event shall it include a hospital owned or operated by a State agency, a State university, or a county with a population of 3,000,000 or more. (Section 2310-640(e) of the Act)

"Hospital System" means a group of hospitals, facilities and organizations engaged in providing health care within a geographical area.

*"Medicaid Inpatient Day"* shall have the meaning ascribed in Section 5A-12.2(n) of the Illinois Public Aid Code. (Section 2310-640(e) of the Act)

*"Medicaid Inpatient Utilization Rate"* shall have the meaning ascribed in 89 Ill. Adm. Code 148.20(i)(4) for the rate year beginning on October 1, 2008. (Section 2310-640(e) of the Act)

"Not-for-Profit Hospital" means a hospital that is subject to Sections 101.80(m) and 103.05(a) of the General Not For Profit Corporation Act of 1986.

"Obligation" or "Obligated" means that the project has commenced and is proceeding with due diligence and that the grantee is meeting the time frame requirements outlined in the grant application and in Section 976.190.

"Preplanning Costs" means costs incurred prior to the commencement of a project, including bid solicitations, legal fees, and feasibility studies.

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"Project Completion" means that the project has been brought to a conclusion based on the objectives in the grant application and has met all applicable requirements of the Hospital Licensing Act and the Illinois Health Facilities Planning Act.

"Public Hospital" means a hospital owned by a Hospital District or other public agency (see Section 3(b) of the Hospital District Law).

*"Rural" shall have the meaning ascribed in 89 Ill. Adm. Code 148.25(g)(3).*  
(Section 2310-640(e) of the Act)

"Scrap Value" means the minimal worth of an asset after it is depreciated.

"Site Preparation" means costs for the preparation of a site for construction or modernization, including site drainage, utilities, demolition of existing structures, clearing, grading, and earthwork.

"Substantially Changes the Scope or Changes the Functional Operation of the Facility" shall have the meaning ascribed in the Health Facilities and Services Review Board's rules (see 77 Ill. Adm. Code 1130.140).

*"Urban" shall have the meaning ascribed in 89 Ill. Adm. Code 148.25(g)(4).*  
(Section 2310-640(e) of the Act)

**Section 976.20 Referenced Materials**

The following materials are referenced in this Part:

- a) Illinois Statutes
  - 1) Department of Public Health Powers and Duties Law [20 ILCS 2310/2310-640]
  - 2) Hospital Licensing Act [210 ILCS 85]
  - 3) Illinois Health Facilities Planning Act [20 ILCS 3960]
  - 4) Illinois Public Aid Code [305 ILCS 5]

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- 5) Hospital District Law [70 ILCS 910]
  - 6) General Not For Profit Corporation Act of 1986 [805 ILCS 105]
  - 7) Illinois Administrative Procedure Act [5 ILCS 100]
  - 8) Ambulatory Surgical Treatment Center Act [210 ILCS 5]
  - 9) Freedom of Information Act [5 ILCS 140]
  - 10) Administrative Review Law [735 ILCS 5/Art. III]
- b) Illinois Administrative Rules
- 1) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
  - 2) Hospital Licensing Requirements (77 Ill. Adm. Code 250)
  - 3) Narrative and Planning Policies (77 Ill. Adm. Code 1100)
  - 4) Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110)
  - 5) Health Facilities Planning Procedural Rules (77 Ill. Adm. Code 1130)
  - 6) Hospital Services (89 Ill. Adm. Code 148)
  - 7) Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill. Adm. Code 149)

**Section 976.30 Administrative Hearings**

Administrative hearings conducted concerning the provisions of this Part shall be governed by the Department's Practice and Procedure in Administrative Hearings.

**Section 976.40 Freedom of Information**

The provisions of the Freedom of Information Act shall apply to this Part.

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SUBPART B: SAFETY NET HOSPITAL GRANTS  
AND COMMUNITY HOSPITAL GRANTS**Section 976.50 Grant Descriptions**

- a) Grants provided to hospitals under this Part can be used only to fund capital projects, including:
- 1) *to satisfy any building code, safety standard or life safety code;*
  - 2) *to maintain, improve, renovate, expand or construct buildings or structures;*
  - 3) *to maintain, establish or improve medical equipment or health information technology; or*
  - 4) *to maintain or improve patient safety, quality of care or access to care.* (Section 2310-640(a) of the Act)
- b) The Department shall make grants to hospitals that meet the eligibility requirements of Section 976.60.
- 1) General acute care hospitals qualifying under Section 976.60(a)(1) and/or (a)(2) will receive \$7,000,000. General acute care hospitals qualifying under Section 976.60(a)(3), (a)(4) and/or (a)(5) will receive \$4,600,000.
  - 2) General acute care hospitals that qualify for community hospital grants will receive:
    - A) Either:
      - i) *\$170,000 if the hospital is located in an urban area; or*
      - ii) *\$340,000 if the hospital is located in a rural area; and*
    - B) *a payment equal to the product of \$45 multiplied by the total Medicaid inpatient days.* (Section 2310-640(c) of the Act)

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- c) Grants awarded through this program cannot *be*:
- 1) *used to pay for any on-going operational costs;*
  - 2) *used to pay outstanding debt; or*
  - 3) *allocated to an endowment or otherwise invested fund.* (Section 2310-640(a) of the Act)

**Section 976.60 Grant Eligibility**

To be eligible to apply for a grant, a hospital shall either meet one of the requirements in subsection (a) or the requirements of subsection (b) and shall meet the requirement of subsection (c).

- a) To be eligible to apply for a Safety Net Hospital Grant, a hospital shall be one of the following:
- 1) *Any general acute care hospital located in a county of over 3,000,000 inhabitants that has a Medicaid inpatient utilization rate for the rate year beginning October 1, 2008 greater than 43%, that is not affiliated with a hospital system that owns or operates more than 3 hospitals, and that has more than 13,500 Medicaid inpatient utilization days* (Section 2310-640(b)(1) of the Act);
  - 2) *Any general acute care hospital that is located in a county of more than 3,000,000 inhabitants and has a Medicaid inpatient utilization rate for the rate year beginning on October 1, 2008 greater than 55% and has authorized beds for the obstetric-gynecology category of service as reported in the 2008 Annual Hospital Bed Report, issued by the Illinois Department of Public Health* (Section 2310-640(b)(2) of the Act);
  - 3) *Any hospital that is defined in 89 Ill. Adm. Code 149.50(c)(3)(A) and that has less than 20,000 Medicaid inpatient days* (Section 2310-640(b)(3) of the Act);
  - 4) *Any general acute care hospital that is located in a county of less than 3,000,000 inhabitants and has a Medicaid inpatient utilization rate for the*

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*rate year beginning on October 1, 2008 greater than 64%* (Section 2310-640(b)(4) of the Act); or

- 5) *Any general acute care hospital that is located in a county of over 3,000,000 inhabitants and a city of less than 1,000,000 inhabitants, that has a Medicaid inpatient utilization rate for the rate year beginning October 1, 2008 greater than 22%, that has more than 12,000 Medicaid inpatient days, and has a case mix index greater than 0.71* (Section 2310-640(b)(5) of the Act).
- b) Community Hospital Grants. The Department will make capital grants to *any public or not-for-profit hospitals* that:
  - 1) *are located in counties of less than 3,000,000 inhabitants and that are not otherwise eligible for a Safety Net Hospital grant; and*
  - 2) *have a Medicaid inpatient utilization rate for the rate year beginning on October 1, 2008 of at least 10%.* (Section 2310-640(c) of the Act)
- c) A hospital that applies for a grant under this Part shall be licensed by the Illinois Department of Public Health in accordance with the Hospital Licensing Act. The license shall be valid and the hospital shall be in operation when the grant application is submitted, when the grant agreement is executed and when the project is complete.

**Section 976.70 Grant Application Requirements**

Grant applications shall contain the following:

- a) General Information
  - 1) Project Summary. The applicant shall provide a description of the project, including the project's needs and expected accomplishments. The summary shall also provide a description of the resources, both available and needed, for the project.
  - 2) Project Narrative. The narrative shall state the need for the project, the expected impact on hospital operations, and the anticipated population to

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be served. The narrative shall also address any of the following (as applicable):

- A) *Projects to satisfy any building code, safety standard or life safety code;*
  - B) *Projects to maintain, improve, renovate, expand or construct buildings or structures;*
  - C) Projects to improve, replace or acquire equipment;
  - D) *Projects to maintain, establish or improve health information technology;*
  - E) *Projects to maintain or improve patient safety;*
  - F) Projects to maintain or improve *quality of care; or*
  - G) Projects to maintain or improve *access to care.* (Section 2310-640(a) of the Act)
- 3) Project Objectives. The applicant shall document the measurable objectives that the project will accomplish. Once the objectives are identified, the applicant shall describe the implementation plan for the objectives and a timetable for achievement of the objectives.
- 4) Project Budget. The applicant shall list the total dollar amount needed for the project, including the amount to be provided by the hospital and other funding sources and the amount of funding requested through the grant. In the budget, the applicant shall identify all revenue sources and amounts and provide budget estimates, including capital expenditures for the duration of the project.
- A) The project's budget could include, for example, the following costs:
    - i) Architectural and engineering;
    - ii) Construction or modernization;

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- iii) Contingencies;
  - iv) Debt financing (including the cost of leased assets);
  - v) Equipment;
  - vi) Preplanning;
  - vii) Site preparation.
- B) The applicant shall also provide the sources of funds for the project. This could include, for example, the following:
- i) Cash and equivalents. The applicant shall document that cash is held in reserve and will be used for the project.
  - ii) Debt financing. Documentation shall include a commitment letter from the applicant's financial institution attesting that financing is available.
  - iii) Government appropriations. The applicant shall furnish a copy of the statute or ordinance that documents that an appropriation was awarded.
  - iv) Other sources. The applicant shall document the amount and type of other funds (e.g., pledges, gifts and grants) available.
- C) The cost of the project shall equal or exceed the amount of grant funding requested.
- 5) Budget Narrative. The applicant shall provide a description of all amounts included in the project's budget. This narrative shall describe the relationship between the funding request and the project's goals and objectives.

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- b) For projects that involve construction or modernization, the applicant shall document that the project will result in the renovation, replacement or expansion of facilities. Documentation shall consist of:
- 1) Hospital Licensing Act requirements that mandate the construction or modernization;
  - 2) Illinois administrative rules that mandate the construction or modernization;
  - 3) Building, fire or life safety code standards that mandate the construction or modernization;
  - 4) Expansion of treatment, training or other support services that is necessary to meet the requirements of existing services;
  - 5) Requirements for increased access to care, quality of care, or patient safety; and
  - 6) Requirements for improved or enhanced operational efficiency.
- c) For projects that involve replacing or acquiring medical equipment, the applicant shall document the following:
- 1) The type of equipment being acquired;
  - 2) Anticipated benefits that the new equipment will provide;
  - 3) The age of the current equipment being replaced;
  - 4) Down time or time spent out of service due to operational failures of the current equipment;
  - 5) Upkeep and annual maintenance costs of the current equipment; and
  - 6) Equipment that has expended its useful life (documentation shall consist of the grantee's most recent depreciation schedule that demonstrates that the equipment is totally depreciated and only scrap value remains).

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- d) For projects that involve replacing or acquiring information technology, the applicant shall document the following:
- 1) The type of new technology being acquired;
  - 2) Anticipated benefits that the new technology will provide;
  - 3) The purpose of or need for the new technology;
  - 4) The life cycle of the new technology; and
  - 5) The cost savings or cost avoidance (if any) of implementing the new technology.
- e) The applicant shall document that the project does (or does not) require a CON or a COE from the Health Facilities and Services Review Board. Documentation shall consist of the following:
- 1) For projects that do not require a CON or COE, the applicant shall document that the project does not include any of the items listed in the CON/COE Assessment of Applicability referenced in Section 976.100(a)(8).
  - 2) For projects that require a CON or COE, the applicant shall document that an application has been (or will be) submitted to the Health Facilities and Services Review Board. In accordance with Section 976.120(b), projects eligible for a grant that also require a CON or COE will be issued contingent awards until the CON or COE is obtained.
- f) Licensure Requirement. The applicant shall document that the project does (or does not) require a licensure review from the Department's hospital licensing program. Documentation shall consist of one of the following:
- 1) For projects that do not require a review, the application shall contain a letter from the Department stating that licensure review is unnecessary.
  - 2) For projects that require a review, the applicant shall provide documentation that the Department has received and accepted the project for licensure review and that a project tracking number has been issued.

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**Section 976.80 Grant Application Review Criteria**

- a) *In awarding grants, the Department shall consider criteria that include but are not limited to:*
- 1) *financial requirements of the project and the extent to which the grant makes it possible to implement the project;*
  - 2) *the proposed project's likely benefit in terms of patient safety or quality of care; and*
  - 3) *the proposed project's likely benefit in terms of maintaining or improving access to care. (Section 2310-640(a) of the Act)*
- b) *The Department shall determine eligible project costs, including but not limited to the use of funds for the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning, engineering, and installation of capital facilities consisting of buildings, structures, technology and durable equipment for hospital purposes. (Section 2310-640(a) of the Act) (See Sections 976.10 and 976.70(a)(4)(A).)*

**Section 976.90 Notice of Grant Opportunity**

- a) The Department will publish a notice announcing the grant opportunity in the official State newspaper. A notice will also be posted on the Department's web site. This notice shall consist of at least the following elements:
- 1) Instructions on fulfilling the Letter of Intent requirements (see Section 976.100);
  - 2) Identification of the grant opportunity, including a brief description of the program and the date that grant applications can be submitted to the Department;
  - 3) Identification, including mailing address and telephone number, of the Department's unit or section that is responsible for the grant program; and

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- 4) Information regarding where a copy of the application may be viewed by the public and how copies of the application may be obtained.
- b) As stated in the notice, a letter of intent shall be filed with the Department at least 10 calendar days prior to the submission of an application. Applicants will have 120 calendar days to submit applications for grant funding. The 120 calendar day time frame begins on the date of publication of the notice. Applications received after the 120 calendar day time frame will not be processed and reviewed.

**Section 976.100 Letter of Intent**

Prior to submitting a grant application, an applicant shall submit a letter of intent (LOI) to the Department.

- a) The LOI shall be received at least 10 calendar days prior to the submission of a grant application and shall contain the following:
  - 1) The name of the applicant;
  - 2) The name of the hospital where grant funds will be used;
  - 3) The site of the proposed project, including the address of the hospital where grant funds will be used;
  - 4) The county where the hospital is located;
  - 5) A description of the project;
  - 6) The hospital's Medicaid inpatient utilization rate for the rate year beginning October 1, 2008;
  - 7) The signature and contact information of an authorized official from the hospital; and
  - 8) Information on whether the project requires a CON or COE from the Health Facilities and Services Review Board. The CON/COE Assessment of Applicability Internet site can assist in this determination:

<http://www.hfsrb.illinois.gov/pdf/checklist-revised.doc>

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- b) The LOI is valid for one year from the date of receipt by the Department.
- c) The Department will review the LOI to ensure that all requirements of this Section are included. If all requirements are not included, the Department will contact the applicant and request a revised LOI.
- d) Once an LOI has been submitted that meets all of the stated requirements, the Department will determine if the applicant is eligible to apply. The Department will contact the applicant with its determination.
- e) The date the Department determines that the LOI fulfills the requirements of this Section shall be the date the 10 calendar day time frame will commence.

**Section 976.110 Grant Application Processing**

When an LOI fulfills all of the requirements of Section 976.100, a grant application can be submitted.

- a) Upon receipt of a grant application, the Department will:
  - 1) Determine if the application was submitted within the time frame requirements of Section 976.90. An application that was not submitted within the prescribed time frame will be deemed null and void.
  - 2) Within 30 calendar days after receipt of the application, conduct a completeness determination to assess whether all applicable review information and all required materials and documentation have been submitted (see Section 976.70).
    - A) If the application is deemed complete, the Department will proceed with a grant award (see Section 976.120).
    - B) If the application is deemed incomplete, the Department will contact the applicant in writing (via a certified letter) and inform the applicant of the information and/or materials needed to complete the application. The applicant will have 30 calendar days (from the date that the applicant received the certified letter) to provide the requested information. Responses received after the 30

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calendar day time frame will result in the application being deemed null and void.

- b) Review of Applications
  - 1) All applications will be reviewed and evaluated with the review criteria set forth in the Act and in this Part (see Section 976.80).
  - 2) Each application will be reviewed on an individual basis. There will be no comparative review of applications.
  - 3) Based on the eligibility requirements in Section 2310-640(b) and (c) of the Act, only one application per hospital will be approved.

**Section 976.120 Grant Awards**

- a) Applicants whose applications are deemed complete and in compliance with all applicable requirements of this Part will be awarded a grant. The amount of a grant will be based on the criteria specified in Sections 976.50 and 976.70(a)(4).
- b) Applicants whose applications are deemed complete and in compliance with all applicable requirements of this Part and are also subject to the requirements of the Health Facilities Planning Act will be awarded a grant contingent on the issuance of a CON or COE from the Health Facilities and Services Review Board. When an applicant receives a contingent grant award but does not receive the CON or COE, the grant award will be voided. Should a grant award be voided, a hospital can apply for a new grant award (subject to the requirements of Sections 976.60 through 976.110). Should a new grant application also be subject to the requirements of the Illinois Health Facilities Planning Act, a grant award will be contingent on the issuance of a CON or COE.
- c) The Department and grantee will enter into a grant agreement that will describe the requirements that the grantee shall fulfill based on the goals and objectives in the application.
- d) Grants are valid for three years from the date the agreement is executed, and projects shall be completed within this time frame. If a project cannot be completed within this time frame, the agreement can be amended to provide an

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extension to complete the project. The grantee shall submit a written request for the extension and include the following:

- 1) Documentation that grant funds have been obligated;
  - 2) Explanation of why the project cannot be completed as planned; and
  - 3) Documentation that financial resources are available to complete the project.
- e) An extension request shall be received by the Department at least 60 calendar days prior to the agreement's expiration date. The Department will review the extension request and modify the agreement's completion date accordingly. If the grantee has not obligated the project or has not proceeded with due diligence, the extension will not be granted, and the funds awarded shall immediately be remitted to the Department.
- f) Grantees whose projects receive an extension of the required completion date and are subject to CON requirements shall also document that the project received a permit renewal from the Health Facilities and Services Review Board (see 77 Ill. Adm. Code 1130.740).

**Section 976.130 Grant Funds Distribution**

- a) Funds will be released by the Department to grantees proportionate to the amount of funds appropriated and available each fiscal year. Grantees will receive a percentage of the total funds awarded that is in proportion to the funding made available to the Department each fiscal year. Percentage calculations will be determined by dividing the amount of funding released in a fiscal year into the total amount of funding that will be awarded over the duration of the program.
- b) Any funding commitments of the Department to the grantee will cease if the Illinois General Assembly fails to appropriate sufficient funds for the program.
- c) Grants will be made to eligible applicants upon availability of funds annually.

**Section 976.140 Grant Funds Recovery**

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- a) If the grantee fails to comply with this Part or the terms of the grant agreement or upon the Department's determination that grant funds have been misused or misspent, the grantee immediately shall repay to the Department all monies disbursed to the grantee under the Hospital Capital Investment program.
- b) A breach of the grant agreement shall include, but not be limited to, the following:
  - 1) Failure to complete the project as approved (see Section 976.150(d));
  - 2) Failure to obligate the project (see Sections 976.150(c) and 976.160);
  - 3) The assignment or transfer of the grant agreement to another entity (see Section 976.150(e));
  - 4) Material misstatement in reporting information to the Department;
  - 5) Material misrepresentation to the Department for the purpose of obtaining a grant.
- c) Misused or misspent grant funds shall include, but not be limited to, the following:
  - 1) Expending funds on a project component or activity that was not approved in the grant agreement;
  - 2) Expending funds on a component or activity that was not part of the project and that was not approved in the grant agreement.
- d) If the grantee does not repay all funds owed to the Department, the Department shall refer the matter to the Illinois Attorney General for resolution.
- e) A grantee may seek judicial review of the Department's determination under the provisions of the Administrative Review Law [735 ILCS 5/Art. III].

**Section 976.150 Grant Validity**

- a) Grants are effective on the date that an agreement is executed between the Department and the grantee.

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- b) A grant is valid for three years from the date the agreement is executed, provided that:
  - 1) Obligation of the project occurs; and
  - 2) The project commenced and proceeds to completion with due diligence.
- c) The Department will deem a grant agreement null and void if the grantee does not obligate the grant funds (see Section 976.160) or if the grantee does not proceed with due diligence. If the grant agreement is voided, the grantee shall immediately remit to the Department all grant funds awarded.
- d) Grants are valid only for the approved construction or modernization, equipment, information technology, amount, and hospital named in the application.
- e) Grants are not assignable or transferable. Any assignment or transfer shall render the grant agreement null and void, and all grant funds awarded shall be remitted immediately to the Department. For purposes of this Part, grants will not be considered transferred or assigned if a CON or a COE authorizing the change of ownership of the hospital is issued by the Health Facilities and Services Review Board (see 77 Ill. Adm. Code 1110.240 and 1130.520).
- f) If the grantee ceases operation and is no longer a licensed hospital, the grant agreement is voided and all grant funds awarded shall immediately be remitted to the Department.

**Section 976.160 Obligation**

- a) A grantee shall obligate the funds no later than 18 months after the Illinois State Comptroller has made the initial payment to the grantee.
- b) Obligation occurs when one of the following is submitted to the Department:
  - 1) A copy of a signed construction contract that is equal to or exceeds 30% of the total project cost (if a project involves construction or modernization that will be performed without a contract, obligation occurs when the hospital's Board of Directors authorized the project to commence);

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- 2) A copy of a signed purchase order that equals or exceeds 30% of the total project cost for medical equipment or information technology; or
  - 3) Documentation of the combined total capital expenditure of 30% or more of the project cost (documentation shall consist of a certification from the grantee attesting to the amount of funds expended).
- c) Failure to submit an obligation notice within the prescribed time frame will result in the Department pursuing the recovery of grant funds (see Section 976.140).

**Section 976.170 Alteration**

- a) The scope of an approved project can be altered within the parameters established in this Section. All alterations require notification to the Department. Approval shall be obtained from the Department for certain alterations (depending on the scope of the change). For alterations that require approval, the grantee shall receive authorization prior to incurring the alteration.
- b) Alterations that require notification but do not require approval include:
  - 1) The transfer of funds between line items for amounts not exceeding 25% of the original line item amount; or
  - 2) An increase in the total project cost not to exceed 5% of the original project cost.
- c) Alterations that require approval include:
  - 1) The transfer of funds between line items for amounts exceeding 25% of the original line item amount; or
  - 2) An increase in the total project cost in excess of 5% of the original project cost.
- d) Alteration Procedures
  - 1) For all alteration requests, the grantee shall notify the Department in writing. This notification shall include:

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- A) A description of the alteration;
  - B) A narrative of the item or items that will change as a result of the alteration; and
  - C) Any costs or services affected.
- 2) The Department will review all alteration requests. For requests that require approval, the Department will notify the grantee of its determination within 30 calendar days after receipt of the request.
  - 3) Alterations that affect the corresponding grant award or grant agreement will result in those documents being amended accordingly.
- e) A grantee may alter funding three times during the grant agreement.
  - f) Grantees whose projects are subject to a CON shall also document that the project has received a permit alteration from the Health Facilities and Services Review Board (see 77 Ill. Adm. Code 1130.750).

**Section 976.180 Progress Reports**

- a) Each grantee shall submit a progress report to the Department every 12 months from the date that the grant agreement is executed until the project is complete. The progress report is due within 10 calendar days after the anniversary date of the grant agreement. The progress report shall include the following:
  - 1) The current status of the project, including the percentage of the project finished, components finished and components yet to be finished;
  - 2) The cost incurred to date and an itemized listing of the total current estimated project costs compared to the approved amounts;
  - 3) The anticipated date of completion; and
  - 4) The notarized signature of the grantee's Chief Executive Officer stating that this is a true and complete report on the project's status.

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- b) Failure to provide progress reports within the prescribed time frames will result in the Department pursuing the recovery of grant funds (see Section 976.140).

**Section 976.190 Project Completion**

Each grantee shall notify the Department within 30 calendar days following the project's completion.

- a) The completion notice will provide a notarized statement that certifies the following:
  - 1) All project costs and sources of funds;
  - 2) That all funds attributed to the grant award have been expended;
  - 3) That the costs reported are the final costs required to complete the project and there are no additional or associated costs; and,
  - 4) That no portion of the grant was used *to pay for any on-going operational costs, outstanding debt or an endowment or other invested fund.* (Section 2310-640(a) of the Act)
- b) The notarized statement shall be signed by the grantee's Chief Executive Officer.
- c) Grantees whose projects are subject to CON requirements shall also document that the Health Facilities and Services Review Board has deemed the project complete (see 77 Ill. Adm. Code 1130.770). Documentation shall consist of a letter from the Health Facilities and Services Review Board attesting that the project is complete.
- d) Grantees whose projects are pending approval in accordance with the requirements of the Hospital Licensing Act shall also provide a copy of the Permanent Occupancy or Notice of System Acceptance letter (whichever is applicable) issued by the Department.
- e) Failure to provide the completion notice within the prescribed time frame will result in the Department pursuing the recovery of grant funds (see Section 976.140).

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- 1) Heading of the Part: Award and Monitoring of Funds
- 2) Code Citation: 77 Ill. Adm. Code 2030
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
2030.20	Amendment
2030.105	Amendment
2030.107	Amendment
2030.108	New Section
2030.109	New Section
- 4) Statutory Authority: Authorized by the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]
- 5) Effective date of amendments: January 7, 2011
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: These emergency amendments will expire at the end of 150 days or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: January 7, 2011
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking is necessary to implement a utilization management process that the Division of Alcoholism and Substance Abuse will implement in order to efficiently and effectively deliver substance abuse residential services in Illinois. DASA is projecting that this process will save the State \$7,000,000 for the remainder of fiscal year 2011 while at the same time ensuring that core substance abuse services remain available to those most in need. In order to provide for the expeditious and timely implementation of the State's fiscal year 2011 budget, this rulemaking is authorized by PA 96-958 and is deemed to be necessary for the public interest, safety and welfare.
- 10) A complete description of the subject and issues: This rulemaking allows for the process of utilization management to be performed by the Division of Alcoholism and Substance Abuse effective January 7, 2011. Services will be clinically reviewed and payments

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managed by DASA Utilization Review staff based on criteria established through this update for the providers of residential services throughout the State.

- 11) Are there any other proposed rulemakings pending on this Part? No
- 12) Statement of statewide policy objectives: This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding these amendments shall be directed to:

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

(217) 785-9772

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

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER X: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER c: ADMINISTRATION OF FUNDING

PART 2030  
AWARD AND MONITORING OF FUNDS

SUBPART A: GENERAL

- Section
- 2030.10      Applicability
- 2030.20      [Incorporation by Reference and](#) Definitions
- [EMERGENCY](#)
- 2030.30      Exceptions
- 2030.40      Special Award Conditions

SUBPART B: AWARD CRITERIA AND PROCEDURE

- Section
- 2030.100     Recipient Eligibility
- 2030.105     Services Eligible for Grant-in-Aid Funding
- [EMERGENCY](#)
- 2030.107     Services Eligible for Purchased-Care or Fee-for-Service Funding
- [EMERGENCY](#)
- [2030.108     Medical Necessity for ASAM Level III.5 Treatment](#)
- [EMERGENCY](#)
- [2030.109     Utilization Management](#)
- [EMERGENCY](#)
- 2030.110     Other Activities for Which Awards May be Made
- 2030.115     Award Process
- 2030.120     Department Budget Planning Requirements
- 2030.130     Provider Plan/Recipient Budget
- 2030.140     Award Document
- 2030.150     Subawards
- 2030.160     Modification or Amendment of the Award Document

SUBPART C: DEPARTMENT APPROVAL FOR PROGRAMMATIC AND BUDGET REVISIONS AND FOR COSTS REQUIRING PRIOR APPROVAL

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## Section

2030.210	Process
2030.220	Programmatic Changes
2030.230	Budget Revision

## SUBPART D: COST PRINCIPLES/ALLOWABILITY

## Section

2030.310	Applicability
2030.320	Allowable Costs (Repealed)
2030.330	Approval of Costs
2030.340	Allocation of Costs/Direct and Indirect Costs (Repealed)
2030.350	Costs Allowable with Prior Approval of the Department (Repealed)
2030.360	Unallowable or Limited Costs (Repealed)

## SUBPART E: NON-DEPARTMENTAL FUNDING

## Section

2030.410	Non-Department Funding
2030.420	Record Keeping (Repealed)
2030.430	Program Income
2030.440	Maintenance of Effort
2030.450	Client Fees

## SUBPART F: MATCHING AND COST PARTICIPATION REQUIREMENTS

## Section

2030.510	General
2030.520	Definitions
2030.530	Eligible Costs
2030.540	Criteria for Contributions (Repealed)
2030.550	Valuation of In-Kind Contributions

## SUBPART G: FINANCIAL MANAGEMENT

## Section

2030.610	Accounting and Financial Management Requirements (Repealed)
2030.620	Audit Requirements (Repealed)

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SUBPART H: FINANCIAL REPORTING

Section

- 2030.710 General (Repealed)
- 2030.720 Quarterly Revenue/Expense Reports – Grant-in-Aid Recipients (Repealed)
- 2030.730 Lapsed Grant-in-Aid Funds (Repealed)
- 2030.740 End of the Year Report (Repealed)
- 2030.750 Purchased-Care/Fee-for-Service Invoicing and Auditing
- 2030.760 Exempt Recipients (Repealed)

SUBPART I: MONITORING AND REPORTING OF PROGRAM PERFORMANCE

Section

- 2030.810 Site Visits
- 2030.820 Reports
- 2030.830 Underutilization
- 2030.840 Criminal Justice System Referrals
- 2030.850 Prior Submissions

SUBPART J: FUND DISBURSEMENT

Section

- 2030.910 General

SUBPART K: CLOSEOUT

Section

- 2030.1010 Definitions (Repealed)
- 2030.1020 Unilateral Termination (Repealed)
- 2030.1030 Termination by Agreement (Repealed)
- 2030.1040 Termination or Suspension for Cause (Repealed)
- 2030.1050 Actions on Termination (Repealed)
- 2030.1060 Suspension Process (Repealed)
- 2030.1070 Summary Suspension (Repealed)
- 2030.1080 Termination for Cause Process (Repealed)
- 2030.1090 Closeout

SUBPART L: PROPERTY MANAGEMENT STANDARDS

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## Section

2030.1110	Scope (Repealed)
2030.1120	Definitions (Repealed)
2030.1130	Real Property (Repealed)
2030.1140	Non-Expendable Personal Property (Repealed)
2030.1150	Expendable Personal Property (Repealed)
2030.1160	Copyrights, Patents and Royalties

## SUBPART M: GENERAL PROVISIONS REGARDING AWARD PERFORMANCE

## Section

2030.1205	Civil Rights/Nondiscrimination
2030.1210	Compliance During Award Period
2030.1215	Conflict of Interest (Repealed)
2030.1220	Notices
2030.1225	Personnel Administration (Repealed)
2030.1230	Procurement Standards
2030.1235	Personnel Administration
2030.1245	Protection of Client Records/Confidentiality
2030.1250	Publicity and Publications
2030.1255	Retention and Access Requirements for Records
2030.1260	Rights in Data
2030.1265	Severability
2030.1270	Subawards

## SUBPART N: SPECIAL PROVISIONS

## Section

2030.1310	Special Provisions for Purchase of Medical Services
2030.1320	Special Provisions for Prevention Services

AUTHORITY: Authorized by the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301].

SOURCE: Old Part repealed, new Part adopted at 16 Ill. Reg. 2457, effective February 4, 1992; recodified from Department of Alcoholism and Substance Abuse to Department of Human Services at 21 Ill. Reg. 9319; emergency amendment at 22 Ill. Reg. 12158, effective June 24,

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1998, for a maximum of 150 days; emergency expired November 20, 1998; amended at 23 Ill. Reg. 488, effective December 28, 1998; emergency amendment at 24 Ill. Reg. 9211, effective June 14, 2000, for a maximum of 150 days; emergency expired November 10, 2000; amended at 24 Ill. Reg. 18099, effective November 30, 2000; emergency amendment at 35 Ill. Reg. 1448, effective January 7, 2011, for a maximum of 150 days.

## SUBPART A: GENERAL

**Section 2030.20 Definitions****EMERGENCY**

The following definitions shall apply to this Part:

"Act" means the Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 301].

"Administrative Review Law" [735 ILCS 5/Art. III] means the State law that provides an individual with the right to judicial review of a Final Administrative Decision.

"ASAM" means the American Society of Addiction Medicine.

"ASAM Patient Placement Criteria" means the American Society of Addiction Medicine's Patient Placement Criteria for the Treatment of Substance-Related Disorders, Second Edition (ASAMPPC-2R), 4601 North Park Avenue, Upper Arcade Suite 101, Chevy Chase MD 20815, (2001, no later amendment or editions included) or <http://www.asam.org/PatientPlacementCriteria.html>.

"Award" means financial assistance in the form of money, property or services in lieu of money, by the Department to an eligible recipient, whether by grant or contract, involving Federal, State or other funds for which the Department has administrative responsibility and authority.

"Client" means a person who receives services under a Department-funded program by a provider.

"Demonstration" means a project wherein money is awarded for a period of time to eligible recipients in order to evaluate the feasibility and efficacy of alternative methods of attaining the goals and purposes of the Act.

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"Department" means the Department of Human Services.

"Fee-for-service" means payments are made on the basis of a rate, unit cost or allowable cost incurred and is based on a statement or bill as required by the Department. Payments made as a fee-for-service are not subject to the Illinois Grant Funds Recovery Act [30 ILCS 705].

"Grant-in-aid" means a program receives all or part of the funding in advance of the actual delivery of services. This includes prorated prospective payments and payments made by the Department on an estimated basis or any other basis when the Department does not know the actual amount earned by the Provider. This does not include advance payments made under the authority of Section 9.05 of the State Finance Act [30 ILCS 105/9.05]. All funds paid as a grant are subject to the Illinois Grant Funds Recovery Act [30 ILCS 705].

"Imminent Harm" is an immediate and present threat of harm upon admission that requires 24 hour monitoring to prevent serious medical or physical consequences as a result of substance use. There is a high likelihood of harmful consequences within the next 24 hours if substance abuse continues. A possible risk of future harm is not necessarily imminent and would not require Level III.5 admission.

"Marked Impairment In Functioning" is when an individual demonstrates a repeated pattern of behavior as a result of substance use in which they are unable to provide for their self care needs, unable to maintain health, or maintain basic functional status.

"Medically Necessary" describes those services which: are reasonably necessary for the diagnosis or treatment of a chemical dependency disorder in order to improve or maintain an individual's level of functioning resulting from such a disorder; are in accordance with professionally accepted standards of care; are the most appropriate level of service and furnished in the most appropriate and least restrictive setting in which services can be safely provided; and could not be omitted without adversely affecting the individual's mental and/or physical health or the quality of care rendered.

"Medical Necessity" is a finding made by the Department or its designated agent that is required for the reimbursement of adult or adolescent residential treatment (ASAM Level III.5) services. The determination of medical necessity occurs

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[during the Department's Utilization Management process pursuant to Sections 2030.108 and 2030.109.](#)

["Medical Practice Act of 1987" \[225 ILCS 60\] means the State law requiring a license to practice medicine in all branches of medicine in Illinois.](#)

"Provider" means any public or private nonprofit agency, organization, or institution, or unit of state or local government, or a for-profit agency where an award to such would be appropriate and consistent with the purposes of the Act (as set forth in Sections 1-102 and 4-101 of the Act) and the funding source, or other legal entity to which an award is made by the Department, and which is accountable to the Department for the use of the funds provided. The term "provider" does not include individuals who ultimately receive benefits under or are volunteers participating in any funded program. Generally the term refers to programs which receive awards, and which actually provide intervention, prevention, and/or treatment services.

"Purchased care" means a specific type of fee-for-service as set forth in the Individual Service Payment System Manual compiled by the Department's Office of Purchased-Care.

"Recipient" is a general term for any person or organization which receives an award or subaward under this Part. It includes but is not limited to the terms provider and subprovider.

"Secretary" means the Secretary of the Department of Human Services or his or her designee.

"Subaward" means financial assistance in the form of money, property or services, in lieu of money, made under an agreement by a provider to an eligible subprovider or a recipient to an eligible subrecipient. The term includes financial assistance when provided by award, subgrant, contract or subcontract, but does not include procurements or commodities and supplies or incidental support services such as janitorial, catering, laundry, or building maintenance services.

"Subprovider" means any public or private nonprofit award recipient, organization, institution or unit of state or local government, or a for-profit agency where an award to such would be appropriate and consistent with the purposes of the Act and the funding source, or other legal entity to which a subaward is made

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and which is accountable to the provider and the Department for the use of the funds. The subprovider is the entire legal entity even if only a particular component of the entity is designated in the subaward document. This definition does not include persons or entities which provide incidental support services or supplies, materials or equipment to funded programs. Generally the term refers to programs which are recipients of awards and which actually provide intervention, prevention, and/or treatment services.

"Terms of an award or subaward" means all requirements of the award or subaward whether in statute, regulations, or the award document.

"Utilization Management" is the evaluation of the medical necessity, appropriateness, and efficiency of the use of alcohol and other drug treatment services, procedures, and facilities under the provisions of the DHS-DASA reimbursement benefits authority.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 1448, effective January 7, 2011, for a maximum of 150 days)

## SUBPART B: APPLICATION AND FUNDING

**Section 2030.105 Services Eligible for Grant-in-Aid Funding****EMERGENCY**

Grant-in-aid awards shall be made to support alcohol and other drug abuse prevention, intervention, treatment and appropriate related services, such as sanctuaries, as well as demonstration projects or research, as deemed appropriate under the powers and duties of the Department (as set forth in Section 4-101 of the Act). The following service functions are eligible for such grants:

- a) Adult residential rehabilitation services, as defined and licensed under ~~the Licensure of Alcoholism and Substance Abuse Treatment and~~ Intervention Licenses and Research Programs (Licensure Rules), 77 Ill. Adm. Code 2060, determined to be a medical necessity by the Utilization Management process pursuant to Sections 2030.108 and 2030.109;2058;
- b) Adolescent residential rehabilitation services, as defined and licensed under Alcoholism and Substance Abuse Treatment and Intervention Licenses in the (Licensure Rules), 77 Ill. Adm. Code 2060, determined to be a medical necessity

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[by the Utilization Management process pursuant to Sections 2030.108 and 2030.109;](#)

- c) Halfway house, as defined in the Licensure Rules;
- d) Adult social setting detoxification, as defined in the Licensure Rules;
- e) Adult medical detoxification, as defined in the Licensure Rules;
- f) Adolescent medical detoxification, as defined in the Licensure Rules;
- g) Adult outpatient, as defined in the Licensure Rules;
- h) Adolescent outpatient, as defined in the Licensure Rules;
- i) Adult intensive outpatient, as defined in the Licensure Rules;
- j) Adolescent intensive outpatient, as defined in the Licensure Rules;
- k) Adult medical detoxification outpatient, as defined in the Licensure Rules;
- l) Intervention services to provide screening, assessing, referring and tracking of drug abuse clients, as defined in the Licensure Rules;
- m) Sanctuaries;
- n) Recovery homes;
- o) Early intervention activities;
- p) Prevention activities as set forth in Section 2030.1320 herein; and
- q) Other appropriate alcohol and drug abuse services.

The direct services and any ancillary or support services of the program which are allowable expenses under this Part may be supported by the grant as set forth herein.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 1448, effective January 7, 2011, for a maximum of 150 days)

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**Section 2030.107 Services Eligible for Purchased-Care or Fee-for-Service Funding  
EMERGENCY**

The service functions eligible for grant-in-aid support may also be eligible for purchased-care or fee-for-service. The Department pursuant to this Section shall determine the appropriate method of award based on its objectives and how to best serve the needs of the State (as set forth in Department planning documents and Section 4-101 of the Act). [ASAM Level III.5 services that are eligible for purchased-care or fee-for-service funding are subject to the requirements of the Department's Utilization Management process pursuant to Section 2030.105\(a\) and \(b\).](#)

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 1448, effective January 7, 2011, for a maximum of 150 days)

**Section 2030.108 Medical Necessity for ASAM Level III.5 Treatment  
EMERGENCY**

- a) [The Prior Approval Review process outlined in Section 2030.109\(a\) shall be utilized to obtain authorization for reimbursement of adult or adolescent ASAM Level III.5 services unless a patient meets the criteria listed in Subpart 2 for the Concurrent Approval Review process. When authorization prior to admission is required, the Department or its designated agent shall determine if services are medically necessary by evaluating the following criteria:](#)
- 1) [Specific substance abuse or dependence diagnosis using the ICD-9 diagnostic codes; and](#)
  - 2) [Current, active substance use and deterioration in functioning; and any of the following:](#)
    - A) [Outpatient treatment failure;](#)
    - B) [Refusal of outpatient care; or](#)
    - C) [Unavailable outpatient care.](#)
- b) [The Concurrent Approval Review process outlined in Section 2030.109\(b\) shall be utilized when the criteria listed below are present. The Department or its designated agent shall determine if services are medically necessary, after](#)

## DEPARTMENT OF HUMAN SERVICES

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admission, by evaluating the following criteria:

- 1) Specific substance abuse or dependence diagnosis using the ICD-9 diagnostic code; and
  - 2) Current, active substance use and deterioration in functioning; and
  - 3) Imminent harm; or
  - 4) Marked impairment in functioning.
- c) The following are clinical criteria that may prevent admission to Level III.5 treatment, among other factors:
- 1) Acute intoxication of a severity that requires 24 hour medical monitoring;
  - 2) Acute withdrawal of a severity that requires 24 hour medical monitoring;
  - 3) Medical conditions that are unstable that require a level of medical care beyond the capacity of the ASAM III.5 setting;
  - 4) Psychiatric conditions that are unstable that require a level of medical care beyond the capacity of the ASAM III.5 setting; or
  - 5) Opioid dependence that would be more appropriately treated in an Opioid Treatment Program (OTP).

(Source: Added by emergency rulemaking at 35 Ill. Reg. 1448, effective January 7, 2011, for a maximum of 150 days)

**Section 2030.109 Utilization Management**  
**EMERGENCY**

- a) Prior Approval Review:
- 1) Organizations requesting prior authorization for reimbursement of adult or adolescent ASAM Level III.5 services must submit to the Department or its designated agent documentation demonstrating that the services are medically necessary and receive approval before admission.

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## NOTICE OF EMERGENCY AMENDMENTS

- 2) Prior approval reviews will be conducted by qualified professional staff.
  - 3) Organizations will be notified of the reimbursement decision within 2 full state business days of the request.
  - 4) If the request is approved, the notice will include the number of treatment days for which reimbursement is authorized.
  - 5) If prior approval is not obtained, organizations will not be reimbursed.
- b) Concurrent Approval Review:
- 1) Organizations requesting concurrent authorization for reimbursement of adult or adolescent ASAM Level III.5 services must submit to the Department or its designated agent documentation demonstrating that the services are medically necessary within 1 full state business day after admission.
  - 2) Concurrent approval reviews will be conducted by qualified professional staff.
  - 3) Organizations will be notified of the reimbursement decision within 2 full state business days of the request.
  - 4) If the request is approved, the notice will include the number of treatment days for which reimbursement is authorized.
  - 5) If the request is denied, organizations will not be reimbursed.
- c) Continued Treatment Review:
- 1) Organizations must submit documentation to the Department or its designated agent demonstrating that continued services are medically necessary 2 full state business days before the last day of authorized reimbursement for each patient previously approved for adult or adolescent ASAM Level III.5 services.
  - 2) Continued treatment reviews will be conducted by qualified professional

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staff.

- 3) Organizations will be notified of the reimbursement decision within 2 full state business days of the request.
- 4) If the request for continued treatment is approved, the notice will include the number of additional days reimbursement is authorized.
- 5) If the request for continued treatment is denied, organizations will only be authorized reimbursement for any previously approved treatment.

d) First Level Clinical Review

- 1) If reimbursement for an admission or continued treatment is denied, organizations may request a first level clinical review by the Department or its designated agent within 1 full state business day after receipt of the denial.
- 2) First level clinical reviews will be conducted by a clinical supervisor.
- 3) Organizations will be notified of the first level clinical review decision within 2 full state business days of the request.
- 4) If the request is approved, the notice will include the number of treatment days for which reimbursement is authorized.
- 5) If the request is denied, organizations will only be authorized reimbursement for any previously approved treatment.

e) Second Level Clinical Review:

- 1) If a first level clinical review for an admission or continued treatment is denied, organizations may request a second level clinical review from the Department or its designated agent within 1 full state business day after receipt of the denial.
- 2) A second level clinical review must, at a minimum, include a review and discussion of all relevant clinical information by the Department's or its designated agent's physician and organization's designated physician.

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- 3) Organizations will be notified of the second level clinical review decision within 2 full state business days of the request.
  - 4) If the request is approved, the notice will include the number of treatment days for which reimbursement is authorized.
  - 5) If the request is denied, organizations will only be authorized reimbursement for any previously approved treatment.
- f) Final Administrative Decision:
- 1) If the second level clinical review is denied, the organization may appeal in writing to the Secretary within 2 full state business days after receipt of the denial.
  - 2) No additional evidence or documentation may be provided for the appeal.
  - 3) The Secretary or his or her designee shall issue a Final Administrative Decision regarding the appeal.
  - 4) If any Final Administrative Decision determines Level III.5 services are not medically necessary, organizations will only be authorized reimbursement for any previously approved treatment.
- g) Judicial Review:  
The Final Administrative Decision shall be subject to Judicial Review exclusively as provided in the Administrative Review Law [735 ILCS 5/Art. III].
- h) Any qualified professional staff conducting Utilization Management for the Department or its designated agent pursuant to subsection (a), (b), (c) or (f) shall meet the requirements for professional staff as defined in 77 Ill. Adm. Code 2060.309(a) or (c)(1).
- i) Any clinical supervisor conducting Utilization Management for the Department or its designated agent pursuant to subsection (d) or (f) shall meet the requirements for professional staff as defined in 77 Ill. Adm. Code 2060.309(a) or (c)(1), and have a minimum of 2 years experience in a licensed substance abuse treatment facility.

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- j) [Any physician conducting Utilization Management for the Department or its designated agent pursuant to subsection \(e\) or \(f\) shall be licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 \[225 ILCS 60\].](#)

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 1448, effective January 7, 2011, for a maximum of 150 days)

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## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment Services
- 2) Code Citation: 77 Ill. Adm. Code 2090
- 3) Section Number: 2090.35                      Emergency Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5-10]
- 5) Effective date of amendment: January 7, 2011
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire:
- 7) Date filed with the Index Department: January 7, 2011
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking is necessary to implement a utilization management process that the Division of Alcoholism and Substance Abuse was charged with in order to efficiently and effectively deliver substance abuse residential services in Illinois. DASA is projecting that this process will save the state \$7,000,000 for the remainder of fiscal year 2011 while at the same time ensuring that core substance abuse services remain available to those most in need. In order to provide for the expeditious and timely implementation of the State's fiscal year 2011 budget, this rule is authorized by PA 96-958 and is deemed to be necessary for the public interest, safety and welfare.
- 10) A complete description of the subject and issues: This is a companion rule to 77 Ill. Adm. Code 2030 that implements a utilization management process for substance abuse services. This rulemaking adds language to the General Requirements Section that states all services are subject to the requirements of Utilization Management as defined in 77 Ill. Adm. Code 2030.
- 11) Are there any other proposed rulemakings pending on this Part? No

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NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of statewide policy objectives: This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this rulemaking shall be directed to:

Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Bldg., 3<sup>rd</sup> Floor  
Springfield, Illinois 62762

217/785-9772

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER X: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER g: MEDICAID PROGRAM STANDARDSPART 2090  
SUBACUTE ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT SERVICES

## Section

2090.10	Purpose
2090.20	Definitions
2090.30	Medicaid Certification/Enrollment/Recertification
2090.35	General Requirements
<u>EMERGENCY</u>	
2090.40	Reimbursable Services
2090.50	Quality Improvement
2090.60	Client Records
2090.70	Rate Setting
2090.80	Rate Appeals
2090.90	Inspections
2090.100	Sanctions for Non-Compliance/Audits
2090.105	Inspections (Renumbered)
2090.110	Sanctions for Non-Compliance (Renumbered)

AUTHORITY: Implementing and authorized by Section 5-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5-10].

SOURCE: Adopted at 11 Ill. Reg. 2236, effective January 14, 1987; emergency amendments at 12 Ill. Reg. 11273, effective June 30, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 20061, effective November 26, 1988; emergency amendments at 15 Ill. Reg. 10222, effective June 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16662, effective November 1, 1991; amended at 16 Ill. Reg. 11807, effective July 14, 1992; amended at 18 Ill. Reg. 14223, effective September 2, 1994; amended at 19 Ill. Reg. 9411, effective July 1, 1995; amended at 19 Ill. Reg. 10454, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 12489, effective August 30, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1600, effective January 27, 1997; recodified from the Department of Alcoholism and Substance Abuse to the Department of Human Services at 21 Ill. Reg. 9319; emergency amendment at 21 Ill. Reg. 14087, effective October 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 5895, effective March 13, 1998; emergency amendment at 22 Ill. Reg. 12189, effective June 24, 1998, for a maximum of 150 days; emergency expired November 21, 1998; amended at 22 Ill. Reg. 22403, effective

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December 8, 1998; emergency amendment at 23 Ill. Reg. 8832, effective July 23, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13879, effective November 4, 1999; emergency amendment at 26 Ill. Reg. 4426, effective March 8, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12631, effective August 1 2002; amended at 27 Ill. Reg. 14022, effective August 8, 2003; emergency amendment at 35 Ill. Reg. 1465, effective January 7, 2011, for a maximum of 150 days.

**Section 2090.35 General Requirements****EMERGENCY**

- a) To be reimbursable, treatment services shall be provided in compliance with all provisions specified in 77 Ill. Adm. Code 2060. Specifically, physician and professional staff involvement in treatment services shall be in compliance with 77 Ill. Adm. Code 2060.417, 2060.419, 2060.421, 2060.423 and 2060.425. The provider shall only bill for services that are reimbursable.
- b) The provider shall submit Medicaid claims as soon after the service date as is reasonable unless there is good cause for later submission. In any event, all claims for services (both initial and previously rejected) must be submitted to the State on a timely enough basis to be paid within 12 months from the date of service. If such claims are not submitted within this time frame, the provider may request an exception from the Department and IDPA to allow these claims to be processed. Exceptions will only be granted if it is determined that the delay in submission was due to Department or IDPA processing errors.
- c) Information Collection
  - 1) The provider shall report, on a monthly basis, demographic and service system data using the Department's Automated Reporting and Tracking System (DARTS), in the manner and data format prescribed by the Department. The data collected shall be for the purpose of assessing individual client performance and for planning for future service development. Information to be reported by the provider, for each individual served by a program certified under Section 2090.90 of this Part, shall include but is not limited to the following:
    - A) Name, date of birth, gender, race and national origin, family size, income level, marital status, residential address, employment, education and referral source.

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- B) Special population designation, such as Medicaid eligible clients, women with dependent children, intravenous drug users (IVDUs), DCFS clients, DHS clients, and criminal justice clients.
  - C) Drug/alcohol problem areas treated, characterized by drugs of use, frequency of use, and medical diagnosis.
  - D) Closing date information, such as the reason for discharging the client from the program.
- 2) The Department shall supply providers with DARTS software.
  - 3) Disclosure of information contained within DARTS is governed by the specific provisions of federal regulations under Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR 2 (1997)) and the Health Insurance Portability and Accountability Act, 42 USC 1320d et seq., and the regulations promulgated thereunder at 45 CFR 160 and 164, to the extent those regulations apply to the provider and the information that is contained within DARTS.
- d) The reimbursement limits herein shall not be applied in situations where to do so would deny an eligible individual under age 21 from receiving "early and periodic screening, diagnostic and treatment services" (ESPSDT) as defined in 42 USC 1396d(r). With the exception of adolescent residential rehabilitation as specified in Section 2090.40(c)(1) of this Part, services as set forth in this Part shall be reimbursable to an eligible individual under age 21 for as long as the services are clinically necessary pursuant to review which is consistent with subsection (a) of this Section. (The reimbursement limit for adolescent residential rehabilitation services as set forth in Section 2090.40(c)(2) of this Part is not considered to be a denial of required, early and periodic screening, diagnostic and treatment services.)
  - e) The reimbursement limits herein shall not be applied where to do so would deny services to a pregnant woman that have been determined to be clinically necessary pursuant to review which is consistent with subsection (a). This exemption from the limits exists during the pregnancy and through the end of the month in which the 60-day period following termination of the pregnancy ends (post partum period), or until the services are no longer clinically necessary, whichever comes

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first. This exemption shall not apply to a woman who enters treatment services after delivery.

- f) The provider shall not be reimbursed for services delivered in more than one Medicaid covered subacute alcoholism or other drug abuse level of care per client per day except for ancillary psychiatric diagnostic services.
- g) Group treatment in Level I and II care shall be reimbursed only for up to 12 clients per group that are supported by any type of Department contract funding.
- h) Any adult or adolescent residential treatment (ASAM Level III.5) service must be determined to be a medical necessity by the Utilization Management process pursuant to 77 Ill. Adm. Code 2030.108 and 77 Ill. Adm. Code 2030.109.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 1465, effective January 7, 2011, for a maximum of 150 days)

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures to be Followed in the Performance of Inspections of Motor Vehicle Emissions
- 2) Code Citation: 35 Ill. Adm. Code 276
- 3) Register Citation to Notice of Proposed Rules: 35 Ill. Reg. 14; January 3, 2011
- 4) Date, Time and Location of Public Hearing: The Illinois Environmental Protection Agency (Illinois EPA), Division of Mobile Source Programs, will hold public hearings on February 23, 2011 at 2:00 pm in Room 208 at the Madison County Administration Building, 157 N. Main Street, Edwardsville, Illinois, and March 2, 2011 at 1:30 pm in Room 2-025 at the James R. Thompson Center, 100 W. Randolph Street, Chicago, Illinois, to accept comments on proposed changes to the Procedures To Be Followed In The Performance Of Inspections Of Motor Vehicle Emissions, 35 Ill. Adm. Code 276.
- 5) Other Pertinent Information: The proposal would amend the State of Illinois regulation 35 Ill. Adm. Code Part 276 to reflect the adoption of the Vehicle Emissions Inspection Law of 2005 (625 ILCS 5/13C), an amendment thereto, and to make necessary improvements to the program. The amendments propose the removal of the IM240 emissions test procedures, related provisions and definitions, and all references thereto to reflect full implementation of on-board diagnostic testing. The amendments require a subject vehicle owner to obtain, but not display or possess, an emissions compliance certificate in order to obtain or renew the subject vehicle's registration. The amendments remove all different types of inspection certificates or stickers and propose the use of a universal "emission compliance certificate." The amendments add new definitions and revise provisions relating to waivers, economic hardship, fleet self-testing, grievances, test notices, and reciprocity. The amendments propose a new section relating to the collection and reporting of repair facility data. The amendments propose a new section providing requirements for obtaining an emissions compliance certificate where the vehicle is located and being primarily operated outside the affected counties. Finally, the proposed amendments revise, update, and clarify other provisions in the rule.

Copies of this proposal may be viewed by the public prior to the hearing on the Illinois EPA's website at <http://www.epa.state.il.us/public-notices/> or at the Illinois EPA's offices at 1021 North Grand Avenue East, Springfield, Illinois, during regular business hours (Monday through Friday, 8:30 a.m. until 4:30 p.m., except for State holidays). No walk-in requests for copies of this material will be accommodated. Requests and public inquiries should be directed to Kent Mohr at the Illinois EPA, 1021 North Grand Ave

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

East, P.O. Box 19276, Springfield, Illinois 62794-9276, telephone number (217)782-5544 or TDD (217) 782-9143.

The hearings will be held under the provisions of the Illinois EPA's "Procedures for Information and Quasi-Legislative Public Hearings" (35 Ill. Adm. Code 164). Any questions about the hearing procedures, requests for copies of the hearing rules, or requests for special needs interpreters should be directed to Dean Studer, Agency Hearing Officer, at the address below. Requests for special needs interpreters must be made by February 8, 2011.

The Hearing Record will close on April 1, 2011. In addition to oral comments made at the hearings, written comments will also be accepted. Written comments need not be notarized and must be postmarked by midnight April 1, 2011. Written comments should be mailed to Dean Studer, Hearing Officer, Illinois EPA, 1021 North Grand Ave East, P.O. Box 19276, Springfield, Illinois 62794-9276, telephone number (217) 558-8280 or TDD (217) 782-9143.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF MODIFICATION TO MEET THE OBJECTION  
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Cemetery Oversight Act
- 2) Code Citation: 68 Ill. Adm. Code 1249
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1249.10	Modification
1249.20	Modification
1249.30	Modification
1249.40	Modification
1249.50	Modification
1249.60	Modification
1249.70	Modification
1249.100	Modification
1249.110	Modification
1249.120	Modification
1249.130	Modification
1249.140	Modification
1249.150	Modification
1249.160	Modification
1249.170	Modification
1249.180	Modification
1249.200	Modification
1249.210	Modification
1249.220	Modification
1249.230	Modification
1249.300	Modification
1249.310	Modification
1249.320	Modification
1249.330	Modification
1249.400	Modification
1249.410	Modification
1249.420	Modification
1249.430	Modification
1249.440	Modification
1249.450	Modification
1249.460	Modification
1249.470	Modification

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF MODIFICATION TO MEET THE OBJECTION  
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 4) Date Notice of Proposed Rules Published in the Register: April 9, 2010; 34 Ill. Reg. 5047
- 5) Date of JCAR Statement of Objection and Filing Prohibition Published in the Register: Statement of Objection issued on October 19, 2010 and published in the Register on November 5, 2010; 34 Ill. Reg. 16991
- 6) Summary of Action Taken by the Agency: At its meeting on October 19, 2010, the Joint Committee on Administrative Rules (JCAR) issued an objection to and filing prohibition for the rulemaking titled "Cemetery Oversight Act" (68 Ill. Adm. Code 1249; 34 Ill. Reg. 5047). According to JCAR, "The committee found that the adoption of this rulemaking would constitute a serious threat to the public interest, safety or welfare".

Per the Statement of Objection, JCAR objected to the rule "because licensure fees, indemnification costs and continuing education requirements, as well as cemetery maintenance standards that are not differentiated based on the size and financial strength of the cemetery as is required by statute, will cause serious financial hardship for some cemeteries". JCAR further states that, "Implementing this rulemaking is likely to cause some small cemeteries to go into receivership or abandonment, especially those that are operated by volunteers, which would create a serious threat to the public interest and welfare".

The Department has reviewed and considered all the public comments and the issues JCAR presented in its Statement of Objection. As permitted and/or required by the Act, the proposed rulemaking differentiates the fees, costs, and requirements based on the size and financial strength of the cemetery. Many, if not all, of the outstanding issues with the proposed rulemaking would need to be addressed by legislative amendments to the Act. In the meantime, the Department is willing to entertain any additional modifications to the proposed rulemaking. The Department has also indicated that it is willing to entertain, and to provide input regarding, possible legislation to address the issues stated in the objection. The Department will discuss any modification of the rulemaking with JCAR in the future. The Department hopes that any future modifications to the rulemaking will be acceptable for JCAR to remove the filing prohibition.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue Sales and Miscellaneous Tax Private Letter Rulings and General Information Letters issued for the Fourth Quarter of 2010. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Aircraft Use Tax  
Automobile Renting Tax  
Claims for Credit  
Computer Software  
Construction Contractors  
Delivery Charges  
Drugs  
Enterprise Zones  
Exempt Organizations  
Food

Food, Drugs & Medical Appliances  
Graphic Arts  
Gross Receipts  
Hotel Operators' Tax  
Leasing  
Local Taxes  
Manufacturing Machinery & Equipment  
Medical Appliances  
Miscellaneous  
Motor Vehicles

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

Returns  
Sale for Resale  
Service Occupation Tax

Telecommunications Excise Tax  
Use Tax

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at [www.tax.illinois.gov/](http://www.tax.illinois.gov/).

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Marie Keeney  
Legal Services Office  
101 West Jefferson Street  
Springfield, Illinois 62794  
Telephone: (217) 782-2844

#### AIRCRAFT USE TAX

ST 10-0007-PLR 10/13/2010 This letter concerns a change in registration of an aircraft due to the merger of a corporation into a limited liability company under the provisions of the Business Corporation Act. See 86 Ill. Adm. Code 152.101 and 805 ILCS 5/11.39 and 11.50.

#### Automobile Renting Tax

ST 10-0104-GIL 10/29/2010 Persons who are engaged in the business of renting automobiles in Illinois under rental terms of one year or less are subject to the Automobile Renting Occupation and Use Tax set forth at 35 ILCS 155/1 et seq. See 86 Ill. Adm. Code 180.101.

#### Claims for Credit

ST 10-0128-GIL 12/27/2010 Illinois allows a credit against Illinois Use Tax liability for tax that has been properly paid to another State. See 86 Ill. Adm. Code 150.310(a)(3).

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## Computer Software

ST 10-0089-GIL 10/05/2010 This letter concerns the taxation of computer software transactions. See 86 Ill. Adm. Code 130.1935.

ST 10-0103-GIL 10/29/2010 This letter concerns the taxation of computer software transactions. See 86 Ill. Adm. Code 130.1935.

ST 10-0113-GIL 12/14/2010 This letter concerns the taxation of computer software transactions. See 86 Ill. Adm. Code 130.1935.

## Construction Contractors

ST 10-0109-GIL 12/10/2010 When a construction contractor permanently affixes tangible personal property to real property, the contractor is deemed the end user of that tangible personal property. As the end user, the contractor incurs Use Tax on the cost price of that tangible personal property. See 86 Ill. Adm. Code 130.1940 and 86 Ill. Adm. Code 130.2075.

ST 10-0123-GIL 12/22/2010 A construction contractor who sells tangible personal property that is not permanently affixed or incorporated into a structure and remains tangible personal property incurs Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.1940.

## Delivery Charges

ST 10-0092-GIL 10/07/2010 Charges designated as delivery or transportation charges are not taxable if it can be shown that they are both agreed to separately from the selling price of the tangible personal property which is sold and that such charges are actually reflective of the costs of shipping. See 86 Ill. Adm. Code 130.415.

ST 10-0115-GIL 12/15/2010 Charges designated as delivery or transportation charges are not taxable if it can be shown that they are both agreed to separately from the selling price of the tangible personal property which is sold and that such charges are actually reflective of the costs of shipping. See 86 Ill. Adm. Code 130.415.

## Drugs

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

ST 10-0106-GIL 11/05/2010 This letter concerns the low 1% State rate of tax applicable to drugs, medicines and medical appliances. See, 86 Ill. Adm. Code 130.311.

## Enterprise Zones

ST 10-0101-GIL 10/27/2010 This letter discusses various enterprise zone exemptions. See 86 Ill. Adm. Code 130.1951.

## Exempt Organizations

ST 10-0117-GIL 12/15/2010 This letter concerns the documentation to be retained by retailers making sales to exempt organizations holding an E-number. See 86 Ill. Adm. Code 130.2005.

## Food

ST 10-0127-GIL 12/27/2010 Effective September 1, 2009, "soft drinks" mean non-alcoholic beverages that contain natural or artificial sweeteners; but "soft drinks" do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume. See 35 ILCS 120/2-10.

## Food, Drugs &amp; Medical Appliances

ST 10-0097-GIL 10/26/2010 This letter concerns the low 1% State rate of tax applicable to food, drugs and medical appliances. See 86 Ill. Adm. Code 130.310 and 130.311.

## GRAPHIC ARTS

ST 10-0126-GIL 12/27/2010 The Department's rules regarding the Graphic Arts Machinery and Equipment Exemption are set forth at 86 Ill. Adm. Code 130.325.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## Gross Receipts

ST 10-0112-GIL 12/14/2010 This letter concerns retailer discounts. See 86 Ill. Adm. Code 130.2125.

ST 10-0114-GIL 12/15/2010 This letter discusses the tax consequence of reward credits. See 86 Ill. Adm. Code 130.401(c).

ST 10-0125-GIL 12/27/2010 This letter discusses the tax consequence of reward credits. See 86 Ill. Adm. Code 130.401(c).

## Hotel Operators' Tax

ST 10-0096-GIL 10/14/2010 Gross receipts from the rentals of rooms to "permanent residents" are not subject to Hotel Operators' Occupation Tax liability. A "permanent resident" is any person who has occupied or has the right to occupy any room or rooms in a hotel for at least 30 consecutive days. See 86 Ill. Adm. Code 480.101.

## Leasing

ST 10-0094-GIL 10/12/2010 Information regarding sales tax liabilities in lease situations may be found at 86 Ill. Adm. Code 130.220 and 130.2010.

ST 10-0110-GIL 12/10/2010 Information regarding sales tax liabilities in lease situations may be found at 86 Ill. Adm. Code 130.220 and 86 Ill. Adm. Code 130.2010.

## Local Taxes

ST 10-0116-GIL 12/15/2010 If a sale is made in a jurisdiction that imposes a local tax, that tax will be incurred. In situations in which both the sale and the location of the property being sold at the time of the sale are outside of the State of Illinois, such sales would only be subject to the Illinois Use Tax at the general merchandise rate of 6.25%. See 86 Ill. Adm. Code 270.115.

## Manufacturing Machinery &amp; Equipment

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

ST 10-0119-GIL 12/21/2010 This letter describes the Manufacturing Machinery and Equipment Exemption and the Manufacturer's Purchase Credit. See 86 Ill. Adm. Code 130.330 and 130.331.

## Medical Appliances

ST 10-0090-GIL 10/07/2010 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.311(d).

ST 10-0095-GIL 10/12/2010 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.311(d).

ST 10-0118-GIL 12/20/2010 This letter concerns the low 1% State rate of tax applicable to drugs, medicines and medical appliances. See, 86 Ill. Adm. Code 130.311.

## Miscellaneous

ST 10-0091-GIL 10/07/2010 The Department will not approve the accuracy of private legal publications.

ST 10-0121-GIL 12/22/2010 If no tangible personal property is transferred to customers, then no Illinois Retailers' Occupation Tax, Use Tax, Service Occupation Tax Act, or Service Use Tax liability would be incurred on the sales to those customers. See 86 Ill. Adm. Code 130.301.

## Motor Vehicles

ST 10-0100-GIL 10/27/2010 This letter responds to a survey concerning taxation of vehicles and updates answers to a previous survey. See 86 Ill. Adm. Code 130.605, 150.310, 150.315, 151.101 et seq., and 180.101 et seq.

## RETURNS

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

ST 10-0108-GIL 12/10/2010 A manufacturer or wholesaler whose products are sold by numerous distributors in Illinois may assume the responsibility of collecting and remitting Retailers' Occupation Tax on behalf of all sales made by those distributors under the provisions of 86 Ill. Adm. Code 130.550. See 86 Ill. Adm. Code 130.550.

## Sale for Resale

ST 10-0099-GIL 10/27/2010 This letter addresses sales for resale. See 86 Ill. Adm. Code 130.1405.

ST 10-0102-GIL 10/28/2010 This letter addresses sales for resale. See 86 Ill. Adm. Code 130.1405.

ST 10-0107-GIL 12/10/2010 This letter concerns sales for resale. See 86 Ill. Adm. Code 130.1401.

## Service Occupation Tax

ST 10-0098-GIL 10/26/2010 Under the Service Occupation Tax, servicemen are taxed on tangible personal property transferred incident to a sale of service. See 86 Ill. Adm. Code Part 140.

ST 10-0111-GIL 12/14/2010 The Service Occupation Tax is a tax imposed upon servicemen engaged in the business of making sales of service in this State, based on the tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code Part 140.

ST 10-0122-GIL 12/22/2010 If tangible personal property is transferred incident to sales of service, this will result in either Service Occupation tax liability or Use Tax liability for the serviceman depending upon his or her activities. See 86 Ill. Adm. Code 140.101.

ST 10-0124-GIL 12/22/2010 Under the Service Occupation Tax, servicemen are taxed on tangible personal property transferred incident to a sale of service.. See 86 Ill. Adm. Code Part 140.

## Telecommunications Excise Tax

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

ST 10-0105-GIL 10/29/2010 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 35 ILCS 630/1 et seq.

ST 10-0120-GIL 12/21/2010 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 35 ILCS 630/1 et seq.

## Use Tax

ST 10-0093-GIL 10/11/2010 A person who purchases tangible personal property for the purpose of giving it away makes a taxable use of the property and incurs Use Tax upon such purchase. See 86 Ill. Adm. Code 150.305(c).

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 4, 2011 through January 10, 2011 and have been scheduled for review by the Committee at its February 8, 2011 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
2/17/11	<u>Secretary of State, Department of Personnel (80 Ill. Adm. Code 420)</u>	11/19/10 34 Ill. Reg. 17546	2/8/11
2/19/11	<u>Department of Public Health, Automated External Defibrillator Code (77 Ill. Adm. Code 525)</u>	10/15/10 34 Ill. Reg. 15779	2/8/11
2/20/11	<u>Department of Revenue, Income Tax (86 Ill. Adm. Code 100)</u>	9/3/10 34 Ill. Reg. 12658	2/8/11
2/20/11	<u>Department of Public Health, Podiatric Scholarship and Residency Programs Code (77 Ill. Adm. Code 593)</u>	10/29/10 34 Ill. Reg. 16802	2/8/11

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 35, Issue 4 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.

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