

2011

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2011

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
3	January 3, 2011	January 14, 2011
4	January 10, 2011	January 21, 2011
5	January 18, 2011	January 28, 2011
6	January 24, 2011	February 4, 2011
7	January 31, 2011	February 14, 2011
8	February 7, 2011	February 18, 2011
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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
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51	December 5, 2011	December 16, 2011
52	December 12, 2011	December 27, 2011
53	December 19, 2011	December 30, 2011

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 17, 2011 to January 3, 2012.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF 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)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
276.102	Amendment
276.105	New
276.201	Amendment
276.210	New
276.405	Amendment
- 4) Statutory Authority: Section 13C-10 and 13C-20 of the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C-10 and 13C-20]
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Environmental Protection Agency's (Illinois EPA) proposal amends Part 276 to reflect an amendment to the Vehicle Emissions Inspection Law of 2005 (VEIL of 2005) [625 ILCS 5/13C] (P.A. 97-106). Public Act 97-106 amends the VEIL of 2005 by repealing the steady-state idle exhaust and evaporative system integrity inspection tests. These inspection tests were substituted for the on-board diagnostic (OBD) test for heavy-duty vehicles not required to be equipped with OBD systems meeting federal OBD II specifications and certain vehicles that could not receive the OBD test due to their design or with known OBD communication or software problems. P.A. 97-106 exempts pre-2007 heavy-duty vehicles with a gross vehicle weight rating (GVWR) between 8,501 and 14,000 pounds and any heavy-duty vehicles with a GVWR greater than 14,000 pounds from the requirement to be tested. These heavy-duty vehicles are not all required to be equipped with OBD systems meeting federal OBD II specifications. Also, P.A. 97-106 adds a visual inspection test as a new substitute for the OBD test for vehicles that cannot receive the OBD test due to their design or with known OBD communication or software problems. In addition, it revises the definition of "malfunction indicator lamp" and "OBD system". Finally, it corrects an error with respect to the exemption for vehicles located and primarily used outside of the affected counties and in other jurisdictions where vehicle emissions tests are not required. This exemption applies to vehicles that are located and primarily used outside of the affected counties and in other jurisdictions where vehicle emissions tests are not required. P.A. 97-106 is effective February 1, 2012.

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The proposed amendments to Part 276 sunset the steady-state idle exhaust and evaporative system integrity inspection test procedures, test equipment specifications, and equipment maintenance and calibration requirements as of February 1, 2012. Also, the proposed amendments add visual inspection test procedures beginning February 1, 2012, and a definition of "visual inspection test". In addition, the proposed amendments reflect the correction made by P.A. 97-106 to the VEIL of 2005 regarding vehicles located and primarily used outside of the affected counties and in other jurisdictions where vehicle emissions tests are not required.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Illinois EPA relied on P.A. 97-106 to compose this rulemaking. Copies are available for review with the Illinois EPA at 1021 N. Grand Avenue East, Springfield, Illinois 62794.
- 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 amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Illinois EPA will accept written public comments on this proposal for a period of forty-five (45) days after the date of publication in the *Illinois Register*. Comments should reference the Vehicle Emissions Inspection and Maintenance Program and be addressed to:

Kent E. Mohr, Jr.
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

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217/782-5544

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses, small municipalities and not for profit corporations may be required to have their vehicles tested in accordance with the VEIL of 2005 and this Part.
 - B) Reporting, bookkeeping or other procedures required for compliance: The rule requires vehicle emissions inspectors to perform vehicle emissions tests in accordance with the procedures and other requirements established by the rule. There are no new reporting or bookkeeping procedures proposed in this rulemaking.
 - C) Types of Professional skills necessary for compliance: For motorists, none. Vehicle emissions inspectors must be trained in performing vehicle emissions tests and maintenance of any vehicle emissions test equipment.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2011.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 276

PROCEDURES TO BE FOLLOWED IN THE PERFORMANCE
OF INSPECTIONS OF MOTOR VEHICLE EMISSIONS

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276.102	Definitions
276.103	Abbreviations
276.104	Incorporations by Reference
276.105	Sunset Provisions

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276.202	Pollutants to be Tested – Exhaust Test
276.203	Dilution – Steady-State Idle Exhaust Test
276.204	Steady-State Idle Exhaust Emissions Test Procedures
276.205	Evaporative System Integrity Test Procedures
276.206	Engine and Fuel Type Modifications
276.207	Transient Loaded Mode Exhaust Emissions Test Procedures (Repealed)
276.208	On-Road Remote Sensing Test Procedures
276.209	On-Board Diagnostic Test Procedures
276.210	Visual Inspection Test Procedures

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276.303	Emissions Compliance Certificate Design and Content
276.304	Initial Emissions Inspection Stickers or Certificates (Repealed)
276.305	Exempt Emissions Inspection Stickers or Certificates (Repealed)

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- 276.306 Renewal Emissions Inspection Stickers or Certificates (Repealed)
- 276.307 Temporary Emissions Inspection Stickers or Certificates (Repealed)
- 276.308 Corrected or Interim Emissions Inspection Stickers or Certificates (Repealed)
- 276.309 Waiver Emissions Inspection Stickers or Certificates (Repealed)
- 276.310 Emissions Inspection Sticker and Certificate Display and Possession (Repealed)
- 276.311 Change of Assigned Test Month (Repealed)
- 276.312 Economic Hardship Extension Stickers or Certificates (Repealed)

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AFFECTED COUNTIES ANNUAL EXEMPTION REQUIREMENTS

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- 276.401 Waiver Requirements
- 276.402 Low Emissions Tuneups (Repealed)
- 276.403 Denial or Issuance of Waiver
- 276.404 Economic Hardship Extension Requirements
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- 276.501 General Requirements
- 276.502 Steady-State Idle Exhaust Test Analysis Systems Functional Requirements
- 276.503 Steady-State Idle Exhaust Test Analysis Systems Performance Criteria
- 276.504 Evaporative System Integrity Test Functional Requirements and Performance Criteria
- 276.505 Transient Loaded Mode Test Systems Functional Requirements (Repealed)
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SUBPART F: EQUIPMENT MAINTENANCE AND CALIBRATION

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- 276.604 Record Keeping
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- 276.606 On-Road Remote Sensing Test Systems Maintenance and Calibration
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SUBPART G: FLEET SELF TESTING REQUIREMENTS

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- 276.701 General Requirements
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- 276.703 Fleet Inspection Permittee Operating Requirements
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- 276.901 General Requirements
- 276.902 Vehicle Emissions Test Notice
- 276.903 Warning Notice (Repealed)
- 276.904 Second Warning Notice (Repealed)

SUBPART J: RECIPROCITY WITH OTHER JURISDICTIONS

Section

- 276.1001 Requirements for Vehicles Registered in Affected Counties and Located in Other Jurisdictions Requiring Vehicle Emissions Inspection
- 276.1002 Requirements for Vehicles Registered in Other Jurisdictions Requiring Vehicle Emissions Inspection and Located in an Affected County

SUBPART K: REPAIR FACILITY PERFORMANCE REPORTING

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276.1101 Requirements for Collecting and Reporting Data Pertaining to the Repair of Vehicles that Failed or Were Rejected from an Emissions Inspection

276.TABLE A Transient Driving Cycle (Repealed)

276.TABLE B Fast-Pass Speed Variation Limits Using Positive Kinetic Energy (PKE) Measurements (Repealed)

AUTHORITY: Implementing the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C] and authorized by Sections 13C-10 and 13C-20 of the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C-10 and 13C-20].

SOURCE: Adopted at 10 Ill. Reg. 13954, effective August 13, 1986; amended at 16 Ill. Reg. 10230, effective June 15, 1992; amended at 20 Ill. Reg. 8456, effective June 14, 1996; amended at 22 Ill. Reg. 18867, effective September 28, 1998; amended at 26 Ill. Reg. 8113, effective May 17, 2002; amended at 35 Ill. Reg. 11268, effective June 28, 2011; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 276.102 Definitions

a) Except as hereinafter stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall be the same as those used in the Environmental Protection Act [415 ILCS 5] and the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C].

b) The following definitions apply to this Part:

"Accuracy" means the combination of bias and precision errors, technically defined as uncertainty, that quantifies the differences between a measured and true value.

"Affected county" means any county or portion thereof, as defined in Section 13C-5 of the Vehicle Emissions Inspection Law of 2005.

"Agency" means the Illinois Environmental Protection Agency or its designee.

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"Calibration gas" means a gas of known concentration used to establish the response curve of the exhaust gas analyzer.

"Diagnostic trouble code" or "(DTC)" means an alphanumeric code that is set in a vehicle's onboard computer when a monitor detects a condition likely to indicate the existence of an emission related malfunction of the vehicle.

"Drift" means the amount of change in analyzer reading over a period of time. Zero drift refers to the change of zero reading. Span drift refers to a change in the reading at a specified span gas calibration point.

"Economic hardship extension" means a one year extension to the test-by date that may be granted to the owners of a vehicle in order for the owners to comply with the requirements of the Vehicle Emissions Inspection Law of 2005.

"Emissions compliance certificate" means a certificate issued to an owner of a vehicle registered in an affected county who successfully complies with the Vehicle Emissions Inspection Law of 2005 and the requirements of this Part. As required by the context, this means an emissions compliance certificate, annual exemption certificate or emissions inspection certificate.

"Emission control devices" means those components of a vehicle that were designed and are used to control vehicle exhaust and evaporative system emissions. For the purpose of this Part, this term refers to components with which the vehicle was originally equipped or direct replacements.

"Evaporative system integrity test" means a test of the fuel cap portion of a vehicle's evaporative system, which consists of either a fuel cap leak flow test, a fuel cap pressure decay test, or a fuel cap visual functional test, as applicable.

"Exhaust gas analyzer" means a device that has the capability to identify unknown concentrations of particular constituents in motor vehicle exhaust gases by comparison with known concentrations of analytical gases.

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"Fleet inspection permit" means a permit issued to fleet self-testers in accordance with Subpart G.

"Fleet inventory" means those vehicles that have been registered with the Agency for the purpose of fleet self-testing and that have been assigned a test eligibility date.

"Fleet vehicle" means any non-exempt vehicle registered with the Agency for the purpose of fleet self-testing.

"Fuel cap" means a device used to seal a vehicle's fuel inlet.

"Fuel cap leak flow test" means a test performed in accordance with this Part on a vehicle's fuel cap using a fuel cap leak flow tester to determine whether the vehicle complies with the evaporative system emission standards of 35 Ill. Adm. Code 240.

"Fuel cap leak flow tester" or "fuel cap tester" means a device used to determine the leak flow integrity of a vehicle's fuel cap by comparing the measured leak flow of the fuel cap with an established fuel cap leak flow standard.

"Fuel cap pressure decay test" means the test performed in accordance with this Part on a vehicle's fuel cap using a fuel cap pressure decay tester to determine whether the vehicle complies with the evaporative system emission standards of 35 Ill. Adm. Code 240.

"Fuel cap pressure decay tester" means a device used to determine the pressure decay integrity of a vehicle's fuel cap by monitoring the pressure behind the fuel cap for a 10 second period and comparing the measured pressure decay of the fuel cap to an established fuel cap pressure decay standard.

"Fuel cap visual functional test" means the test performed in accordance with this Part on a vehicle's fuel cap using visual analysis to determine whether the vehicle complies with the evaporative system emission standards of 35 Ill. Adm. Code 240.

"Full-service official inspection station" means an inspection station that

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offers the full range of emissions inspection services and customer service functions, including waiver inspections.

"HC hangup" means hydrocarbons that cling to the surface of the analyzer gas sampling stream causing errors in hydrocarbon readings.

"High idle" means a vehicle operating condition with engine disconnected from an external load (placed in either neutral or park) and operating at a speed of 2500 ±300 RPM.

"Household income" means the gross income of all household members, except wage or salary income earned by dependent minors under 18 years of age. A head of household and his or her spouse are not considered as minors. Gross income includes wages, interest, annuities, pensions, social security, retirement, disability, public aid, alimony, child support, unemployment benefits, workers' compensation, and any other indirect income such as utility allowances.

"Idle mode" means that portion of a vehicle emission test procedure conducted with the engine disconnected from an external load and operating at minimum throttle.

"Initial idle mode" means the first of up to two idle mode sampling periods during a steady-state idle mode test, during which exhaust emission measurements are made with the vehicle in "as-received" condition.

"Low income" means the household income during the preceding 12 month period was not more than 150 percent of the latest available poverty guidelines established by the U.S. Department of Health and Human Services for the contiguous United States and the District of Columbia.

"Malfunction indicator light" or "MIL" means the light found on the dashboard of OBD-equipped vehicles that is required to be illuminated when the OBD system detects malfunctions likely to result in emissions exceeding applicable emission standards. The MIL must display the phrase "Check Engine" or "Service Engine Soon". The word "Powertrain" may be substituted for "Engine". Alternatively, the ISO engine symbol may be substituted.

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"National Institute of Standards and Technology gas" or "NIST gas" means a standard gas maintained or made available by the National Institute of Standards and Technology for the purpose of determining the accuracy of calibration gases.

"Non-exempt vehicle" means any vehicle subject to emission inspections, regardless of whether the vehicle is in a certified configuration, under the Vehicle Emissions Inspection Law of 2005.

"Non-fleet vehicle" means any non-exempt vehicle except for vehicles registered with the Agency for the purpose of fleet self-testing.

"Official inspection station" means a vehicle emission inspection facility operated by the Agency or the Agency's Contractor for the purpose of conducting emission inspections on non-fleet vehicles.

"On-board diagnostic readiness code" means a status flag stored by a vehicle's onboard computer that indicates whether a given monitor has been run (i.e., whether the component or system in question has been checked to determine if it is functioning properly).

"On-board diagnostic test" means the electronic retrieval of stored readiness status, diagnostic trouble codes, and MIL illumination status from a vehicle's OBD system to determine if any emission related trouble codes are present and if the MIL is commanded to be on, which would indicate the existence of an emission related malfunction with the vehicle.

"On-road remote sensing test" means the observation, measurement, and recording of vehicle exhaust emission concentrations of hydrocarbons (HC), carbon monoxide (CO), and carbon dioxide (CO₂) present in each in-use vehicle while traveling on roadways or in specified areas by equipment that is not connected to the vehicle.

"Preconditioning mode" means a period of steady-state high-idle operation conducted to ensure that the engine and emissions control system components are operating at normal operating temperatures, thus minimizing false failure caused by improper or insufficient warm-up.

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"Private official inspection station" means a vehicle emission inspection facility operated by a registered owner or lessee of 15 or more non-exempt fleet vehicles.

"Recognized repair technician" means a person professionally engaged in vehicle repair, employed by a going concern whose purpose is vehicle repair, or possessing nationally recognized certification for emission related diagnosis and repair.

"Second-chance idle mode" means the second of two idle mode sampling periods during a steady-state idle mode test, preceded by a preconditioning mode and utilized as a second chance to pass idle exhaust emission standards immediately following an initial idle mode failure.

"Span gas" means a gas of known concentrations that is used to check or adjust the analyzer response characteristics to those determined by the calibration gases.

"Steady-state idle test" means a vehicle emission test procedure consisting of an initial idle mode measurement of exhaust emissions followed, if necessary, by a high idle preconditioning mode and a second-chance idle mode.

"Test-by date" or "TBD" means the date by which the vehicle is due to have an emissions inspection and corresponds to the date the vehicle's registration will expire. For non-expiring vehicle registrations, the TBD is the date of the vehicle's purchase anniversary month or, if not available, the month the vehicle was added to the Illinois Secretary of State's registration database.

"Test cycle" means the two-year period between a vehicle's test eligibility dates.

"Test eligibility date" or "TED" means the first day of the third month prior to the vehicle's TBD.

"Vehicle emissions test notice" means a notice sent by the Agency to the owners of a vehicle informing the owners of the need to comply with the requirements of the Vehicle Emissions Inspection Law of 2005.

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"Vehicle inspection report" means a report issued to the motorist indicating the results of an emission inspection or waiver determination.

"Visual functional test" means a visual examination of a vehicle's fuel cap for any readily apparent wear, tampering, or defects that would prevent the fuel cap from operating properly.

"Visual inspection test" means a visual examination of a vehicle's MIL consisting of verifying the status of the MIL in key on/engine off position followed by verifying the status of the MIL in the key on/engine on position to determine the status of the MIL and existence of an emission related malfunction with the vehicle.

"Waiver" means a suspension of the requirement that a non-exempt vehicle comply with test standards after two or more attempts to do so, as provided for in this Part.

"Waiver inspection" means an inspection conducted by a waiver inspector to determine waiver eligibility.

"Waiver inspector" means a person authorized by the Agency to conduct waiver inspections and to approve or disapprove applications for a waiver.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 276.105 Sunset Provisions

Sections 276.203, 276.204, 276.205, 276.502, 276.503, 276.504, 276.601, 276.602 and 276.603 of this Part shall not apply after January 31, 2012.

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART B: VEHICLE EMISSIONS INSPECTION PROCEDURES

Section 276.201 General Description of Vehicle Emissions Inspection Procedures

Compliance with steady-state idle, evaporative system integrity, OBD, visual inspection, and on-road sensing test standards contained in 35 Ill. Adm. Code 240 shall be determined by use of test

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procedures and other requirements as applicable, as set forth in this Part, and shall be performed to the extent practicable. The test procedure applicable to each non-exempt vehicle shall be based on the model year and vehicle type as supplied by the manufacturer. If this information is not available from the manufacturer, the model year and vehicle type shall be based on registration information as supplied by the Illinois Secretary of State.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 276.210 Visual Inspection Test Procedures

- a) Applicability
Beginning February 1, 2012, the visual inspection test may be substituted for the OBD test for those vehicles identified in Section 13C-25(h) of the Vehicle Emissions Inspection Law of 2005. The visual inspection test consists of a two-part test. The first part of the visual inspection test consists of a visual examination of the MIL in the key-on/engine off position. The second part of the visual inspection test consists of a visual examination of the MIL in the key on/engine on position. The visual inspection test shall be performed in accordance with subsections (b) and (c) of this Section.
- b) Test Procedures
- 1) Key on/engine off
The key on/engine off test starts with the ignition in the key off/engine off position. The ignition shall then be turned to the key on/engine off position. The inspector shall observe whether the MIL is illuminated.
- 2) Key on/engine on
The key on/engine on test starts with the ignition in the key on/engine off position. The ignition shall then be turned to the key on/engine on position. The inspector shall observe whether the MIL is continuously illuminated.
- c) Pass/Fail Determination
A pass or fail determination is made for each part of the visual inspection test identified in subsection (b) based on a comparison of the test results to the visual inspection test standards contained in 35 Ill. Adm. Code 240.202.

(Source: Added at 36 Ill. Reg. _____, effective _____)

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SUBPART D: WAIVER, ECONOMIC HARDSHIP EXTENSION, AND OUTSIDE OF
AFFECTED COUNTIES ANNUAL EXEMPTION REQUIREMENTS**Section 276.405 Outside of Affected Counties Annual Exemption Requirements**

- a) The owner of a vehicle that is located and being primarily operated outside of the affected counties ~~and, or~~ in other jurisdictions in which vehicle emission inspections are not required, may be issued a one year emissions compliance certificate allowing the motorist to renew the registration without having an emissions inspection. Written proof of the vehicle's location must be provided by one of the following:
- 1) Tax bill;
 - 2) Utility bill;
 - 3) Tuition bill;
 - 4) Storage receipt;
 - 5) Military orders; or
 - 6) Other written proof deemed acceptable by the Agency.
- b) Vehicles obtaining a one year emissions compliance certificate under this Section will be subject to inspection by the next TBD unless the motorist complies with subsection (a) of this Section.
- c) A vehicle owner who is currently in the military and deployed outside the affected counties may be issued a one year emissions compliance certificate under this Section if written proof as specified in [subsection Section 276.405\(a\)\(5\)](#) or (a)(6) is provided.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Foreign Banking Corporations
- 2) Code Citation: 38 Ill. Adm. Code 400
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
400.10	New Section
400.20	New Section
400.30	New Section
400.40	New Section
- 4) Statutory Authority: Implementing and authorized by the Foreign Banking Office Act [205 ILCS 640]
- 5) A Complete Description of the Subjects and Issues Involved: This new Part will establish when a foreign banking corporation is required to pledge securities pursuant to Section 11, or when it must maintain an asset maintenance ratio pursuant to Section 13 of the Act. Additionally, this new Part establishes the authority and criteria the Department may utilize to require foreign banks to achieve certain pledge and/or maintenance ratio requirements. Upon adoption, this rule will create a uniform and predictable method to address the safety and soundness of foreign banks doing business in Illinois.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this

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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:

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: Please see the requirements of this new Part.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Department did not anticipate the need to promulgate a new rule.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 400

FOREIGN BANKING CORPORATIONS

Section

400.10	Definitions
400.20	Purpose
400.30	Determination of When an Asset Maintenance Ratio or Pledging of Securities is Required
400.40	Asset Maintenance and Pledging Guidelines for Illinois Foreign Banking Corporations

AUTHORITY: Implementing and authorized by the Foreign Banking Office Act [205 ILCS 640].

SOURCE: Adopted at 36 Ill. Reg. _____, effective _____.

Section 400.10 Definitions

"Act" means the Foreign Banking Office Act [205 ILCS 640].

"Asset Maintenance Ratio" means, for purposes of this Part, that amount of assets that a foreign banking corporation is required to maintain in relationship to its liabilities, including contingent liabilities, payable at or through its banking office in this State, including acceptances, but excluding amounts due and other liabilities to other offices, agencies or banking offices of, and wholly owned subsidiaries of, that foreign banking corporation and such other liabilities as the Secretary shall permit.

"Combined Rating for United States Operations" means a rating between "1" and "5" for the foreign banking corporation's United States operations. The rating is based on an assessment of all risk factors and:

all elements of the ROCA rating system;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

quality of risk management oversight employed by all levels of management in the foreign banking corporations' United States operations; and

the examinations of all entities of the foreign banking corporation conducted during the year.

"Foreign Banking Corporation" means a bank organized and operating under the laws of a country other than the United States of America and not directly or indirectly owned or controlled by United States citizens or by a corporation organized under the laws of the United States.

"ROCA Rating for Illinois Branches" means the composite rating between "1" and "5" assigned for a foreign banking corporation's Illinois branches. The rating is based on an assessment of the risk management, operational controls, compliance and asset quality of the foreign banking corporation's activities in Illinois.

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

"Securities" means, for purposes of this Part:

interest bearing stocks and bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof guaranteed by the United States or of this State, or of a city, county, town, village, school district or instrumentality thereof, or guaranteed by the United States, or of this State or guaranteed by this State; or

dollar deposits; or

obligations issued by the Inter-American Development Bank; or

obligations of the Asian Development Bank; or

obligations of the African Development Bank; or

obligations of the International Finance Corporation; or

such other assets as the Secretary shall permit.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

"SOSA" means the Strength of Support Assessment. The SOSA ranking is a supervisory tool used by the Agency to carry out its responsibilities for overseeing the activities of foreign banking corporations in the United States. SOSA rankings reflect an assessment of a foreign banking corporation's ability to provide support for its United States operations.

"State bank" means any banking corporation that has a banking charter issued by the Secretary under the Illinois Banking Act [205 ILCS 5].

Section 400.20 Purpose

- a) Section 11 of the Act grants the Secretary the authority to require a foreign banking corporation to keep securities on deposit with the Federal Reserve Bank of Chicago or a State bank or national bank in the amount the Secretary deems necessary for the protection of depositors or an amount reflecting the costs of taking possession and control.
- b) Section 13 of the Act grants the Secretary the authority to prescribe an asset maintenance ratio necessary for the maintenance of a safe and sound financial condition in order to protect depositors, creditors and the public interest or to maintain public confidence.

Section 400.30 Determination of When an Asset Maintenance Ratio or Pledging of Securities is Required

In determining when a foreign banking corporation is required to pledge securities pursuant to Section 11 of the Act or to maintain an asset maintenance ratio pursuant to Section 13 of the Act, the Secretary shall utilize a number of factors, including the foreign banking corporation's SOSA rating, its combined rating for United States operations, its ROCA rating for Illinois branches, and other factors as determined by the Secretary.

Section 400.40 Asset Maintenance and Pledging Guidelines for Illinois Foreign Banking Corporations

- a) The Secretary may use the following schedule in determining whether a foreign banking corporation is required to pledge securities pursuant to Section 11 of the Act or to maintain an asset maintenance ratio pursuant to Section 13 of the Act:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

SOSA	COMBINED RATING FOR U.S. OPERATIONS	ROCA RATING FOR ILLINOIS BRANCHES	ASSET MAINTENANCE RATIO	PLEDGE
1	1 or 2	1 or 2	0	0
1	3	1 or 2	0	0
1	4 or 5	1 or 2	100%	yes
1	1 or 2	3	0	0
1	1 or 2	4 or 5	100%	yes
1	3	3	0	0
1	4 or 5	4 or 5	108%	yes
2	1 or 2	1 or 2	0	0
3	1 or 2	1 or 2	108%	yes
2	3	1 or 2	100%	yes
2	4 or 5	1 or 2	108%	yes
3	3, 4 or 5	1 or 2	108%	yes
2	1 or 2	3	100%	0
2	1 or 2	4 or 5	108%	yes
3	1 or 2	3, 4 or 5	108%	yes
2	3, 4 or 5	3, 4 or 5	108%	yes
3	3, 4 or 5	3, 4 or 5	108%	yes

- b) For purposes of subsection (a), the calculation of the asset pledge ratio shall be on the same basis on which quarterly averages are calculated for call report purposes pursuant to the Illinois Banking Act [205 ILCS 47].

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.2580 Proposed Action:
Amendment
- 4) Statutory Authority: 820 ILCS 153/85
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking provides guidance regarding the tax consequences of repeal of the Medical Care Savings Act of 2000, effective January 1, 2010.
- 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 a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Brian Stocker
Staff Attorney - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/782-7055

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 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 2011

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2193 Student-Assistance Contributions Credit (IITA 218)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

OCCURRING PRIOR TO DECEMBER 31, 1986

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

- 100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 and Noncombination Rule Companies
- 100.2435 Addition Modification for Student-Assistance Contribution Credit (IITA Sections 203(a)(2)(D-23), (b)(2)(E-16), (c)(2)(G-15), (d)(2)(D-10))
- 100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
- 100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

- 100.2510 Subtraction for Contributions to Illinois Qualified Tuition Programs (Section 529 Plans) (IITA Section 203(a)(2)(Y))
- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section

- 100.2655 Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section

- 100.3000 Terms Used in Article 3 (IITA Section 301)
- 100.3010 Business and Nonbusiness Income (IITA Section 301)
- 100.3015 Business Income Election (IITA Section 1501)
- 100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section

- 100.3100 Compensation (IITA Section 302)
- 100.3110 State (IITA Section 302)
- 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3200 Taxability in Other State (IITA Section 303)
- 100.3210 Commercial Domicile (IITA Section 303)
- 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) – In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3371 Sales Factor for Telecommunications Services
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations for Taxable Years Ending Prior to December 31, 2008 (IITA Section 304(c))
- 100.3405 Apportionment of Business Income of Financial Organizations for Taxable Years Ending on or after December 31, 2008 (IITA Section 304(c))
- 100.3420 Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

- 100.5000 Time for Filing Returns: Individuals (IITA Section 505)
- 100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
- 100.5040 Innocent Spouses
- 100.5050 Frivolous Returns
- 100.5060 Reportable Transactions
- 100.5070 List of Investors in Potentially Abusive Tax Shelters and Reportable Transactions
- 100.5080 Registration of Tax Shelters (IITA Section 1405.5)

SUBPART O: COMPOSITE RETURNS

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section

100.5100	Composite Returns: Eligibility
100.5110	Composite Returns: Responsibilities of Authorized Agent
100.5120	Composite Returns: Individual Liability
100.5130	Composite Returns: Required forms and computation of Income
100.5140	Composite Returns: Estimated Payments
100.5150	Composite Returns: Tax, Penalties and Interest
100.5160	Composite Returns: Credits on Separate Returns
100.5170	Composite Returns: Definition of a "Lloyd's Plan of Operation"
100.5180	Composite Returns: Overpayments and Underpayments

SUBPART P: COMBINED RETURNS

Section

100.5200	Filing of Combined Returns
100.5201	Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205	Election to File a Combined Return
100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
100.5215	Filing of Separate Unitary Returns
100.5220	Designated Agent for the Members
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7035	Nonresident Partners, Subchapter S Corporation Shareholders, and Trust Beneficiaries (IITA Section 709.5)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)

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100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section	
100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section	
100.7200	Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section	
100.7300	Returns and Payments of Income Tax Withheld from Wages (IITA Sections 704 and 704A)
100.7310	Returns Filed and Payments Made on Annual Basis (IITA Section 704)
100.7320	Time for Filing Returns and Making Payments for Taxes Required to Be Withheld Prior to January 1, 2008 (IITA Section 704)
100.7325	Time for Filing Returns and Making Payments for Taxes Required to Be Withheld On or After January 1, 2008 (IITA Section 704A)
100.7330	Payment of Tax Required to be Shown Due on a Return (IITA Sections 704 and 704A)
100.7340	Correction of Underwithholding or Overwithholding (IITA Section 704)
100.7350	Domestic Service Employment (IITA Sections 704 and 704A)
100.7360	Definitions and Special Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
100.7370	Penalty and Interest Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)

SUBPART U: ESTIMATED TAX PAYMENTS

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section

- 100.8000 Payment of Estimated Tax (IITA Section 803)
- 100.8010 Failure to Pay Estimated Tax (IITA Sections 804 and 806)

SUBPART V: COLLECTION AUTHORITY

Section

- 100.9000 General Income Tax Procedures (IITA Section 901)
- 100.9010 Collection Authority (IITA Section 901)
- 100.9020 Child Support Collection (IITA Section 901)

SUBPART W: NOTICE AND DEMAND

Section

- 100.9100 Notice and Demand (IITA Section 902)

SUBPART X: ASSESSMENT

Section

- 100.9200 Assessment (IITA Section 903)
- 100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART Y: DEFICIENCIES AND OVERPAYMENTS

Section

- 100.9300 Deficiencies and Overpayments (IITA Section 904)
- 100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
- 100.9320 Limitations on Notices of Deficiency (IITA Section 905)
- 100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Z: CREDITS AND REFUNDS

Section

- 100.9400 Credits and Refunds (IITA Section 909)
- 100.9410 Limitations on Claims for Refund (IITA Section 911)
- 100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART AA: INVESTIGATIONS AND HEARINGS

Section

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.9500	Access to Books and Records (IITA Section 913)
100.9505	Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510	Taxpayer Representation and Practice Requirements
100.9520	Conduct of Investigations and Hearings (IITA Section 914)
100.9530	Books and Records

SUBPART BB: JUDICIAL REVIEW

Section	
100.9600	Administrative Review Law (IITA Section 1201)

SUBPART CC: DEFINITIONS

Section	
100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9720	Nexus
100.9730	Investment Partnerships (IITA Section 1501(a)(11.5))
100.9750	Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART DD: LETTER RULING PROCEDURES

Section	
100.9800	Letter Ruling Procedures

SUBPART EE: MISCELLANEOUS

Section	
100.9900	Tax Shelter Voluntary Compliance Program

100.APPENDIX A	Business Income Of Persons Other Than Residents
100.TABLE A	Example of Unitary Business Apportionment
100.TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

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SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at

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25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. 12891, effective August 19, 2010; amended at 35 Ill. Reg. 4223, effective February 25, 2011; amended at 35 Ill. Reg. 15092, effective August 24, 2011; amended at 36 Ill. Reg. _____, effective _____.

SUBPART F: BASE INCOME OF INDIVIDUALS

Section 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))

- a) For the purposes of this Section, "Act" means the Medical Care Savings Account Act [820 ILCS 152], repealed January 1, 2000, or the Medical Care Savings

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Account Act of 2000 [820 ILCS 153], which re-enacted the provisions of the repealed Act.

- b) *"Medical care savings account" or "account" means an account established in this State pursuant to a medical care savings account program to pay the eligible medical expenses of an employee and his or her dependents. (Section 5 of the Act) An employer, except as otherwise provided by statute, contract, or a collective bargaining agreement, may offer a medical care savings account program to the employer's employees.*
- c) A medical care savings account program must include the following:
- 1) *The purchase by an employer of a qualified higher deductible health plan for the benefit of an employee and his or her dependents. (Section 5 of the Act)*
 - 2) *The contribution on behalf of an employee into a medical care savings account by his or her employer of all or part of the premium differential realized by the employer based on the purchase of a qualified higher deductible health plan for the benefit of the employee. An employer that did not previously provide a health coverage policy, certificate, or contract for his or her employees may contribute all or part of the deductible of the plan purchased pursuant to subsection (c)(1). For 1994, a contribution under this Section may not exceed \$6,000 for 2 taxpayers filing a joint return, if each taxpayer has a medical care savings account but neither is covered by the other's health coverage, or \$3,000 in all other cases. These maximum amounts shall be adjusted annually by the Department of Revenue to reflect increases in the consumer price index for the United States as defined and officially reported by the United States Department of Labor. (Section 5 of the Act)*
 - A) The Department will announce adjustments in the maximum amounts, as well as in the minimum higher deductible, by annual publication of a Notice of Public Information in the Illinois Register.
 - B) The Consumer Price Index (CPI) annual average for all urban consumers was 144.5 for calendar year 1993 and 148.2 for calendar year 1994. Therefore, the thresholds established under

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the Act were adjusted upward by 2% for 1995. Hence, for 1995, the minimum higher deductible is \$1026, the maximum higher deductible is \$3078, the maximum contribution for 2 taxpayers filing a joint return is \$6156 and the maximum contribution for all others is \$3078.

C) For the years 1994 through 2006, the thresholds are as follows:

Year	Minimum Higher Deductible	Maximum Higher Deductible	Maximum Contribution For Two	Maximum Contribution All Others
1994	\$1,000	\$3,000	\$6,000	\$3,000
1995	\$1,026	\$3,078	\$6,156	\$3,078
1996	\$1,055	\$3,164	\$6,238	\$3,164
1997	\$1,086	\$3,256	\$6,512	\$3,256
1998	\$1,111	\$3,331	\$6,662	\$3,331
1999	\$1,129	\$3,384	\$6,768	\$3,384
2000	\$1,154	\$3,458	\$6,917	\$3,458
2001	\$1,193	\$3,576	\$7,152	\$3,576
2002	\$1,226	\$3,676	\$7,352	\$3,676
2003	\$1,246	\$3,735	\$7,470	\$3,735
2004	\$1,275	\$3,821	\$7,642	\$3,821
2005	\$1,309	\$3,924	\$7,848	\$3,924
2006	\$1,354	\$4,057	\$8,114	\$4,057

3) *An account administrator to administer the medical care savings account from which payment of claims is made. Not more than 30 days after an account administrator begins to administer an account, the administrator shall notify in writing each employee on whose behalf the administrator administers an account of the date of the last business day of the administrator's business year. (Section 5 of the Act)*

d) Section 5 of the Act contains a number of definitions:

1) *"Account administrator" means any of the following:*

A) *A national or state chartered bank, a federal or State chartered savings and loan association, a federal or State chartered savings bank, or a federal or State chartered credit union.*

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- B) *A trust company authorized to act as a fiduciary.*
 - C) *An insurance company authorized to do business in this State under the Illinois Insurance Code or a health maintenance organization authorized to do business in this State under the Health Maintenance Organization Act.*
 - D) *A dealer, salesperson, or investment adviser registered under the Illinois Securities Law of 1953.*
 - E) *An administrator as defined in Section 511.101 of the Illinois Insurance Code who is licensed under Article XXXI¹/₄ of that Code.*
 - F) *A certified public accountant registered under the Illinois Public Accounting Act.*
 - G) *An attorney licensed to practice in this State.*
 - H) *An employer, if the employer has a self-insured health plan under the federal Employee Retirement Income Security Act of 1974 (ERISA).*
 - I) *An employer that participates in the medical care savings account program.*
- 2) *"Deductible" means the total deductible for an employee and all the dependents of that employee for a calendar year.*
 - 3) *"Dependent" means the spouse of the employee or a child of the employee if the child is any of the following:*
 - A) *under 19 years of age, or under 23 years of age and enrolled as a full-time student at an accredited college or university,*
 - B) *legally entitled to the provision of proper or necessary subsistence, education, medical care, or other care necessary for his or her health, guidance, or well-being and not otherwise emancipated, self-supporting, married, or a member of the armed forces of the*

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United States, or

- C) *mentally or physically incapacitated to the extent that he or she is not self-sufficient.*
- 4) *"Domicile" means a place where an individual has his or her true, fixed, and permanent home and principal establishment, to which, whenever absent, he or she intends to return. Domicile continues until another permanent home or principal establishment is established.*
- 5) *"Eligible medical expense" means an expense paid by the taxpayer for medical care described in Section 213(d) of the Internal Revenue Code.*
- 6) *"Employee" means the individual for whose benefit or for the benefit of whose dependents a medical care savings account is established. Employee includes a self-employed individual.*
- 7) *"Higher deductible" means a deductible of not less than \$1,000 and not more than \$3,000 for 1994. This minimum and maximum shall be adjusted annually by the Department of Revenue to reflect increases in the consumer price index for the United States as defined and officially reported by the United States Department of Labor.*
- 8) *"Qualified higher deductible health plan" means a health coverage policy, certificate, or contract that provides for payments for covered benefits that exceed the higher deductible and that is purchased by an employer for the benefit of an employee for whom the employer makes deposits into a medical care savings account.*
- e) *Before making any contribution to an account, an employer that offers a medical care savings account program shall inform all its employees in writing of the federal tax status of contributions made. (Section 10(b) of the Act) The contributions made pursuant to the Medical Care Savings Account Act will be taxable federally unless and to the extent the medical care savings account qualifies as a tax-favored medical savings account under section 220 of the Internal Revenue Code (26 USC 220).*
- f) Use of Account Moneys

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- 1) *The account administrator shall utilize the moneys held in a medical care savings account solely for the purpose of paying the medical expenses of the employee or his or her dependents or to purchase a health coverage policy, certificate, or contract if the employee does not otherwise have health insurance coverage. Moneys held in a medical care savings account may not be used to cover medical expenses of the employee or his or her dependents that are otherwise covered, including but not limited to medical expenses covered pursuant to an automobile insurance policy, worker's compensation insurance policy or self-insured plan, or another health coverage policy, certificate, or contract. (Section 15(a) of the Act)*
 - 2) *The employee may submit documentation of medical expenses paid by the employee in the tax year to the account administrator, and the account administrator shall reimburse the employee from the employee's account for eligible medical expenses. (Section 15(b) of the Act)*
 - 3) *If an employer makes contributions to a medical care savings account program on a periodic installment basis, the employer may advance to an employee, interest free, an amount necessary to cover medical expenses incurred that exceed the amount in the employee's medical care savings account when the expense is incurred if the employee agrees to repay the advance from future installments or when he or she ceases to be an employee of the employer. (Section 15(c) of the Act)*
 - 4) *Upon the death of the employee, the account administrator shall distribute the principal and accumulated interest of the medical care savings account to the estate of the employee. (Section 20(d) of the Act)*
- g) Illinois Income Tax Consequences
- 1) Except as provided in subsection (f)(2), principal contributed to and interest earned on a medical care savings account and money reimbursed to an employee for eligible medical expenses are exempt from taxation under the Illinois Income Tax Act and shall be a modification decreasing federal adjusted gross income in arriving at Illinois taxable income of the employee for the taxable year.
 - 2) *Notwithstanding subsection (f)(3), and subject to subsection (f)(4), an employee may withdraw money from his or her medical care savings*

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account for any purpose other than a purpose described in subsection (f)(1) only on the last business day of the account administrator's business year. Money withdrawn pursuant to this subsection (g)(2) shall be a modification increasing federal adjusted gross income in arriving at Illinois taxable income of the employee in the taxable year of the withdrawals. (Section 20(a) of the Act)

- 3) *If the employee withdraws money for any purpose other than a purpose described in subsection (f)(1) at any other time, all of the following apply:*
 - A) *The amount of the withdrawal shall be a modification increasing federal adjusted gross income in arriving at Illinois taxable income of the employee in the taxable year of the withdrawal.*
 - B) *The administrator shall withhold and on behalf of the employee shall pay a penalty to the Department equal to 10% of the amount of the withdrawal. (Section 20(a)(2) of the Act) The administrator must remit the penalty to the Department along with a copy of Form IL-601 "Medical Care Savings Account Penalty Payment."*
 - C) *Interest earned on the account during the taxable year in which a withdrawal under this subsection is made shall be a modification increasing federal adjusted gross income in arriving at Illinois taxable income of the employee.*
- 4) *The amount of a disbursement of any assets of a medical care savings account pursuant to a filing for protection under Title 11 of the United States Code, 11 USC 101 to 1330, by an employee or person for whose benefit the account was established is not considered a withdrawal for purposes of this Section. The amount of a disbursement is not subject to taxation under the Illinois Income Tax Act, and subsection (g)(3) does not apply. (Section 20(c) of the Act)*
- 5) *In the event that all of the following occur:*
 - A) *an employee is no longer employed by an employer that participates in a medical care savings account program,*
 - B) *the employee, not more than 60 days after his or her final day of*

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employment, transfers the account to a new account administrator or requests in writing to the former employer's account administrator that the account remain with that administrator, and

- C) *that account administrator agrees to retain the account, then the money in the medical care savings account may be utilized for the benefit of the employee or his or her dependents subject to this Act, remains exempt from taxation, and shall be a modification decreasing federal adjusted gross income in arriving at Illinois taxable income of the employee or his or her dependents for the taxable year. Not more than 30 days after the expiration of the 60 days, if an account administrator has not accepted the former employee's account, the employer shall mail a check to the former employee, at the employee's last known address, for an amount equal to the amount in the account on that day, and that amount is subject to taxation pursuant to subsection (g)(3)(A), and shall be a modification increasing federal adjusted gross income in arriving at Illinois taxable income of the employee but is not subject to the penalty under subsection (g)(3)(B). If an employee becomes employed with a different employer that participates in a medical care savings account program, the employee may transfer his or her medical care savings account to that new employer's account administrator. (Section 20(e) of the Act)*

- h) The Act ~~and this Section~~ shall expire on 1/1/2010. [As a result of repeal of the Act, for taxable years beginning on and after January 1, 2010:](#)
- 1) [The subtraction modification provided for in subsection \(g\)\(1\) of this Section and IITA Section 203\(a\)\(2\)\(S\) and \(T\) for principal contributed to and interest earned on a medical care savings account shall not apply;](#)
 - 2) [The subtraction modification provided for in subsection \(g\)\(1\) of this Section and Section 10\(c\) of the Act for money reimbursed to an employee for eligible medical expenses shall not apply;](#)
 - 3) [The addition modification provided for in subsection \(g\)\(2\) of this Section and Section 20\(a\) of the Act for money withdrawn from a medical care savings account for any purpose other than a purpose described in subsection \(f\)\(1\) of this Section shall not apply;](#)

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- 4) The addition modification provided for in subsection (g)(3) of this Section and IITA Section 203(a)(2)(D-5) for the amount of a withdrawal for any purpose other than a purpose described in subsection (f)(1) of this Section and for interest earned on the account during the taxable year of the withdrawal shall not apply;
- 5) The penalty provided for in subsection (g)(3) of this Section and Section 20(c) of the Act equal to 10% of the amount of a withdrawal for any purpose other than a purpose described in subsection (f)(1) of this Section shall not apply.

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

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

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1035.10	Amendment
1035.15	Amendment
1035.35	Amendment
1035.45	Amendment
1035.50	Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-106.1 and 5/6-106.1(c)
- 5) A Complete Description of the Subjects and Issues Involved: An amended definition is changed in Section 1035.10 to say "Multifunction school activity bus. A multifunction school-activity bus (MFSAB) means a school bus manufactured for the purpose of transporting 11 or more persons, including the driver, whose purposes do not include transporting students to and from school or school bus stops."

New language from Public Act 97-224 is added to Section 1035.15(i) to specify that all applicants must not have been "under an order of court supervision for or" convicted of 2 or more serious traffic offenses within one year prior to the date of a school bus permit application.

In Section 1035.15, new language is added in subsection (j) stating that all applicants must not have been "under an order of court supervision for or" convicted of reckless driving, aggravated reckless driving, driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, or reckless homicide resulting from the operation of a motor vehicle within 3 years of the date of application.

A change in Section 1035.15 adds as new subsection (k) "consent, in writing, to the release of results of reasonable suspicion drug and alcohol testing under Section 6-106.1(c) of this Code by the employer of the applicant to the Secretary of State."

A change of wording in Section 1035.35(a)(3) removes the word "restricted" commercial driving permit due to the J48 type of restriction on a school bus permit being repealed by federal audit results.

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In Section 1035.35(a)(4), new language is added to say that a person cannot be "under an order of court supervision for or" convicted of 2 or more serious traffic offenses within one year prior to the date of school bus permit application.

New language is added to Section 1035.35(i) due to a new suspension regarding failure or refusal of reasonable suspicion drug and alcohol testing. Wording states that "The Secretary shall suspend a school bus driver permit for a period of three years upon receiving notice from an employer that the permit holder has failed or refused a reasonable suspicion alcohol or drug test outlined in IVC Section 6-106.1(c)".

In Section 1035.45, a new subsection (g) is added concerning notification of the Secretary of State within 48 hours of a school bus driver that has failed a reasonable suspicion drug or alcohol test or refused to be tested in accordance with IVC Section 6-106.1 (c).

In Section 1035.50(c), the wording "Section 6-106.1(c)" is added to the end due to a new authority section.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website (www.sos.il.us/departments/index/home) as part of the Illinois Register. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Jennifer Egizii

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Office of the Secretary of State 217/557-4462
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: school bus companies
 - B) Reporting, bookkeeping or other procedures required for compliance: School bus companies will be required to complete and maintain a new form if reasonable suspicion testing is requested.
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

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

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

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

SOURCE: Adopted at 19 Ill. Reg. 10716, effective July 11, 1995; amended at 24 Ill. Reg. 1269, effective January 10, 2000; amended at 24 Ill. Reg. 12092, effective July 31, 2000; amended at 26 Ill. Reg. 12045, effective July 22, 2002; amended at 33 Ill. Reg. 17093, effective December 1, 2009; amended at 34 Ill. Reg. 7750, effective May 20, 2010; amended at 34 Ill. Reg. 19082, effective November 22, 2010; amended at 35 Ill. Reg. 7412, effective April 21, 2011; amended at 36 Ill. Reg. _____, effective _____.

Section 1035.10 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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and are no longer in effect.

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

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

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

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

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

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

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

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

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

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

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

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

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

Any public or private primary or secondary school;

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

Any public, private or religious nursery school.

This definition shall not include the following:

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

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

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

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

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A motor vehicle of the first division.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IVC Section 11-503 – Reckless driving;

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

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

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

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

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

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

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

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

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

Improper or erratic traffic lane changes;

Following another vehicle too closely;

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

IVC Section 11-605 – school speed zones;

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

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

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

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

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

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

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

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

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

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1035.15 Requirements of Applicants for a School Bus Driver Permit

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

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

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time the written examination is given;

- e) demonstrate the ability to exercise reasonable care in the operation of a school bus in accordance with the requirements of 92 Ill. Adm. Code 1030.85;
- f) be physically able to safely operate a school bus. An applicant for a school bus driver permit must demonstrate physical fitness to operate a school bus by undergoing a medical examination in accordance with Section 1035.20;
- g) affirm under penalty of perjury that he or she has not made a false statement or knowingly concealed a material fact in any application for a permit;
- h) complete initial training. After satisfactory completion of initial training, an annual refresher course will be required. Refresher courses and the agency or organization conducting those courses shall be approved by the Secretary of State. Failure to complete the annual refresher course shall result in cancellation of the permit until the course is completed;
- i) not have been [under an order of court supervision for or](#) convicted of 2 or more serious traffic offenses, as defined by Section 1035.10, within one year prior to the date of application, that may endanger the life and safety of any of the driver's passengers within the duration of the permit period;
- j) not have been [under an order of court supervision for or](#) convicted, within 3 years prior to the date of application, of reckless driving (see IVC Section 11-503), aggravated reckless driving, driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof (see IVC Section 11-501) or reckless homicide (see Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3]) resulting from the operation of a motor vehicle;
- k) [consent, in writing, to the release of results of reasonable suspicion drug and alcohol testing under IVC Section 6-106.1\(c\) by the employer of the applicant to the Secretary of State;](#)
- l) not have been convicted of committing or attempting to commit any one or more of the offenses set forth in IVC Section 6-106.1(a)(11);
- m) not have been repeatedly involved as a driver in motor vehicle collisions or been repeatedly convicted of offenses against laws and ordinances regulating the

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movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway in accordance with 92 Ill. Adm. Code 1040.40;

| ~~n)m~~) not have, through the unlawful operation of a motor vehicle, caused an accident resulting in the death of any person;

| ~~o)n~~) not have, within the last 5 years, been adjudged to be afflicted with or suffering from any mental disability or disease.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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

- a) The Secretary of State shall deny or cancel a school bus driver permit of an applicant:
- 1) whose criminal background investigation discloses that he or she is not in compliance with any of the provisions of IVC Section 6-106.1(a);
 - 2) upon receiving notice that the permit holder fails to comply with any provision of this Part;
 - | 3) upon receiving notice that the permit holder's ~~restricted~~ commercial driving permit or commercial driving privileges are withdrawn or otherwise invalidated;
 - | 4) upon receiving notice that the permit holder has been under an order of court supervision for or convicted of 2 serious violations during the duration of the permit.
- b) The Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder has failed to obtain a negative result on a drug test as required by IVC Section 6-106.1 or under 49 CFR 382.303, 382.305, 382.307 and 382.309 (2008).
- c) The Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice from the employer that the holder failed to perform

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the pre-trip and/or post-trip inspection procedure set forth in IVC Section 12-816 (a) or (b).

- d) The Secretary of State shall deny an applicant for a school bus driver permit for a period of 3 years who fails to obtain a negative result on a drug test as required by IVC Section 6-106.1 or under 49 CFR 382.301 (2008).
- e) The Secretary of State shall deny an applicant or re-applicant for a school bus driver permit upon an indication on a driving record that he or she has failed to pay any fines, costs or fees that deny the renewal or reissuance of a driver's license or any other indication on a driving record that denies the renewal or reissuance of a driver's license.
- f) A cancellation of a school bus driver permit shall remain in effect pending the outcome of a hearing pursuant to IVC Section 2-118.
- g) An order may be rescinded provided the cause is removed and the applicant continues to meet the requirements outlined in IVC Section 6-106.1(a).
- h) The Secretary shall suspend a school bus driver permit for a period of three years upon receiving notice from the employer that the holder has failed to perform the inspections required by IVC Section 12-816.
- i) [The Secretary shall suspend a school bus driver permit for a period of three years upon receiving notice from an employer that the permit holder has failed or refused a reasonable suspicion alcohol or drug test outlined in IVC Section 6-106.1\(c\).](#)

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1035.45 Employer Responsibility

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

- a) conduct a pre-employment interview with the prospective school bus driver applicant;
- b) distribute school bus driver permit applications and medical forms;

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- c) insure that applicants submit to a fingerprint-based criminal background investigation;
- d) certify in writing to the Secretary of State that an applicant has successfully completed all pre-employment conditions;
- e) notify the Secretary of State in writing that the employer has certified the removal from service of a school bus driver whose permit has been canceled or suspended by the Secretary of State, prior to the start of that school bus driver's next work shift;
- f) upon receipt of notification from an MRO that an employee has had a positive drug test or refused to be tested, immediately notify the Secretary of State of that result. Notification to the Secretary of State shall include a copy of the CCF form, medical examiner's certificate, positive drug results or notation of failure to complete testing. This information shall be privileged and maintained for use by the Secretary of State;
- g) [notify the Secretary of State within 48 hours of a school bus driver that has failed a reasonable suspicion drug or alcohol test or refused to be tested in accordance with IVC Section 6-106.1\(c\);](#)
- h)g) notify the Secretary of State in writing, within 10 working days, of the employment or termination of a school bus driver permit holder;
- i)h) notify the Secretary of State that a school bus driver has failed to perform the pre-trip and/or post-trip inspection process;
- j)i) notify the Secretary of State as soon as possible, but not later than within one business day, whenever a school bus is involved in an accident and the driver is required to submit to the post-accident testing requirements set forth in 349 CFR 382.303;
- k)j) maintain records of certifications for a period of 2 years; these records shall be available for inspection by the Secretary of State.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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Section 1035.50 Hearings

- a) The Secretary of State shall conduct a hearing pursuant to IVC Section 2-118 upon the request of an applicant or holder whose school bus driver permit has been denied, canceled or suspended.
- b) The petition requesting a hearing shall be in writing and shall contain the reason the individual believes he or she is entitled to a school bus driver permit.
- c) The scope of the hearing shall be limited to the issuance criteria contained in IVC Section 6-106.1(a) [and \(c\)](#).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Narrative and Planning Policies
- 2) Code Citation: 77 Ill. Adm. Code 1100
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1100.660	Repeal
1100.670	Repeal
- 4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960/12]
- 5) Effective Date of Rulemaking: October 7, 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 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: 35 Ill. Reg. 7463; May 13, 2011
- 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: The Health Facilities Planning Act [20 ILCS 3960/12] mandates the establishment of a separate set of rules and guidelines pertaining to long-term care (LTC). The proposed rules will establish 77 Ill. Adm. Code 1125, consolidating the definitions; planning policies; review criteria; and standards for General Long-Term Care, as well as Specialized Long-Term Care.

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Existing LTC rules currently housed in 77 Ill. Adm. Code 1100 and 1110 will be relocated to the new 77 Ill. Adm. Code 1125 and simultaneously repealed from 1100 and 1110.

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

Claire Burman
Rules/Legislation Coordinator
122 S. Michigan Avenue, 7th Floor
Chicago, IL 60603

312/814-8814
Claire.Burman@illinois.gov

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

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TITLE 77: PUBLIC HEALTH

CHAPTER II: HEALTH FACILITIES AND SERVICES REVIEW BOARD

SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1100

NARRATIVE AND PLANNING POLICIES

SUBPART A: GENERAL NARRATIVE

Section

1100.10	Introduction
1100.20	Authority
1100.30	Purpose
1100.40	Health Maintenance Organizations (Repealed)
1100.50	Subchapter Organization
1100.60	Mandatory Reporting of Data
1100.70	Data Appendices
1100.75	Annual Bed Report
1100.80	Institutional Master Plan Hospitals (Repealed)
1100.90	Public Hearings

SUBPART B: DEFINITIONS

Section

1100.210	Introduction
1100.220	Definitions

SUBPART C: PLANNING POLICIES

Section

1100.310	Need Assessment
1100.320	Staffing
1100.330	Professional Education
1100.340	Public Testimony
1100.350	Multi-Institutional Systems
1100.360	Modern Facilities
1100.370	Occupancy/Utilization Standards
1100.380	Systems Planning
1100.390	Quality

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1100.400	Location
1100.410	Needed Facilities
1100.420	Discontinuation
1100.430	Coordination with Other State Agencies
1100.440	Requirements for Authorized Hospital Beds

SUBPART D: NEED ASSESSMENT

Section

1100.510	Introduction, Formula Components, Planning Area Development Policies, and Normal Travel Time Determinations
1100.520	Medical-Surgical/Pediatric Categories of Service
1100.530	Obstetric Care Category of Service
1100.540	Intensive Care Category of Service
1100.550	Comprehensive Physical Rehabilitation Category of Service
1100.560	Acute Mental Illness Treatment Category of Service
1100.570	Substance Abuse/Addiction Treatment Category of Service (Repealed)
1100.580	Neonatal Intensive Care Category of Service
1100.590	Burn Treatment Category of Service (Repealed)
1100.600	Therapeutic Radiology Equipment (Repealed)
1100.610	Open Heart Surgery Category of Service
1100.620	Cardiac Catheterization Services
1100.630	In-Center Hemodialysis Category of Service
1100.640	Non-Hospital Based Ambulatory Surgery
1100.650	Computer Systems (Repealed)
1100.660	General Long-Term Nursing Care Category of Service (Repealed)
1100.661	General Long-Term Care-Sheltered Care Category of Service (Repealed)
1100.670	Specialized Long-Term Care Categories of Service (Repealed)
1100.680	Intraoperative Magnetic Resonance Imaging Category of Service (Repealed)
1100.690	High Linear Energy Transfer (L.E.T.) (Repealed)
1100.700	Positron Emission Tomographic Scanning (P.E.T.) (Repealed)
1100.710	Extracorporeal Shock Wave Lithotripsy (Repealed)
1100.720	Selected Organ Transplantation
1100.730	Kidney Transplantation
1100.740	Subacute Care Hospital Model
1100.750	Postsurgical Recovery Care Center Alternative Health Care Model
1100.760	Children's Respite Care Center Alternative Health Care Model
1100.770	Community-Based Residential Rehabilitation Center Alternative Health Care Model

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1100.800 Freestanding Emergency Center Medical Services Category of Service
1100.810 Long-Term Acute Care Hospital Category of Service

1100.APPENDIX A Applicable Codes and Standards Utilized in 77 Ill. Adm. Code: Chapter II, Subchapter a (Repealed)

AUTHORITY: Authorized by Section 12 of and implementing the Illinois Health Facilities Planning Act [20 ILCS 3960/12].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 15476; amended at 9 Ill. Reg. 3344, effective March 6, 1985; amended at 11 Ill. Reg. 7311, effective April 1, 1987; amended at 12 Ill. Reg. 16079, effective September 21, 1988; amended at 13 Ill. Reg. 16055, effective September 29, 1989; amended at 16 Ill. Reg. 16074, effective October 2, 1992; amended at 18 Ill. Reg. 2986, effective February 10, 1994; amended at 18 Ill. Reg. 8448, effective July 1, 1994; emergency amendment at 19 Ill. Reg. 1941, effective January 31, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 2985, effective March 1, 1995; amended at 19 Ill. Reg. 10143, effective June 30, 1995; recodified from the Department of Public Health to the Health Facilities Planning Board at 20 Ill. Reg. 2594; amended at 20 Ill. Reg. 14778, effective November 15, 1996; amended at 21 Ill. Reg. 6220, effective May 30, 1997; expedited correction at 21 Ill. Reg. 17201, effective May 30, 1997; amended at 23 Ill. Reg. 2960, effective March 15, 1999; amended at 24 Ill. Reg. 6070, effective April 7, 2000; amended at 25 Ill. Reg. 10796, effective August 24, 2001; amended at 27 Ill. Reg. 2904, effective February 21, 2003; amended at 31 Ill. Reg. 15255, effective November 1, 2007; amended at 32 Ill. Reg. 4743, effective March 18, 2008; amended at 32 Ill. Reg. 12321, effective July 18, 2008; expedited correction at 33 Ill. Reg. 4040, effective July 18, 2008; amended at 34 Ill. Reg. 6067, effective April 13, 2010; amended at 35 Ill. Reg. 16978, effective October 7, 2011.

SUBPART D: NEED ASSESSMENT

| **Section 1100.660 General Long-Term Nursing Care Category of Service [\(Repealed\)](#)**

| a) [Planning Areas](#)

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~~The 95 general long term nursing care planning areas are located within the 11 HSAs.~~

- ~~1) HSA 1: Planning areas are Boone, Carroll, DeKalb, Jo Daviess, Lee, Ogle, Stephenson, Whiteside and Winnebago Counties.~~
- ~~2) HSA 2: Planning areas are Bureau/Putnam Counties (combined), Henderson/Warren Counties (combined), Marshall/Stark Counties (combined), Fulton, Knox, LaSalle, McDonough, Peoria, Tazewell and Woodford Counties.~~
- ~~3) HSA 3: Planning areas are Brown/Schuyler Counties (combined), Calhoun/Pike Counties (combined), Morgan/Scott Counties (combined), Adams, Cass, Christian, Greene, Hancock, Jersey, Logan, Macoupin, Mason, Menard, Montgomery and Sangamon Counties.~~
- ~~4) HSA 4: Planning areas are Coles/Cumberland Counties (combined), Champaign, Clark, DeWitt, Douglas, Edgar, Ford, Iroquois, Livingston, McLean, Macon, Moultrie, Piatt, Shelby and Vermilion Counties.~~
- ~~5) HSA 5: Planning areas are Alexander/Pulaski Counties (combined), Edwards/Wabash Counties (combined), Gallatin/Hamilton/Saline Counties (combined), Johnson/Massac Counties (combined), Hardin/Pope Counties (combined), Bond, Clay, Crawford, Effingham, Fayette, Franklin, Jackson, Jasper, Jefferson, Lawrence, Marion, Perry, Randolph, Richland, Union, Washington, Wayne, White and Williamson Counties.~~
- ~~6) HSA 6: Planning Areas~~
 - ~~A) 6A: City of Chicago Community Areas Rogers Park, West Ridge, Uptown, Lincoln Squire, Edgewater, Edison Park, Norwood Park, Jefferson Park, Forest Glen, North Park, Albany Park, Portage Park, Irving Park and Avondale.~~
 - ~~B) 6B: City of Chicago Community Areas North Center, Lakeview, Lincoln Park, Near North Side, Loop, Logan Square, West Town, Near West Side, Lower West Side, West Garfield Park, East Garfield Park, North Lawndale, South Lawndale, O'Hare, Dunning, Montclare, Belmont Cragin, Hermosa, Humboldt Park~~

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~~and Austin.~~

- ~~C) 6C: City of Chicago Community Areas Near North Side, Armour Square, Douglas, Oakland, Fuller Park, Grand Boulevard, Kenwood, Washington Park, Hyde Park, Woodlawn, South Shore, Chatham, Avalon Park, South Chicago, Burnside, Calumet Heights, Roseland, Pullman, South Deering, East Side, West Pullman, Riverdale, Hegewisch, Garfield Ridge, Archer Heights, Brighton Park, McKinley Park, Bridgeport, New City, West Elson, Gage Park, Clearing, West Lawn, Chicago Lawn, West Englewood, Englewood, Greater Grand Crossing, Ashburn, Auburn Gresham, Beverly, Washington Heights, Mount Greenwood and Morgan Park.~~
- ~~7) HSA 7: Planning Areas~~
 - ~~A) 7A: Cook County Townships of Barrington, Palatine, Wheeling, Hanover, Schaumburg and Elk Grove.~~
 - ~~B) 7B: Cook County Townships of Northfield, New Trier, Evanston, Niles and Maine.~~
 - ~~C) 7C: DuPage County.~~
 - ~~D) 7D: Cook County Townships of Norwood Park, Leyden, Proviso, River Forest, Oak Park, Riverside, Berwyn and Cicero.~~
 - ~~E) 7E: Cook County Townships of Lyons, Lemont, Palos, Orland, Stickney, Worth, Calumet, Bremen, Thornton, Rich and Bloom.~~
- ~~8) HSA 8: Planning areas are Kane, Lake and McHenry Counties.~~
- ~~9) HSA 9: Planning areas are Grundy, Kankakee, Kendall and Will Counties.~~
- ~~10) HSA 10: Planning areas are Henry, Mercer and Rock Island Counties.~~
- ~~11) HSA 11: Planning areas are Clinton, Madison, Monroe and St. Clair Counties.~~

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- b) ~~Age Groups~~
~~For general long-term nursing care, age groups of 0-64, 65-74, and 75 and over.~~
- e) ~~Utilization Target~~
~~Facilities providing a general long-term nursing care service should operate those beds at a minimum annual average occupancy of 90% or higher.~~
- d) ~~Bed Capacity~~
~~General long-term nursing care bed capacity is the licensed capacity for facilities subject to the Nursing Home Care Act and the total number of LTC beds for a facility as determined by HFPB pursuant to this Part for facilities not subject to the Nursing Home Care Act.~~
- e) ~~Need Determination~~
~~The following methodology is utilized to determine the projected number of nursing care beds needed in a planning area:~~
- 1) ~~Establish minimum and maximum planning area use rates for the 0-64, the 65-74, and the 75 and over age groups as follows:~~
- A) ~~Divide the HSA's base year experienced nursing care patient days for each age group by the base year population estimate for each age group to determine the HSA experienced use rate for each age group;~~
- B) ~~the minimum planning area use rate for each age group is 60% of the HSA experienced use rate for each age group, and the maximum planning area use rate for each age group is 160% of the HSA experienced use rate for each age group;~~
- 2) ~~Divide the planning area's base year experienced nursing care patient days for each age group by the base year population estimate for each group to determine the planning area experienced use rate for each age group;~~
- 3) ~~Determine the planning area's population projection, which is 10 years from the base year; the use rate for each age group is as follows:~~

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- A) ~~If the experienced use rate for an age group is below the minimum use rate, the minimum use rate is the projected use rate for that age group;~~
- B) ~~If the experienced use rate for an age group is above the maximum use rate, the maximum use rate is the projected use rate for that age group;~~
- C) ~~If the experienced use rate for an age group is above the minimum use rate and below the maximum use rate, the experienced use rate for the age group is the projected use rate for that age group;~~
- 4) ~~Multiply each age group's projected use rate times the projected population for the age group to determine the projected patient days for each age group;~~
- 5) ~~Total the projected patient days for the age groups to determine the planning area's total projected patient days;~~
- 6) ~~Divide the planning area's total projected patient days by the number of days in the projected year to obtain the projected average daily census;~~
- 7) ~~Divide the projected average daily census by .90 (90% occupancy factor) to obtain the projected planning area bed need;~~
- 8) ~~Subtract the number of existing beds in the planning area from the projected planning area bed need to determine the projected number of excess (surplus) beds or the projected need for additional (deficit) beds in an area.~~

(Source: Repealed at 35 Ill. Reg. 16978, effective October 7, 2011)

Section 1100.670 Specialized Long-Term Care Categories of Service (Repealed)

- a) ~~Categories of Service:~~
 - 1) ~~Chronic Mental Illness (MI);~~
 - 2) ~~Long Term Care for the Developmentally Disabled (Adult) (DD-Adult);~~

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and

- 3) ~~Long-Term Care for the Developmentally Disabled (Children) (DD-Children).~~
- b) ~~Planning Areas:~~
- 1) ~~The State of Illinois is utilized for the MI category of service.~~
 - 2) ~~Health Service Areas are utilized for the DD-Children category of service.~~
 - 3) ~~For DD-Adult category of service:~~

~~HSA I, HSA II, HSA III, HSA IV, HSA V, HSA X, HSA XI, and the combined HSAs VI, VII, VIII and IX.~~
- e) ~~Occupancy Targets:~~
- 1) ~~Modernization 80%; Additional Beds 90% for the MI category of service; and~~
 - 2) ~~Modernization 80%; Additional Beds 93% for the DD-Adult and DD-Children categories of service.~~
- d) ~~Bed Capacity: For facilities licensed pursuant to the Nursing Home Care Act [210 ILCS 45], the bed capacity is the licensed bed capacity for the service.~~
- e) ~~Bed Need Determination for the Specialized Categories of Service:~~
- 1) ~~No formula bed need for the MI and DD-Children categories of service has been developed. It is the responsibility of the applicant to document the need for the service by complying with all applicable review criteria contained in 77 Ill. Adm. Code 1110, Subpart S.~~
 - 2) ~~Bed need for the DD-Adult category of service is calculated in two parts:~~
 - A) ~~For facilities licensed as ICF/DD 16-bed or fewer, total bed need and the number of additional beds needed are determined by dividing the planning area's projected adult developmentally~~

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~~disabled population by 21.4 to determine the total number of beds needed for developmentally disabled adult residents in the planning area. The number of additional beds needed or excess beds is determined by subtracting the number of existing beds in ICF/DD 16 bed or fewer facilities from the total number of beds needed for developmentally disabled adult residents in the planning area.~~

- B) ~~For facilities with more than 16 beds, no bed need formula has been established.~~

(Source: Repealed at 35 Ill. Reg. 16978, effective October 7, 2011)

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- 1) Heading of the Part: Processing, Classification Policies and Review Criteria
- 2) Code Citation: 77 Ill. Adm. Code 1110
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1110.1730	Repeal
1110.1810	Repeal
1110.1820	Repeal
1110.1830	Repeal
- 4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960/12]
- 5) Effective Date of Rulemaking: October 7, 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 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: 35 Ill. Reg. 7474; May 13, 2011
- 10) Has JCAR issued a Statement of Objection to these amendments? 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: The Health Facilities Planning Act [20 ILCS 3960/12] mandates the establishment of a separate set of rules and guidelines pertaining to long-term care (LTC). The proposed rules will establish 77 Ill. Adm. Code 1125, consolidating the definitions; planning policies; review criteria; and standards for General

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Long-Term Care, as well as Specialized Long-Term Care.

Existing LTC rules currently housed in 77 Ill. Adm. Code 1100 and 1110 will be relocated to the new 77 Ill. Adm. Code 1125 and simultaneously repealed from 1100 and 1110.

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

Claire Burman
Rules/Legislation Coordinator
122 S. Michigan Avenue, 7th Floor
Chicago, IL 60603

312/814-8814

Claire.Burman@illinois.gov

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

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TITLE 77: PUBLIC HEALTH

CHAPTER II: HEALTH FACILITIES AND SERVICES REVIEW BOARD

SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1110

PROCESSING, CLASSIFICATION POLICIES AND REVIEW CRITERIA

SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section

- 1110.10 Introduction and Applicability
- 1110.20 Projects Required to Obtain a Permit (Repealed)
- 1110.30 Processing and Reviewing Applications (Repealed)
- 1110.40 Classification of Projects and Applicable Review Criteria
- 1110.50 Recognition of Services which Existed Prior to Permit Requirements (Repealed)
- 1110.55 Recognition of Non-hospital Based Ambulatory Surgery Category of Service (Repealed)
- 1110.60 Master Design Projects (Repealed)
- 1110.65 Master Plan or Capital Budget Projects (Repealed)

SUBPART B: REVIEW CRITERIA – DISCONTINUATION

Section

- 1110.110 Introduction (Repealed)
- 1110.120 Discontinuation – Definition (Repealed)
- 1110.130 Discontinuation – Review Criteria

SUBPART C: GENERAL PURPOSE, MASTER DESIGN, AND FACILITY CONVERSION – INFORMATION REQUIREMENTS AND REVIEW CRITERIA

Section

- 1110.210 Introduction
- 1110.220 Definitions – General Review Criteria (Repealed)
- 1110.230 Project Purpose, Background and Alternatives – Information Requirements
- 1110.234 Project Scope and Size, Utilization and Unfinished/Shell Space – Review Criteria
- 1110.235 Additional General Review Criteria for Master Design and Related Projects Only
- 1110.240 Changes of Ownership, Mergers and Consolidations

SUBPART D: REVIEW CRITERIA RELATING TO ALL PROJECTS

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INVOLVING ESTABLISHMENT OF ADDITIONAL BEDS
OR SUBSTANTIAL CHANGE IN BED CAPACITY

Section

- 1110.310 Introduction (Repealed)
- 1110.320 Bed Related Review Criteria (Repealed)

SUBPART E: MODERNIZATION REVIEW CRITERIA

Section

- 1110.410 Introduction (Repealed)
- 1110.420 Modernization Review Criteria (Repealed)

SUBPART F: CATEGORY OF SERVICE REVIEW CRITERIA –
MEDICAL/SURGICAL, OBSTETRIC, PEDIATRIC AND INTENSIVE CARE

Section

- 1110.510 Introduction (Repealed)
- 1110.520 Medical/Surgical, Obstetric, Pediatric and Intensive Care – Definitions (Repealed)
- 1110.530 Medical/Surgical, Obstetric, Pediatric and Intensive Care – Review Criteria

SUBPART G: CATEGORY OF SERVICE REVIEW CRITERIA –
COMPREHENSIVE PHYSICAL REHABILITATION

Section

- 1110.610 Introduction (Repealed)
- 1110.620 Comprehensive Physical Rehabilitation – Definitions (Repealed)
- 1110.630 Comprehensive Physical Rehabilitation – Review Criteria

SUBPART H: CATEGORY OF SERVICE REVIEW CRITERIA –
ACUTE MENTAL ILLNESS AND CHRONIC MENTAL ILLNESS

Section

- 1110.710 Introduction (Repealed)
- 1110.720 Acute Mental Illness – Definitions (Repealed)
- 1110.730 Acute Mental Illness and Chronic Mental Illness – Review Criteria

SUBPART I: CATEGORY OF SERVICE REVIEW CRITERIA –
SUBSTANCE ABUSE/ADDICTION TREATMENT

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Section

- 1110.810 Introduction (Repealed)
- 1110.820 Substance Abuse/Addiction Treatment – Definitions (Repealed)
- 1110.830 Substance Abuse/Addiction Treatment – Review Criteria (Repealed)

SUBPART J: CATEGORY OF SERVICE REVIEW CRITERIA –
NEONATAL INTENSIVE CARE

Section

- 1110.910 Introduction
- 1110.920 Neonatal Intensive Care – Definitions
- 1110.930 Neonatal Intensive Care – Review Criterion

SUBPART K: CATEGORY OF SERVICE REVIEW CRITERIA –
BURN TREATMENT

Section

- 1110.1010 Introduction (Repealed)
- 1110.1020 Burn Treatment – Definitions (Repealed)
- 1110.1030 Burn Treatment – Review Criteria (Repealed)

SUBPART L: CATEGORY OF SERVICE REVIEW CRITERIA –
THERAPEUTIC RADIOLOGY

Section

- 1110.1110 Introduction (Repealed)
- 1110.1120 Therapeutic Radiology – Definitions (Repealed)
- 1110.1130 Therapeutic Radiology – Review Criteria (Repealed)

SUBPART M: CATEGORY OF SERVICE REVIEW CRITERIA –
OPEN HEART SURGERY

Section

- 1110.1210 Introduction
- 1110.1220 Open Heart Surgery – Definitions
- 1110.1230 Open Heart Surgery – Review Criteria

SUBPART N: CATEGORY OF SERVICE REVIEW CRITERIA –

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CARDIAC CATHETERIZATION

Section

- 1110.1310 Introduction
- 1110.1320 Cardiac Catheterization – Definitions
- 1110.1330 Cardiac Catheterization – Review Criteria

SUBPART O: CATEGORY OF SERVICE REVIEW CRITERIA –
IN-CENTER HEMODIALYSIS

Section

- 1110.1410 Introduction (Repealed)
- 1110.1420 Chronic Renal Dialysis – Definitions (Repealed)
- 1110.1430 In-Center Hemodialysis Projects – Review Criteria

SUBPART P: CATEGORY OF SERVICE REVIEW CRITERIA –
NON-HOSPITAL BASED AMBULATORY SURGERY

Section

- 1110.1510 Introduction
- 1110.1520 Non-Hospital Based Ambulatory Surgery – Definitions
- 1110.1530 Non-Hospital Based Ambulatory Surgery – Projects Not Subject to This Part
- 1110.1540 Non-Hospital Based Ambulatory Surgery – Review Criteria

SUBPART Q: CATEGORY OF SERVICE REVIEW CRITERIA –
COMPUTER SYSTEMS

Section

- 1110.1610 Introduction (Repealed)
- 1110.1620 Computer Systems – Definitions (Repealed)
- 1110.1630 Computer Systems – Review Criteria (Repealed)

SUBPART R: CATEGORY OF SERVICE REVIEW CRITERIA –
GENERAL LONG TERM CARE

Section

- 1110.1710 Introduction (Repealed)
- 1110.1720 General Long Term Care – Definitions (Repealed)
- 1110.1730 General Long Term Care – Review Criteria (Repealed)

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SUBPART S: CATEGORY OF SERVICE REVIEW CRITERIA –
SPECIALIZED LONG-TERM CARE

Section

- 1110.1810 Introduction ([Repealed](#))
- 1110.1820 Specialized Long-Term Care – Definitions ([Repealed](#))
- 1110.1830 Specialized Long-Term Care – Review Criteria ([Repealed](#))

SUBPART T: CATEGORY OF SERVICE REVIEW CRITERIA –
INTRAOPERATIVE MAGNETIC RESONANCE IMAGING

Section

- 1110.1910 Introduction (Repealed)
- 1110.1920 Intraoperative Magnetic Resonance Imaging – Definitions (Repealed)
- 1110.1930 Intraoperative Magnetic Resonance Imaging – Review Criteria (Repealed)

SUBPART U: CATEGORY OF SERVICE REVIEW CRITERIA –
HIGH LINEAR ENERGY TRANSFER (L.E.T.)

Section

- 1110.2010 Introduction (Repealed)
- 1110.2020 High Linear Energy Transfer (L.E.T.) – Definitions (Repealed)
- 1110.2030 High Linear Energy Transfer (L.E.T.) – Review Criteria (Repealed)

SUBPART V: CATEGORY OF SERVICE REVIEW CRITERIA –
POSITRON EMISSION TOMOGRAPHIC SCANNING (P.E.T.)

Section

- 1110.2110 Introduction (Repealed)
- 1110.2120 Positron Emission Tomographic Scanning (P.E.T.) – Definitions (Repealed)
- 1110.2130 Positron Emission Tomographic Scanning (P.E.T.) – Review Criteria (Repealed)

SUBPART W: CATEGORY OF SERVICE REVIEW CRITERIA –
EXTRACORPOREAL SHOCK WAVE LITHOTRIPSY

Section

- 1110.2210 Introduction (Repealed)
- 1110.2220 Extracorporeal Shock Wave Lithotripsy – Definitions (Repealed)

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1110.2230 Extracorporeal Shock Wave Lithotripsy – Review Criteria (Repealed)

SUBPART X: CATEGORY OF SERVICE REVIEW CRITERIA –
SELECTED ORGAN TRANSPLANTATION

Section

1110.2310 Introduction (Repealed)
1110.2320 Selected Organ Transplantation – Definitions (Repealed)
1110.2330 Selected Organ Transplantation – Review Criteria

SUBPART Y: CATEGORY OF SERVICE REVIEW CRITERIA –
KIDNEY TRANSPLANTATION

Section

1110.2410 Introduction (Repealed)
1110.2420 Kidney Transplantation – Definitions (Repealed)
1110.2430 Kidney Transplantation – Review Criteria

SUBPART Z: CATEGORY OF SERVICE REVIEW CRITERIA –
SUBACUTE CARE HOSPITAL MODEL

Section

1110.2510 Introduction
1110.2520 Subacute Care Hospital Model – Definitions (Repealed)
1110.2530 Subacute Care Hospital Model – Review Criteria
1110.2540 Subacute Care Hospital Model – HFPB Review
1110.2550 Subacute Care Hospital Model – Project Completion

SUBPART AA: CATEGORY OF SERVICE REVIEW CRITERIA –
POSTSURGICAL RECOVERY CARE CENTER ALTERNATIVE HEALTH CARE MODEL

Section

1110.2610 Introduction
1110.2620 Postsurgical Recovery Care Center Alternative Health Care Model – Definitions
(Repealed)
1110.2630 Postsurgical Recovery Care Center Alternative Health Care Model – Review
Criteria
1110.2640 Postsurgical Recovery Care Center Alternative Health Care Model – HFPB
Review

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1110.2650 Postsurgical Recovery Care Center Alternative Health Care Model – Project Completion

SUBPART AB: CATEGORY OF SERVICE REVIEW CRITERIA – CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTER ALTERNATIVE HEALTH CARE MODEL

Section

- 1110.2710 Introduction
- 1110.2720 Children's Respite Care Center Alternative Health Care Model – Definitions (Repealed)
- 1110.2730 Children's Community-Based Health Care Center Alternative Health Care Model – Review Criteria
- 1110.2740 Children's Community-Based Health Care Center Alternative Health Care Model – HFPB Review
- 1110.2750 Children's Community-Based Health Care Center Alternative Health Care Model – Project Completion

SUBPART AC: CATEGORY OF SERVICE REVIEW CRITERIA – COMMUNITY-BASED RESIDENTIAL REHABILITATION CENTER ALTERNATIVE HEALTH CARE MODEL

Section

- 1110.2810 Introduction
- 1110.2820 Community-Based Residential Rehabilitation Center Alternative Health Care Model - Definitions (Repealed)
- 1110.2830 Community-Based Residential Rehabilitation Center Alternative Health Care Model – Review Criteria
- 1110.2840 Community-Based Residential Rehabilitation Center Alternative Health Care Model – State Board Review
- 1110.2850 Community-Based Residential Rehabilitation Center Alternative Health Care Model – Project Completion

SUBPART AD: CATEGORY OF SERVICE REVIEW CRITERIA – LONG TERM ACUTE CARE HOSPITAL BED PROJECTS

Section

- 1110.2930 Long Term Acute Care Hospital Bed Projects – Review Criteria

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SUBPART AE: CLINICAL SERVICE AREAS OTHER THAN
CATEGORIES OF SERVICE – REVIEW CRITERIA

Section
1110.3030 Clinical Service Areas Other Than Categories of Service – Review Criteria

SUBPART AG: CATEGORY OF SERVICE REVIEW CRITERIA –
FREESTANDING EMERGENCY CENTER MEDICAL SERVICES

Section
1110.3210 Introduction
1110.3230 Freestanding Emergency Center Medical Services – Review Criteria

1110.APPENDIX A Medical Specialty Eligibility/Certification Boards
1110.APPENDIX B State Guidelines – Square Footage and Utilization
1110.APPENDIX C Statutory Citations for All State and Federal Laws and Regulations
Referenced in Chapter 3

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 18498; amended at 9 Ill. Reg. 3734, effective March 6, 1985; amended at 11 Ill. Reg. 7333, effective April 1, 1987; amended at 12 Ill. Reg. 16099, effective September 21, 1988; amended at 13 Ill. Reg. 16078, effective September 29, 1989; emergency amendments at 16 Ill. Reg. 13159, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 16 Ill. Reg. 16108, effective October 2, 1992; amended at 17 Ill. Reg. 4453, effective March 24, 1993; amended at 18 Ill. Reg. 2993, effective February 10, 1994; amended at 18 Ill. Reg. 8455, effective July 1, 1994; amended at 19 Ill. Reg. 2991, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 7981, effective May 31, 1995, for a maximum of 150 days; emergency expired October 27, 1995; emergency amendment at 19 Ill. Reg. 15273, effective October 20, 1995, for a maximum of 150 days; recodified from the Department of Public Health to the Health Facilities Planning Board at 20 Ill. Reg. 2600; amended at 20 Ill. Reg. 4734, effective March 22, 1996; amended at 20 Ill. Reg.

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14785, effective November 15, 1996; amended at 23 Ill. Reg. 2987, effective March 15, 1999; amended at 24 Ill. Reg. 6075, effective April 7, 2000; amended at 25 Ill. Reg. 10806, effective August 24, 2001; amended at 27 Ill. Reg. 2916, effective February 21, 2003; amended at 32 Ill. Reg. 12332, effective July 18, 2008; amended at 33 Ill. Reg. 3312, effective February 6, 2009; amended at 34 Ill. Reg. 6121, effective April 13, 2010; amended at 35 Ill. Reg. 16989, effective October 7, 2011.

SUBPART R: CATEGORY OF SERVICE REVIEW CRITERIA –
GENERAL LONG TERM CARE

Section 1110.1730 General Long Term Care – Review Criteria (Repealed)

a) Introduction

- 1) ~~This Section applies to projects involving General Long Term Care. Applicants proposing to establish, expand or modernize General Long Term Care category of service shall comply with the applicable subsections of this Section, as follows:~~

PROJECT TYPE	REQUIRED REVIEW CRITERIA
Establishment of Services or Facility	(b)(1)– Planning Area Need—77 Ill. Adm. Code 1100 (formula calculation)
	(b)(2)– Planning Area Need—Service to Planning Area Residents
	(b)(3)– Planning Area Need—Service Demand—Establishment of General Long Term Care
	(b)(5)– Planning Area Need—Service Accessibility
	(e)(1)– Unnecessary Duplication of Services
	(e)(2)– Maldistribution
	(e)(3)– Impact of Project on Other Area Providers
	(g)– Staffing Availability
	(h)– Facility Size
	(i)– Community Related Functions
	(j)– Zoning
(k)– Assurances	

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Expansion of Existing Services	(b)(2)= Planning Area Need—Service to Planning Area Residents
	(b)(4)= Planning Area Need—Service Demand—Expansion of General Long Term Care
	(g)= Staffing Availability
	(h)= Facility Size
	(k)= Assurances
General Long Term Care Modernization	(f)(1)= Deteriorated Facilities
	(f)(2)
	& (3)= Documentation
	(f)(4)= Utilization
	(h)= Facility Size
	(i)= Community Related Functions
(j)= Zoning	
Continuum of Care—Establishment or Expansion	(e)(1) Description of Continuum of Care
	& (2)= Components
	(e)(3)= Documentation
	(g)= Staffing Availability
	(h)= Facility Size
	(i)= Community Related Functions
	(j)= Zoning
(k)= Assurances	
Defined Population—Establishment or Expansion	(d)(1)= Description of Defined Population to be Served
	(d)(2)= Documentation of Need
	(g)= Staffing Availability
	(h)= Facility Size
	(i)= Community Related Functions
	(j)= Zoning
(k)= Assurances	

- 2) If the proposed project involves the replacement of a facility or service onsite, the applicant shall comply with the requirements listed in subsection (a)(1) for "Category of Service Modernization" plus subsection (k) (Assurances).

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- 3) ~~If the proposed project involves the replacement of a facility or service on a new site, the applicant shall comply with the requirements of subsection (a)(1) for "Establishment of Services or Facility".~~
 - 4) ~~If the proposed project involves the replacement of a facility or service (onsite or new site), the number of beds being replaced shall not exceed the number justified by historical occupancy rates for each of the latest two years, unless additional beds can be justified per the criteria for "Expansion of Existing Services".~~
- b) ~~Planning Area Need – Review Criterion~~
The applicant shall document that the number of beds to be established or added is necessary to serve the planning area's population, based on the following:
- 1) ~~77 Ill. Adm. Code 1100 (formula calculation)~~
 - A) ~~The number of beds to be established for general long term care is in conformance with the projected bed deficit specified in 77 Ill. Adm. Code 1100, as reflected in the latest updates to the Inventory.~~
 - B) ~~The number of beds proposed shall not exceed the number of the projected deficit, to meet the health care needs of the population served, in compliance with the occupancy standard specified in 77 Ill. Adm. Code 1100.~~
 - 2) ~~Service to Planning Area Residents~~
 - A) ~~Applicants proposing to establish or add beds shall document that the primary purpose of the project will be to provide necessary health care to the residents of the area in which the proposed project will be physically located (i.e., the planning or geographical service area, as applicable), for each category of service included in the project.~~
 - B) ~~Applicants proposing to add beds to an existing general long term care service shall provide patient origin information for all admissions for the last 12-month period, verifying that at least 50% of admissions were residents of the area. For all other projects,~~

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~~applicants shall document that at least 50% of the projected patient volume will be from residents of the area.~~

- ~~C) Applicants proposing to expand an existing general long term care service shall submit patient origin information by zip code, based upon the patient's legal residence (other than a health care facility).~~

- ~~3) Service Demand—Establishment of General Long Term Care
The number of beds proposed to establish a new general long term care service is necessary to accommodate the service demand experienced annually by the existing applicant facility over the latest two year period, as evidenced by historical and projected referrals, or, if the applicant proposes to establish a new long term care (LTC) facility, the applicant shall submit projected referrals. The applicant shall document subsection (b)(3)(A) and subsection (b)(3)(B) or (C).~~

- ~~A) Historical Referrals
If the applicant is an existing facility and is proposing to establish this category of service, the applicant shall document the number of referrals to other facilities, for each proposed category of service, for each of the latest two years. Documentation of the referrals shall include: patient origin by zip code; name and specialty of referring physician; name and location of the recipient LTC facility.~~

- ~~B) Projected Referrals
An applicant proposing to establish a category of service or establish a new LTC facility shall submit the following:~~

- ~~i) Hospital referral letters that attest to the number of patients (by zip code of residence) who have received care at existing facilities located in the area during the 12-month period prior to submission of the application;~~
- ~~ii) An estimated number of patients the hospital will refer annually to the applicant's facility within a 24-month period after project completion. The anticipated number of referrals cannot exceed the hospital's experienced LTC caseload;~~

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- iii) ~~Each referral letter shall contain the Chief Executive Officer's notarized signature, the typed or printed name of the referral resources, and the referral resource's address; and~~
- iv) ~~Verification by the hospital that the patient referrals have not been used to support another pending or approved CON application for the subject services.~~
- ↻) ~~Projected Service Demand – Based on Rapid Population Growth~~
~~If a projected demand for service is based upon rapid population growth in the applicant facility's existing market area (as experienced annually within the latest 24-month period), the projected service demand shall be determined as follows:~~
 - i) ~~The applicant shall define the facility's market area based upon historical patient origin data by zip code or census tract;~~
 - ii) ~~Population projections shall be produced, using, as a base, the population census or estimate for the most recent year, for county, incorporated place, township or community area, by the U.S. Census Bureau or IDPH;~~
 - iii) ~~Projections shall be for a maximum period of 10 years from the date the application is submitted;~~
 - iv) ~~Historical data used to calculate projections shall be for a number of years no less than the number of years projected;~~
 - v) ~~Projections shall contain documentation of population changes in terms of births, deaths and net migration for a period of time equal to or in excess of the projection horizon;~~
 - vi) ~~Projections shall be for total population and specified age groups for the applicant's market area, as defined by HFPB, for each category of service in the application; and~~

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- ~~vii) Documentation on projection methodology, data sources, assumptions and special adjustments shall be submitted to HFPP.~~
- 4) ~~Service Demand—Expansion of Bed Category of Service~~
~~The number of beds to be added at an existing facility is necessary to reduce the facility's experienced high occupancy and to meet a projected demand for service. The applicant shall document subsection (b)(4)(A) and either subsection (b)(4)(B) or (C):~~
 - A) ~~Historical Service Demand~~
 - i) ~~An average annual occupancy rate that has equaled or exceeded occupancy standards for the category of service, as specified in 77 Ill. Adm. Code 1100, for each of the latest two years.~~
 - ii) ~~If prospective residents have been referred to other facilities in order to receive the subject services, the applicant shall provide documentation of the referrals, including completed applications that could not be accepted due to lack of the subject service and documentation from referral sources, with identification of those patients by initials and date.~~
 - B) ~~Projected Referrals~~
~~The applicant shall provide the following:~~
 - i) ~~Letters from referral sources (hospitals, physicians, social services and others) that attest to total number of prospective residents (by zip code of residence) who have received care at existing LTC facilities located in the area during the 12-month period prior to submission of the application. Referral sources shall verify their projections and the methodology used;~~
 - ii) ~~An estimated number of prospective residents whom the referral sources will refer annually to the applicant's facility~~

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- ~~within a 24-month period after project completion. The anticipated number of referrals cannot exceed the referral sources' documented historical LTC caseload. The percentage of project referrals used to justify the proposed expansion cannot exceed the historical percentage of applicant market share, within a 24-month period after project completion;~~
- ~~iii) Each referral letter shall contain the referral source's Chief Executive Officer's notarized signature, the typed or printed name of the referral source, and the referral source's address; and~~
 - ~~iv) Verification by the referral sources that the prospective resident referrals have not been used to support another pending or approved CON application for the subject services.~~
- ~~C) Projected Service Demand—Based on Rapid Population Growth~~
~~If a projected demand for service is based upon rapid population growth in the applicant facility's existing market area (as experienced annually within the latest 24-month period), the projected service demand shall be determined as follows:~~
- ~~i) The applicant shall define the facility's market area based upon historical patient origin data by zip code or census tract;~~
 - ~~ii) Population projections shall be produced, using, as a base, the population census or estimate for the most recent year, for county, incorporated place, township or community area, by the U.S. Census Bureau or IDPH;~~
 - ~~iii) Projections shall be for a maximum period of 10 years from the date the application is submitted;~~
 - ~~iv) Historical data used to calculate projections shall be for a number of years no less than the number of years projected;~~

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- ~~v) Projections shall contain documentation of population changes in terms of births, deaths and net migration for a period of time equal to or in excess of the projection horizon;~~
 - ~~vi) Projections shall be for total population and specified age groups for the applicant's market area, as defined by HFPPB, for each category of service in the application; and~~
 - ~~vii) Documentation on projection methodology, data sources, assumptions and special adjustments shall be submitted to HFPPB.~~
- ~~5) Service Accessibility~~
~~The number of beds being established or added for each category of service is necessary to improve access for planning area residents.~~
- ~~A) Service Restrictions~~
~~The applicant shall document that at least one of the following factors exists in the planning area, as applicable:~~
- ~~i) The absence of the proposed service within the planning area;~~
 - ~~ii) Access limitations due to payor status of patients, including, but not limited to, individuals with health care coverage through Medicare, Medicaid, managed care or charity care;~~
 - ~~iii) Restrictive admission policies of existing providers;~~
 - ~~iv) The area population and existing care system exhibit indicators of medical care problems, such as an average family income level below the State average poverty level, high infant mortality, or designation by the Secretary of Health and Human Services as a Health Professional Shortage Area, a Medically Underserved Area, or a Medically Underserved Population;~~

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- ~~v) For purposes of this subsection (b)(5) only, all services within the 45-minute normal travel time meet or exceed the utilization standard specified in 77 Ill. Adm. Code 1100.~~
- ~~B) Supporting Documentation
The applicant shall provide the following documentation, as applicable, concerning existing restrictions to service access:~~
 - ~~i) The location and utilization of other planning area service providers;~~
 - ~~ii) Patient location information by zip code;~~
 - ~~iii) Independent time travel studies;~~
 - ~~iv) A certification of a waiting list;~~
 - ~~v) Scheduling or admission restrictions that exist in area providers;~~
 - ~~vi) An assessment of area population characteristics that document that access problems exist;~~
 - ~~vii) Most recently published IDPH Long Term Care Questionnaire.~~
- e) Continuum of Care
The applicant proposing a continuum of care project shall provide the following:
 - 1) The project will provide a continuum of care for a geriatric population that includes independent living and/or congregate housing (such as unlicensed apartments, high rises for the elderly and retirement villages) and related health and social services. The housing complex shall be on the same site as the health facility component of the project.
 - 2) Such a proposal shall be for the purposes of and serve only the residents of the housing complex and shall be developed either after the housing complex has been established, or as a part of a total housing construction program, provided that the entire complex is one inseparable project, that

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~~there is a documented demand for the housing, and that the licensed beds will not be built first, but will be built concurrently with or after the residential units.~~

- 3) ~~The applicant shall provide the following:~~
- A) ~~That the proposed number of beds is needed. Documentation shall consist of a list of available patients/residents needing the proposed project. The proposed number of beds shall not exceed one licensed LTC bed for every five apartments or independent living units;~~
 - B) ~~Provision in the facility's written operational policies assuring that a resident of the retirement community who is transferred to the LTC facility will not lose his/her apartment unit or be transferred to another LTC facility solely because of the resident's altered financial status or medical indigency; and~~
 - C) ~~That admissions to the long term care unit will be limited to current residents of the independent living units and/or congregate housing.~~

d) **Defined Population**

~~The applicant proposing a project for a defined population shall provide the following:~~

- 1) ~~The applicant shall document that the proposed project will service a defined population group of a religious, fraternal or ethnic nature from throughout the entire health service area or from a larger geographic service area (referred to in this subsection (d) as the GSA) proposed to be served and that includes, at a minimum, the entire health service area in which the facility is or will be physically located.~~
- 2) ~~The applicant shall document each of the following:~~
 - A) ~~A description of the proposed religious, fraternal or ethnic group proposed to be served;~~
 - B) ~~The boundaries of the GSA;~~

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- ~~C) The number of individuals in the defined population who live within the proposed GSA, including the source of the figures;~~
 - ~~D) That the proposed services do not exist in the GSA where the facility is or will be located;~~
 - ~~E) That the services cannot be instituted at existing facilities within the GSA in sufficient numbers to accommodate the group's needs. The applicant shall specify each proposed service that is not available in the GSA's existing facilities and the basis for determining why that service could not be provided.~~
 - ~~F) That at least 85% of the residents of the facility will be members of the defined population group. Documentation shall consist of a written admission policy insuring that the requirements of this subsection (d)(2)(F) will be met.~~
 - ~~G) That the proposed project is either directly owned, sponsored or affiliated with the religious, fraternal or ethnic group that has been defined as the population to be served by the project. The applicant shall provide legally binding documents that prove ownership, sponsorship or affiliation.~~
- e) ~~Unnecessary Duplication/Maldistribution – Review Criterion~~
- ~~1) The applicant shall document that the project will not result in an unnecessary duplication. The applicant shall provide the following information:~~
 - ~~A) A list of all zip code areas that are located, in total or in part, within 30 minutes normal travel time of the project's site;~~
 - ~~B) The total population of the identified zip code areas (based upon the most recent population numbers available for the State of Illinois population); and~~
 - ~~C) The names and locations of all existing or approved health care facilities located within 30 minutes normal travel time from the~~

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~~project site that provide the categories of bed service that are proposed by the project.~~

- ~~2) The applicant shall document that the project will not result in maldistribution of services. Maldistribution exists when the identified area (within the planning area) has an excess supply of facilities, beds and services characterized by such factors as, but not limited to:
 - ~~A) A ratio of beds to population that exceeds one and one-half times the State average;~~
 - ~~B) Historical utilization (for the latest 12-month period prior to submission of the application) for existing facilities and services that is below the occupancy standard established pursuant to 77 Ill. Adm. Code 1100; or~~
 - ~~C) Insufficient population to provide the volume or caseload necessary to utilize the services proposed by the project at or above occupancy standards.~~~~
- ~~3) The applicant shall document that, within 24 months after project completion, the proposed project:
 - ~~A) Will not lower the utilization of other area providers below the occupancy standards specified in 77 Ill. Adm. Code 1100; and~~
 - ~~B) Will not lower, to a further extent, the utilization of other area facilities that are currently (during the latest 12-month period) operating below the occupancy standards.~~~~
- ~~f) Category of Service Modernization
 - ~~1) If the project involves modernization of a category of hospital facility bed service, the applicant shall document that the inpatient bed areas to be modernized are deteriorated or functionally obsolete and need to be replaced or modernized, due to such factors as, but not limited to:
 - ~~A) High cost of maintenance;~~~~~~

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- ~~B) Non-compliance with licensing or life safety codes;~~
- ~~C) Changes in standards of care (e.g., private versus multiple bed rooms); or~~
- ~~D) Additional space for diagnostic or therapeutic purposes.~~
- 2) ~~Documentation shall include the most recent:~~
 - ~~A) IDPH CMMS inspection reports; and~~
 - ~~B) Joint Commission on Accreditation of Healthcare Organizations (JCAHO) reports.~~
- 3) ~~Other documentation shall include the following, as applicable to the factors cited in the application:~~
 - ~~A) Copies of maintenance reports;~~
 - ~~B) Copies of citations for life safety code violations; and~~
 - ~~C) Other pertinent reports and data.~~
- 4) ~~Projects involving the replacement or modernization of a category of service or facility shall meet or exceed the occupancy standards for the categories of service, as specified in 77 Ill. Adm. Code 1100.~~
- g) ~~Staffing Availability—Review Criterion~~

~~The applicant shall document that relevant clinical and professional staffing needs for the proposed project were considered and that licensure and JCAHO staffing requirements can be met. In addition, the applicant shall document that necessary staffing is available by providing letters of interest from prospective staff members, completed applications for employment, or a narrative explanation of how the proposed staffing will be achieved.~~
- h) ~~Performance Requirements—Facility Size~~

~~The maximum size of a general long term care facility is 250 beds, unless the applicant documents that a larger facility would provide personalization of patient care and documents provision of quality care based on the experience of the~~

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~~applicant and compliance with IDPH's licensure standards (77 Ill. Adm. Code: Chapter I, Subchapter c—Long Term Care Facilities) over a two-year period of time.~~

- i) ~~Community Related Functions—Review Criterion~~
~~The applicant shall document cooperation with and the receipt of the endorsement of community groups in the town or municipality where the facility is or is proposed to be located, such as, but not limited to, social, economic or governmental organizations or other concerned parties or groups. Documentation shall consist of copies of all letters of support from such organizations.~~

- j) ~~Zoning—Review Criterion~~
~~The applicant shall document one of the following:~~
 - 1) ~~The property to be utilized has been zoned for the type of facility to be developed;~~
 - 2) ~~Zoning approval has been received; or~~
 - 3) ~~A variance in zoning for the project is to be sought.~~

- k) ~~Assurances~~
 - 1) ~~The applicant representative who signs the CON application shall submit a signed and dated statement attesting to the applicant's understanding that, by the second year of operation after the project completion, the applicant will achieve and maintain the occupancy standards specified in 77 Ill. Adm. Code 1100 for each category of service involved in the proposal.~~
 - 2) ~~For beds that have been approved based upon representations for continuum of care (subsection (c)) or defined population (subsection (d)), the facility shall provide assurance that it will maintain admissions limitations as specified in those subsections for the life of the facility. To eliminate or modify the admissions limitations, prior approval of HFPB will be required.~~

(Source: Repealed at 35 Ill. Reg. 16989, effective October 7, 2011)

SUBPART S: CATEGORY OF SERVICE REVIEW CRITERIA –

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SPECIALIZED LONG-TERM CARE

Section 1110.1810 Introduction (Repealed)

~~Subpart S contains Review Criteria which pertain to the Specialized Long-Term Care Category of Service. These Review Criteria are utilized in addition to the "General Review Criteria" outlined in Subpart C and any other applicable Review Criteria outlined in Subparts D and E. These review criteria shall apply to all specialized long-term care projects in the review process, at the time they become effective, and to all subsequent applications relating to specialized long-term care.~~

(Source: Repealed at 35 Ill. Reg. 16989, effective October 7, 2011)

Section 1110.1820 Specialized Long-Term Care – Definitions (Repealed)

~~"Specialized Long-Term Care" means a classification consisting of categories of service which provides inpatient care primarily for children (ages 0 through 21) or inpatient care for adults who require specialized treatment and care because of mental or developmental disabilities. The Specialized Long-Term Care Classification includes the following Categories of Services:~~

~~Chronic Mental Illness (M.I.) Category of Service. The Chronic Mental Illness (M.I.) Category of Service includes levels of care provided to severely mentally ill clients in a structured setting in a psychiatric unit of a general hospital, in a private psychiatric hospital, or in a state-operated facility primarily in order to facilitate the improvement of their functioning level, to prevent further deterioration of their functioning level, or, in some instances to maintain their current level of functioning.~~

~~Long-Term Care for the Developmentally Disabled (Adult) Category of Service. This Category of Service includes levels of care for Developmentally Disabled adults as defined in the Illinois Mental Health and Developmental Disabilities Code (including those facilities licensed as ICF/DD or Intermediate Care Facilities for the Developmentally Disabled) which provide an integrated, individually tailored program of services for developmentally disabled adults and which provides an active, aggressive, and organized program of services directed toward achieving measurable behavioral and learning objectives.~~

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~~Long-Term Care for the Developmentally Disabled (Children) Category of Service. This Category of Service includes levels of care for Developmentally Disabled Children and is limited to those residents ages 0 through 21 years and whose condition meets the definition of "Developmental Disabilities" (as defined in the Illinois Mental Health and Developmental Disabilities Code).~~

~~Long-Term Medical Care for Children Category of Service. The Long-Term Medical Care For Children Category of Service includes long-term medical services which are provided to those patients/residents ages 0-18 years and which provides for residents suffering from chronic medical disabilities.~~

(Source: Repealed at 35 Ill. Reg. 16989, effective October 7, 2011)

Section 1110.1830 Specialized Long-Term Care – Review Criteria (Repealed)

- a) ~~Facility Size—Review Criterion. The maximum unit size is 100 beds, unless the project is for a State-operated facility or for the long-term medical care for children Category of Service.~~
- b) ~~Community Related Functions—Review Criterion. The applicant must document the written endorsement of community groups including the following:
 - 1) ~~a detailed description of the steps taken to inform and receive input from the public, including those community members who live in close proximity to the proposed facility's location;~~
 - 2) ~~endorsements from social service, social, and economic organizations; and~~
 - 3) ~~support from municipal officials and other elected officials representing the area in which the proposed facility is located.~~~~
- e) ~~Availability of Ancillary and Support Programs—Review Criterion. An applicant proposing the establishment of an ICF/DD facility of 16 beds or fewer must document that the community has the necessary support services available to provide care to the proposed facility's residents. Such documentation must include:~~

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- 1) ~~a copy of the letter, sent by certified mail, return receipt requested, to each of the day programming programs in the area informing them of the proposed project and requesting their comments regarding the impact of the proposed project upon their programs. The applicant shall also provide copies of the responses received from these letters;~~
 - 2) ~~a description of the transportation services available to the proposed residents;~~
 - 3) ~~a description of the specialized services, other than day programming, available to the proposed residents;~~
 - 4) ~~a description of the availability of community activities for the proposed facility's residents, e.g., movie theaters, bowling alleys, etc.; and~~
 - 5) ~~documentation of the availability of a community workshop to serve the residents.~~
- d) ~~Recommendations from State Departments — Review Criterion. An applicant proposing a facility for the developmentally disabled must document contact with the Department of Human Services and the Department of Public Aid. Documentation must include proof that a request has been submitted to each Department requesting that each Department determine the project's consistency with the long-range goals and objectives of the Department and requesting the identification of individuals in need of the service. The Departments' responses should address, on both a Statewide and a planning area basis, whether the proposed project meets the Department's planning objectives regarding the size, type, and number of beds proposed, whether the project conforms or does not conform to each Department's plan, and how the project assists or hinders each Department in achieving its planning objectives. Such a request must be made by certified mail return receipt requested and must occur within a 60-day period prior to the submission of this application.~~
- e) ~~Long-Term Medical Care for Children Category of Service (Only) — Review Criterion. The applicant must document the following:~~
- 1) ~~the planning area served by the facility and the size of the specialized population ages 0-18 years to be served within that geographic area. Documentation must include, but is not limited to, any reports or studies~~

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- ~~showing the points of origin of patients/residents admitted to the facility, preferably for the latest 12-month period for which data is available;~~
- ~~2) identification of the special programs and/or services to be provided or currently offered by the applicant and the relationship of such programs to the needs of the specialized population (as outlined above);~~
 - ~~3) insufficient service capability currently exists to meet this need; and~~
 - ~~4) the number of beds in the proposed project is needed by providing documentation that the proposed project will achieve, within the first year of operation, an occupancy of at least 90 percent.~~
- f) ~~Zoning—Review Criterion. The applicant must document that:~~
- ~~1) the property to be utilized has been zoned for the type of facility to be developed; or~~
 - ~~2) zoning approval has been received; or~~
 - ~~3) a certificate of need is required by the local zoning authority before zoning can be approved. Such documentation shall include a letter from the appropriate zoning official indicating that such a requirement exists.~~
- g) ~~Establishment of Chronic Mental Illness—Review Criterion. Documentation shall consist of a narrative statement detailing the scope of system changes which have brought about the need for the project and historical utilization of facilities involved. The applicant must document that:~~
- ~~1) all beds will be operated by the State of Illinois;~~
 - ~~2) the resident population and type of resident/patient served has changed, necessitating the establishment or expansion of services in order to meet the needs of the facility's residents;~~
 - ~~3) the project represents redistribution of existing beds from another facility due to closure of the facility or unit; and~~
 - ~~4) admissions from the general public have increased over the last two-year~~

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~~period and the expansion is necessary in order to adequately serve the residents of the facility and the general public.~~

- ~~h) Establishment of Beds, Developmentally Disabled (Adult) Category of Service— Review Criterion. Any proposed project to establish a facility of 16 beds or fewer must be located in a planning area where a need for additional beds is calculated using the formula shown in 77 Ill. Adm. Code 1100.670, unless the applicant can document compliance with the requirements for a variance to the computed bed need in subsection (i) of this Section.~~
- ~~i) Variance to Computed Bed Need for Establishment of Beds, Developmentally Disabled (Adult) Category of Service, for Placement of Residents From Department of Human Services (DHS) Operated Beds— Review Criterion. The applicant must document all of the following:~~
- ~~1) That each of the residents proposed to be served:~~
 - ~~A) currently resides in a DHS-operated facility and has at least one interested family member residing in the proposed planning area; or has an interested family member who resides out of state within 15 miles of the proposed planning area boundary; or~~
 - ~~B) has resided in a DHS-operated facility physically located in the proposed project's planning area for at least the last 2 years, and the consent of the resident's legal guardian has been obtained for the relocation.~~
 - ~~2) All of the existing 16-bed or fewer facilities in the planning area are occupied at or above the 93% target occupancy rate or such facilities have refused to accept residents referred from DHS-operated facilities. Documentation of each refusal must include the following:~~
 - ~~A) a letter from DHS stating the number of times in the last 12 months the facility or facilities have refused to accept referrals of DHS-operated facility residents, including the name of the facility, the date of the refusal, and the reason(s) cited for such refusals, if any;~~
 - ~~B) a copy of the letter, sent by certified mail return receipt requested, to each of the underutilized facilities in the area asking if they~~

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- ~~accept referrals from DHS-operated facilities, listing the dates of each past refusal, and requesting an explanation of the basis for the refusal in each instance;~~
- ~~C) copies of the responses to the above letters; and~~
- ~~D) a letter from DHS indicating that each of the residents to be referred to the proposed facility have been refused admission at all of the other 16 bed or fewer facilities in the planning area.~~
- ~~3) That the proposed relocation of a resident will result in cost savings to the State.~~
- ~~4) That the facility will only accept future referrals from the DHS-operated facility in the planning area if a bed is available.~~
- ~~5) An explanation of how the proposed facility conforms with or deviates from the DHS comprehensive long range development plan for developmental disabilities services.~~
- ~~j) State Board Consideration of Public Hearing Testimony—Review Criterion.—If public hearing testimony is presented that indicates that one or more facilities in the planning area have available beds, and are willing to accept DHS referrals, IDPH shall notify DHS and request that DHS contact the facility or facilities and attempt to place residents in such beds, thereby reducing the need for the proposed additional beds. DHS shall notify IDPH of the results of these placement efforts within 45 days after the date of IDPH advice. If DHS' response is not received by IDPH within the specified time period, IDPH shall assume that the patients were placed appropriately and that the need for such additional beds no longer exists. If the existing facility(ies) refuses to accept such referrals, IDPH shall be notified by DHS of the refusal and of any rationale for the refusal provided to DHS by the refusing facility. This material shall then be forwarded to the Board for its consideration. The review period set forth in 77 Ill. Adm. Code 1130.610(b) may be extended by IDPH for a period not to exceed 60 days.~~

(Source: Repealed at 35 Ill. Reg. 16989, effective October 7, 2011)

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Long-Term Care
- 2) Code Citation: 77 Ill. Adm. Code 1125
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1125.110	New
1125.120	New
1125.130	New
1125.140	New
1125.150	New
1125.210	New
1125.220	New
1125.310	New
1125.320	New
1125.330	New
1125.510	New
1125.520	New
1125.530	New
1125.540	New
1125.550	New
1125.560	New
1125.570	New
1125.580	New
1125.590	New
1125.600	New
1125.610	New
1125.620	New
1125.630	New
1125.640	New
1125.650	New
1125.710	New
1125.720	New
1125.800	New
1125.APPENDIX A	New
1125.APPENDIX B	New
- 4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960/12]
- 5) Effective Date of Rulemaking: October 7, 2011

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- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments Published in Illinois Register: 35 Ill. Reg. 7504, May 13, 2011
- 10) Has JCAR issued a Statement of Objection to these rules? 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: The Health Facilities Planning Act [20 ILCS 3960/12] mandates the establishment of a separate set of rules and guidelines pertaining to long-term care (LTC). The proposed rules will establish 77 Ill. Adm. Code 1125, consolidating the definitions; planning policies; review criteria; and standards for General Long-Term Care, as well as Specialized Long-Term Care.

Existing LTC rules currently housed in 77 Ill. Adm. Code 1100 and 1110 will be relocated to the new Ill. Adm. Code 1125. Applicable Sections from 77 Ill. Adm. Code 1120 (Financial and Economic Feasibility) are also included in the proposed set of rules. In addition, HFSRB Procedural rules (77 Ill. Adm. Code 1130) are referenced as part of the consolidation. Substantive changes to the rules are summarized below:

Statutory Authority:

In subsection 1125.110(d), the purpose of the mandated LTC Advisory Subcommittee is cited.

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Definitions:

Section 1125.140 contains existing definitions that pertain to Long-Term Care (includes updates per the Act), as well as definitions applicable in general.

Project Purpose, Background and Alternatives – Information Requirements:

In the existing rules (1110.230), "Background of the Applicant" is located in this Section as a general information requirement. The proposed rules relocate this consideration to Section 1125.520 – General Long Term Care – Review Criteria.

General Long-Term Care – Review Criteria:

As indicated above, "Background of the Applicant" is relocated to Section 1125.520, changing the review status from a general information requirement to a review criterion.

"Variances to Computed Bed Need" returns as a subcategory of LTC project types, located in Section 1125.560. This Section includes (2) variances from the language of existing rules: "Continuum of Care"; and "Defined Population".

Existing Sections related to LTC and housed in 77 Ill. Adm. Code 1100 and 1110 will be repealed.

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

Claire Burman
Rules/Legislation Coordinator
122 S. Michigan Avenue, 7th Floor
Chicago, IL 60603

312/814-8814

Mail to: Claire.Burman@illinois.gov
Claire.Burman@illinois.gov

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

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TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES AND SERVICES REVIEW BOARD
SUBCHAPTER b: OTHER BOARD RULES

PART 1125
LONG-TERM CARE

SUBPART A: AUTHORITY

Section	
1125.110	Statutory Authority
1125.120	Introduction
1125.130	Purpose
1125.140	Definitions
1125.150	HFSRB Procedural Rules

SUBPART B: PLANNING POLICIES

Section	
1125.210	General Long-Term Nursing Care Category of Service
1125.220	Specialized Long-Term Care Categories of Service

SUBPART C: GENERAL INFORMATION REQUIREMENTS

Section	
1125.310	Introduction
1125.320	Purpose of the Project – Information Requirements
1125.330	Alternatives to the Proposed Project – Information Requirements

SUBPART D: GENERAL LONG-TERM CARE – REVIEW CRITERIA

Section	
1125.510	Introduction
1125.520	Background of the Applicant – Review Criterion
1125.530	Planning Area Need – Review Criterion
1125.540	Service Demand – Establishment of General Long-Term Care
1125.550	Service Demand – Expansion of General Long-Term Care
1125.560	Variances to Computed Bed Need
1125.570	Service Accessibility

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1125.580	Unnecessary Duplication/Maldistribution
1125.590	Staffing Availability
1125.600	Bed Capacity
1125.610	Community Related Functions
1125.620	Project Size – Review Criterion
1125.630	Zoning
1125.640	Assurances
1125.650	Modernization

SUBPART E: SPECIALIZED LONG-TERM CARE – REVIEW CRITERIA

Section

1125.710	Introduction
1125.720	Specialized Long-Term Care – Review Criteria

SUBPART F: FINANCIAL AND ECONOMIC FEASIBILITY – REVIEW CRITERIA

Section

1125.800	Estimated Total Project Cost
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1125.APPENDIX A Project Size Standards – Square Footage and Utilization

1125.APPENDIX B Financial and Economic Review Standards

AUTHORITY: Authorized by Section 12 of and implementing the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Adopted at 35 Ill. Reg. 17019, effective October 7, 2011.

SUBPART A: AUTHORITY

Section 1125.110 Statutory Authority

- a) This Part is promulgated by authority granted to the Illinois Health Facilities and Services Review Board under the Illinois Health Facilities Planning Act [20 ILCS 3960].
- b) After the effective date of this Part, all applications in the review process and all projects for which permits or exemptions have been issued, but have not yet been completed, shall be subject to this Part.

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- c) The HFSRB rules in effect on the date of alleged violation of the Act or rules shall be applicable concerning all considerations and issues of compliance with HFSRB requirements.
- d) Advisory Subcommittee
 - 1) The Long-term Care Facility Advisory Subcommittee is created by the Act to:
 - A) *Develop and recommend to the Board a separate set of rules and guidelines for long-term care that recognizes that nursing homes are a different business line and service model from other regulated facilities; and*
 - B) *Provide continuous review and commentary on policies and procedures relative to long-term care and the review of related projects.*
 - 2) *The Subcommittee shall be provided a reasonable and timely opportunity to review and comment on any review, revision, or updating of the criteria, standards, procedures, and rules used to evaluate project applications as provided under Section 12.3 of the Act prior to approval by the Board and promulgation of related rules. [20 ILCS 3960/12(15)]*

Section 1125.120 Introduction

This Part has been developed, per the Act, for projects involving the establishment, expansion or modernization of general long-term care facilities and specialized long-term care facilities and establishes the procedures and requirements for processing and review of applications for permits, applications for exemption and other matters that are subject to the Act and to determinations by HFSRB. This Part pertains to, but is not limited to, persons and transactions subject to the Act; the requirements for submission of applications for permits or exemptions; the HFSRB review process; public hearing procedures for applications and proposed rules; requirements for maintaining valid permits; declaratory rulings; and administrative hearings.

Section 1125.130 Purpose

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- a) *The purpose of the Act is to establish a procedure designed to reverse the trends of increasing costs of health care, including long-term care, resulting from unnecessary construction of health care facilities. This program is established to:*
- 1) *improve the financial ability of the public to obtain necessary health services, establish an orderly and comprehensive health care delivery system which will guarantee the availability of quality health care to the general public;*
 - 2) *maintain and improve the provision of essential health care services and increase the accessibility of those services to the medically underserved and indigent;*
 - 3) *assure that the reduction and closure of health care services or facilities is performed in an orderly and timely manner, and that these actions are deemed to be in the best interests of the public; and*
 - 4) *assess the financial burden to patients/residents caused by unnecessary health care construction and modification. [20 ILCS 3960/2]*
- b) Decisions regarding proposed new health services and facilities shall be made for reasons having to do with the community health needs in the various parts of the State. The burden of proof on all issues pertaining to an application shall be on the applicant.
- c) The health facilities and services review program shall be administered with the goal of maximizing the efficiency of capital investment and the objectives of:
- 1) Promoting development of more effective methods of delivering long-term care;
 - 2) Improving distribution of LTC facilities and services and ensuring access to needed LTC services for the general public, the medically indigent and similar underserved populations;
 - 3) Controlling the increase of LTC costs;
 - 4) Promoting planning for LTC services at the facility, regional and State levels;

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- 5) Maximizing the use of existing LTC facilities and services that represent the least costly and most appropriate levels of care; and
- 6) Minimizing the unnecessary duplication of LTC facilities and services.

Section 1125.140 Definitions

"Act" means the Illinois Health Facilities Planning Act [20 ILCS 3960].

"Adverse Action" means a disciplinary action taken by Department of Public Health, Centers for Medicare and Medicaid Services (CMMS), or any other State or federal agency against a person or entity that owns and/or operates a licensed or Medicare or Medicaid certified LTC facility in the State of Illinois. These actions include, but are not limited to, all Type A and Type AA violations. As defined in Section 1-129 of the Nursing Home Care Act [210 ILCS 45], a *"Type A violation"* means a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility that creates a substantial probability that the risk of death or serious mental or physical harm to a resident will result therefrom or has resulted in actual physical or mental harm to a resident. As defined in Section 1-128.5 of the Nursing Home Care Act, a *"Type AA violation"* means a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility that proximately caused a resident's death.

"Agency" or "IDPH" means the Illinois Department of Public Health.

"Applicant" means one or more persons, as defined in the Act, who apply for a permit or exemption. See 77 Ill. Adm. Code 1130.220 to determine what parties are necessary for an application.

"Authorized Representative" means a person who has authority to act on behalf of the legal entity or person that is the applicant or permit holder. Authorized representatives are: in the case of a corporation, any of its officers or members of its board of directors; in the case of a limited liability company, any of its managers or members (or the sole manager or member when two or more managers or members do not exist); in the case of a partnership, any of its general partners (or the sole general partner when two or more general partners do not

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exist); in the case of estates and trusts, any of its beneficiaries (or the sole beneficiary when two or more beneficiaries do not exist); and in the case of a sole proprietor, the individual who is the proprietor.

"Capital Expenditure" means an expenditure made by or on behalf of an LTC facility (as such a facility is defined in the Act), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part and which exceeds the capital expenditure minimum. For purposes of this definition, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditure minimum. Donations of equipment or facilities to an LTC facility which if acquired directly by such facility would be subject to review under the Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure if a transfer of the equipment or facilities at fair market value would be subject to review. [20 ILCS 3960/3]

"Capital Expenditure Minimum" means the dollar amount or value that would require a permit for capital projects and major medical equipment. Capital expenditure minimums are annually adjusted to reflect the increase in construction costs due to inflation under 77 Ill. Adm. Code 1130.310.

"Category of Service" means a grouping by generic class of various types or levels of support functions, equipment, care or treatment provided to patients/residents. A category of service may include subcategories or levels of care that identify a particular degree or type of care within the category of service.

"CMMS" means the federal Centers for Medicare and Medicaid Services.

"Chairman" means the presiding officer of HFSRB.

"Change of Ownership" means a change in the person who has operational control of an existing LTC facility or a change in the person who has ownership or control of an LTC facility's physical plant and capital assets. A change of ownership is indicated by, but not limited to, the following transactions: sale,

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transfer, acquisition, leases, change of sponsorship or other means of transferring control. [20 ILCS 3960/3] Examples of change of ownership include:

a transfer of stock or assets resulting in a person obtaining majority interest (i.e., over 50%) in the person who is licensed or certified (if the facility is not subject to licensure), or in the person who owns or controls the LTC facility's physical plant and capital assets; or

the issuance of a license by IDPH to a person different from the current licensee; or

a change in the membership or sponsorship of a not-for-profit corporation; or

a change of 50% or more of the voting members of a not-for-profit corporation's board of directors, during any consecutive 12 month period, that controls an LTC facility's operations, license, certification (when the facility is not subject to licensing) or physical plant and capital assets; or

a change in the sponsorship or control of the person who is licensed or certified (when the facility is not subject to licensing) to operate, or who owns the physical plant and capital assets of a governmental LTC facility; or

any other transaction that results in a person obtaining control of an LTC facility's operations or physical plant and capital assets, including leases.

"Change in the Bed Count of a Long-Term Care Facility" means a change in an LTC facility's authorized bed capacity, including reductions, increases with permit or allowable increases without permit. *A permit or exemption shall be obtained prior to the construction or modification of an LTC facility which: changes the bed capacity of an LTC facility by increasing the total number of beds or by distributing beds among various categories of service or by relocating beds from one physical facility to another by more than 20 beds or 10% of total bed capacity as defined by the State Board, whichever is less, over a 2-year period.* [20 ILCS 3960/5]

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"Charity Care" means care provided by an LTC facility for which the provider does not expect to receive payment from the patient/resident or a third party payer. [20 ILCS 3960/3]

"Clinical Service Area" means a department and/or service that is directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the LTC facility [20 ILCS 3960/3]. A clinical service area's physical space shall include those components required under the facility's licensure or Medicare and/or Medicaid certification, and/or as outlined by documentation from the facility as to the physical space required for appropriate clinical practice.

"Combined Service Area Project" means a project that consists of both clinical service areas and non-clinical service areas.

"Completion" or "Project Completion" means that the project has been brought to a conclusion as evidenced by one or more of the following events:

For projects with no cost that are limited to a substantial change in beds in licensed LTC facilities, the date IDPH issues a revised license; or

For projects with no cost that are limited to a substantial change in beds in LTC facilities or in State-operated facilities, the date the first patient is treated; or

For projects limited to the establishment of a category of service, the date the first patient is treated; or

For projects limited to the establishment of an LTC facility, the date the LTC facility is licensed or, if licensure is not required, the date the facility receives Medicare/Medicaid certification; or

For all other projects including modernization of existing facilities, project completion occurs when all components of the project are fulfilled as stated in the application for permit or exemption; or

For projects with permits issued with conditions, the date HFSRB deems the conditions have been met.

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"Completion Date" or "Project Completion Date" means the date established by the applicant for the completion of the project in the approval of the permit or subsequent renewal, as evidenced by one or more of the events cited in the definition of "Completion".

"Construction" or "Modification" *means the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership of or by an LTC facility, or the purchase or acquisition by or through an LTC facility of equipment or service for diagnostic or therapeutic purposes or for facility administration or operation or any capital expenditure made by or on behalf of an LTC facility which exceeds the capital expenditure minimum; however, any capital expenditure made by or on behalf of an LTC facility for the construction or modification of a facility licensed under the Assisted Living and Shared Housing Act [210 ILCS 9] or a conversion project undertaken in accordance with Section 30 of the Older Adult Services Act [320 ILCS 42] shall be excluded from any obligations under the Act. [20 ILCS 3960/3]*

"Contested Case" is defined in Section 1-30 of the Illinois Administrative Procedure Act. [5 ILCS 100/1-30].

"Control" means a person possesses any of the following discretionary and non-ministerial rights or powers:

In the case of an entity, the ability to direct the management and policies of the entity, whether through the voting of securities, corporate membership, contract or otherwise. Examples of control include, without limitation:

holding 50% or more of the outstanding voting securities of an issue;

in the case of an entity that has no outstanding voting securities, having the right to 50% or more of the profits or, in the event of dissolution, the right to 50% or more of the assets of the entity;

having the power to appoint or remove 50% or more of the governing board members of an entity;

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having the power to require or approve the use of funds or assets of the entity; or

having the power to approve, amend or modify the entity's bylaws or other governance documents.

In the case of capital assets or real property, the power to direct or cause the direction of the personal property, real property or capital assets that are components of the project (i.e., fixed equipment, mobile equipment, buildings and portions of buildings). Examples of control include, without limitation:

ownership of 50% or more in the property or asset;

serving as lessee or sub-lessee.

"Conversion" means a change in the control of an existing LTC facility's physical plant, assets, or operations by such methods as, but not limited to, a change in ownership, acquisition, merger, consolidation, lease, stock transfer, or change in sponsorship. Types of conversion include:

consolidation by combining two or more existing LTC facilities into a new LTC facility, terminating the existence of the existing or original facilities ($A + B = C$). Consolidation results in the establishment of an LTC facility within the meaning of the Act and in the discontinuation of the existing facilities, resulting in termination of license for facilities subject to licensing or the loss of certification for facilities not subject to licensing;

merger by the absorption of one or more existing LTC facilities into another existing LTC facility. The result of the absorption is that only one facility survives ($A + B = B$). Merger results in the modification (e.g., expansion of beds or services) of the survivor facility and the discontinuation of the facility being absorbed.

"Director" means the Director of the Department of Public Health.

"Due Diligence" means to take such actions toward the completion of a project for which a permit has been issued with that diligence and foresight that persons of ordinary prudence and care commonly exercise under like circumstances. An

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accidental or unavoidable cause that cannot be avoided by the exercise of due diligence is a cause that reasonably prudent and careful persons, under like circumstances, do not and would not ordinarily anticipate, and whose effects under similar circumstances they do not and would not ordinarily avoid.

"Entity" means any corporation, company, partnership, joint venture, association, trust, foundation, fund or other legally recognized organization, public body or municipality.

"Establish" or "Establishment" *means the construction of a new LTC facility, the licensing of unlicensed buildings or structures as an LTC facility, the replacement of an existing LTC facility on another site, or the initiation of a category of service defined by the Board.* [20 ILCS 3960/3]

"Estimated Project Cost" or "Project Cost" means the sum of all costs, including the fair market value of any equipment or other real property (whether acquired by lease, donation, or gift) necessary to complete a project, including:

- preplanning costs;
- site survey and soil investigation fees;
- site preparation costs;
- off-site work;
- construction contracts and contingencies (including demolition);
- capital equipment included in construction contracts;
- architectural and engineering fees;
- consultants and other professional fees that are related to the project;
- capital equipment not in construction contracts;
- bond issuance expenses;
- net interest expense during construction; and

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all other costs that are to be capitalized.

"Exemption" means the classification of projects that are exempt from the Certificate of Need permit review process, but are reviewed under *the procedures and requirements of HFSRB regarding issuance of exemptions. An exemption shall be approved when information required by the Board by rule is submitted.* [20 ILCS 3960/6(b)]

"Existing Long-Term Care Facility" means any LTC facility subject to the Act that:

has a license issued by IDPH and has provided services within the past 12 months, unless the failure to provide that service is the result of pending license revocation procedures, and has not surrendered or abandoned its license or had its license revoked or voided or otherwise deemed invalid by IDPH; or

is certified under Title XVIII or XIX of the Social Security Act (42 USC 1395); or

is a facility operated by the State of Illinois.

HFSRB NOTE: Projects approved by HFSRB for establishment of an LTC facility that have not been deemed complete in accordance with this Part shall not be considered existing facilities, but the approved number of beds or services shall be recorded in the HFSRB Inventory of Health Care Facilities and Services and Need Determinations, located at the HFSRB website (www.hfsrb.illinois.gov), and shall be counted against any applicable need estimate.

"Ex parte Communication" *means a communication between a person who is not a State Board member or employee that reflects on the substance of a formally filed State Board proceeding and that takes place outside the record of the proceeding. Communications regarding matters of procedure and practice, such as the format of a pleading, number of copies required, manner of service, and status of proceedings, are not considered ex parte communications. Technical assistance with respect to an application, not intended to influence any decision on the application, may be provided by employees to the applicant. Once an*

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application is filed and deemed complete, a written record of any communication between staff and an applicant shall be prepared by staff and made part of the public record, using a prescribed, standardized format, and shall be included in the application file. [20 ILCS 3960/4.2]

"Fair Market Value" means the dollar value of a project or any component of a project that is accomplished by lease, donation, gifts or any other means that would have been required for purchase, construction or acquisition. Fair market value is documented as follows:

for equipment that is to be leased, statements from the manufacturers as to the purchase price of the equipment;

for equipment or other real property that will be a gift or donated, a statement from the donor attesting to the dollar value reported to the Internal Revenue Service pursuant to IRS Document 170;

for existing property (other than equipment) that is to be leased or otherwise acquired, copies of an appraisal performed by a certified appraiser or copies of financial statements detailing actual construction costs if the property is less than three years old; or

for property (other than equipment) that is being or will be constructed and then leased, a statement from the lessor as to the anticipated costs of construction.

"Final Decision" or "Final Administrative Decision" or "Final Determination" means:

the decision by HFSRB to approve or deny an application for permit. Action taken by HFSRB to deny an application for permit is subsequent to an administrative hearing or to the waiver of an administrative hearing; or

the decision by HFSRB on all matters other than the issuance of a permit.

HFSRB NOTE: The decision is final at the close of business of the HFSRB meeting at which the action is taken.

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"Final Realized Costs" means all costs that are normally capitalized under generally accepted accounting principles that have been incurred to complete a project for which a permit or exemption was issued. These costs include all expenditures and the dollar or fair market value of any component of the project, whether acquired through lease, donation or gift.

"Hearing Officer" means the person with authority to conduct public hearings and to take all necessary steps to assure the proper completion of public hearings and to assure compliance with requirements of the Act. Responsibilities include: determining the order and time allotment for public testimony; maintaining order; setting and announcing new hearing dates, times and places, as necessary; determining the conclusion of the hearing and assuring that all documents, exhibits and other written materials presented or requested at the hearing are in the hearing officer's custody; and preparing a report for submittal to HFSRB.

"HFSRB " or "State Board" means the Illinois Health Facilities and Services Review Board.

"HFSRB Inventory" or "Inventory" means the HFSRB Inventory of Health Care Facilities and Services and Need Determinations, located at HFSRB's website (www.hfsrb.illinois.gov).

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Intent to Deny" means the negative decision of HFSRB, following its initial consideration of an application for permit that failed to receive the number of affirmative votes required by the Act.

"Long-Term Care" or "LTC" means care for patients/residents in a general long-term care or specialized long-term care facility under the jurisdiction of the Board.

General LTC includes the nursing category of service, which provides inpatient treatment for convalescent or chronic disease patients/residents and includes the skilled nursing level of care and/or the intermediate nursing level of care, defined in 77 Ill. Adm. Code 300.

Specialized LTC means a classification of categories of service that provide inpatient care primarily for children (ages 0 through 21) or

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inpatient care for adults who require specialized treatment and care because of mental or developmental disabilities. Specialized LTC includes the following categories of services:

Chronic Mental Illness (MI) Category of Service. The Chronic MI category of service includes levels of care provided to severely mentally ill clients in a structured setting in a psychiatric unit of a general hospital, in a private psychiatric hospital, or in a State-operated facility primarily in order to facilitate the improvement of their functioning level, to prevent further deterioration of their functioning level, or, in some instances, to maintain their current level of functioning.

Long-Term Care for the Developmentally Disabled-Adult (DD-Adult) category of service. This category of service includes levels of care for DD-Adults as defined in the Mental Health and Developmental Disabilities Code [405 ILCS 5] (including those facilities licensed as ICF/DD) that provide an integrated, individually-tailored program of services for developmentally disabled adults and provide an active, aggressive and organized program of services directed toward achieving measurable behavioral and learning objectives.

Long-Term Care for the Developmentally Disabled-Children category of service. This category of service includes levels of care for DD-Children (those residents age 0 through 21 years) as defined in the Illinois Mental Health and Developmental Disabilities Code).

Long-Term Medical Care for Children Category of Service. This category of service includes long-term medical services that are provided to those patients/residents age 0-18 years and that provides for residents suffering from chronic medical disabilities.

"Major Construction Project" means:

Projects for the construction of new buildings;

Additions to existing facilities;

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Modernization projects whose cost is in excess of \$1,000,000 or 10% of the facility's operating revenue, whichever is less; and

such projects as the State Board shall define and prescribe pursuant to the Act. [20 ILCS 3960/5]

"Major Medical Equipment" *means medical equipment that is used for the provision of medical and other health services and that costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act (42 USC 1395x) to meet the requirements of section 1861(S)(10) and (11) of that Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of the equipment shall be included. [20 ILCS 3906/3]*

"Medicaid Certified" or "Medicare Certified" or "Medicaid Certification" or "Medicare Certification" means approval for a facility to receive reimbursement under Title XVIII (Medicare) and/or XIX (Medicaid) of the Social Security Act (42 USC 1395).

"Modification of an Application" or "Modification" means any change to an application during the review period (i.e., prior to a final HFSRB action). These changes include, but are not limited to: changing the proposed project's physical size or gross square feet, the site within a planning area, the operating entity when the operating entity is not the applicant, the number of proposed beds, the categories of service to be provided, the cost, the method of financing, the proposed project completion date, the configuration of space within the building, or any change in the person who is the applicant, including the addition or deletion of one or more persons as co-applicants.

HFSRB NOTE: A change of site to a site outside the planning area originally identified in the application is not considered a modification and invalidates the application.

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"Newspaper of General Circulation" means newspapers other than those intended to serve a particular, defined population, such as the publications of professional and trade associations.

"Newspaper of Limited Circulation" means a newspaper intended to serve a particular or defined population of a specific geographic area within a Metropolitan Statistical Area such as a municipality, town, village, township or community area, but does not include publications of professional and trade associations. [20 ILCS 3960/8.5(a)]

"Non-clinical Service Area" *means an area for the benefit of the patients/residents, visitors, staff or employees of an LTC facility and not directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the LTC facility. "Non-clinical service areas" include, but are not limited to, chapels; gift shops; news stands; computer systems; tunnels, walkways, and elevators; telephone systems; projects to comply with life safety codes; educational facilities; student housing; patient/resident, employee, staff, and visitor dining areas; administration and volunteer offices; modernization of structural components (such as roof replacement and masonry work); boiler repair or replacement; vehicle maintenance and storage facilities; parking facilities; mechanical systems for heating, ventilation, and air conditioning; loading docks; and repair or replacement of carpeting, tile, wall coverings, window coverings or treatments, or furniture. Solely for the purpose of this definition, "non-clinical service area" does not include health and fitness centers.* [20 ILCS 3960/3]

"Non-Substantive Projects" means certain projects that have been defined in 77 Ill. Adm. Code 1110.40, with a review period of 60 days.

"Notification of HFSRB Action" means the transmittal of HFSRB decisions to the applicant or permit or exemption holder. Notification shall be given to the applicant's or permit holder's designated contact person, legal representative or chief executive officer.

"Obligation" means the commitment of at least 33% of total funds assigned to cover total project cost, which occurs by:

The actual expenditure of 33% or more of the total project cost; or

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The commitment to expend 33% or more of the total project cost by signed contracts or other legal means.

"Operational" means that a permit holder is providing the services approved by HFSRB and, for a new LTC facility or a new category of service, licensure or Medicare and/or Medicaid certification has been obtained and residents/patients are utilizing the facility or equipment or are receiving service.

"Permit" means authorization to execute and complete a project related to an LTC facility, as reviewed and approved by HFSRB and as specified in the Act.

"Person" means any one or more natural persons, legal entities, governmental bodies other than federal, or any combination thereof. [20 ILCS 3960/3]

"Project Obligation Date" means the date on which the permit holder expended or committed to expend by contract or other legal means at least 33% of the total project cost.

"Proposal" or "Project" means any proposed construction or modification of an LTC facility or any proposed acquisition of equipment to be undertaken by an applicant.

"Related Person" means any person that:

is at least 50% owned, directly or indirectly, by either the LTC facility or a person owning, directly or indirectly, at least 50% of the LTC facility; or

owns, directly or indirectly, at least 50% of the LTC facility; [20 ILCS 3960/3] or

is otherwise controlled or managed by one or more LTC facilities; or

controls or manages the LTC facility; or

otherwise controls or manages the LTC facility; or

is otherwise, directly or indirectly, under common management or control with one or more LTC facilities.

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"Review Period" means the time from the date an application for permit or exemption is deemed complete until HFSRB renders its final decision.

"Site" means the physical location of a proposed project and is identified by address or legal property description.

"Square Feet" or "SF" or "Square Footage" means a unit of measure of physical service areas or buildings considered by HFSRB. Departmental Gross Square Feet (DGSF) means the designation of physical areas for departments and services. It consists of the entirety of space dedicated to the use of that department or service, including walls, shafts and circulation. Building Gross Square Feet (BGSF) means the designation of physical area of an entire building. It includes all exterior walls and space within those walls.

"Subcommittee" means the HFSRB Long-Term Care Facility Advisory Subcommittee.

"Subcommittee Chairperson" means the chairperson of the Subcommittee.

"Substantially Changes the Scope or Changes the Functional Operation of the Facility" means:

the addition of a category of service;

a change of a material representation made by the applicant in an application for permit or exemption subsequent to receipt of a permit that is relied upon by HFSRB in making its decision. Material representations are those that provide a factual basis for issuance of a permit or exemption and include:

withdrawal or non-participation in the Medicare and/or Medicaid programs;

charge information;

requirements of variances pursuant to Section 1125.560;

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other representations made to HFSRB as stipulated or agreed upon in the public record and specified in the application or the permit or exemption approval letter.

"Substantive Projects" means types of projects that are defined in the Act and classified as substantive. *Substantive projects shall include no more than the following:*

Projects to construct a new or replacement facility located on a new site or a replacement facility located on the same site as the original facility and the costs of the replacement facility exceed the capital expenditure minimum.

Projects proposing a new service or discontinuation of a service, which shall be reviewed by the Board within 60 days.

Projects proposing a change in the bed capacity of an LTC facility by an increase in the total number of beds or by a redistribution of beds among various categories of service or by a relocation of beds from one facility to another by more than 20 beds or more than 10% of total bed capacity, as defined by the State Board, whichever is less, over a 2 year period. [20 ILCS 3960/12]

"Technical Assistance" means help provided by an employee of HFSRB to a person, LTC facility or HFSRB, and is not considered ex parte communication as defined in Section 4.2 of the Act. Technical assistance may be provided to any person regarding pre-application conferences, the filing of an application, or other request to HFSRB provided that the communication is *not intended to influence any decision on the application*. Technical assistance may be provided for the benefit of HFSRB to clarify issues relevant to an application or other business of HFSRB. The assistance may be in the form of written correspondences, conversations, site visits, meetings, and/or consultations with independent experts. *Once an application or exemption is filed and deemed complete, a written record of any communication between staff and an applicant shall be prepared by staff and made part of the public record, using a prescribed, standardized format, and shall be included in the application file, within 10 business days after the assistance is provided. [20 ILCS 3960/4.2]*

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"Temporary Suspension of Facility or Category of Service" means a facility has ceased operation or has ceased to provide a category of service due to unanticipated or unforeseen circumstances (such as the loss of appropriate staff or a natural or unnatural disaster). A facility shall file notice to HFSRB of a temporary suspension of service. See 77 Ill. Adm. Code 1130.240(d).

Section 1125.150 HFSRB Procedural Rules

The Certificate of Need review process and all applicable procedures and requirements are contained in 77 Ill. Adm. Code 1130.

SUBPART B: PLANNING POLICIES

Section 1125.210 General Long-Term Nursing Care Category of Service

- a) Planning Areas
The 95 general long-term nursing care planning areas are located within the 11 Health Services Areas (HSAs).
- 1) HSA 1: Planning areas are Boone, Carroll, DeKalb, Jo Daviess, Lee, Ogle, Stephenson, Whiteside and Winnebago Counties.
 - 2) HSA 2: Planning areas are Bureau/Putnam, Henderson/Warren, Marshall/Stark, Fulton, Knox, LaSalle, McDonough, Peoria, Tazewell and Woodford Counties.
 - 3) HSA 3: Planning areas are Brown/Schuyler, Calhoun/Pike, Morgan/Scott, Adams, Cass, Christian, Greene, Hancock, Jersey, Logan, Macoupin, Mason, Menard, Montgomery and Sangamon Counties.
 - 4) HSA 4: Planning areas are Coles/Cumberland, Champaign, Clark, DeWitt, Douglas, Edgar, Ford, Iroquois, Livingston, McLean, Macon, Moultrie, Piatt, Shelby and Vermilion Counties.
 - 5) HSA 5: Planning areas are Alexander/Pulaski, Edwards/Wabash, Gallatin/Hamilton/Saline, Johnson/Massac, Hardin/Pope, Bond, Clay, Crawford, Effingham, Fayette, Franklin, Jackson, Jasper, Jefferson, Lawrence, Marion, Perry, Randolph, Richland, Union, Washington, Wayne, White and Williamson Counties.

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- 6) HSA 6: Planning Areas
 - A) 6A: City of Chicago Community Areas Rogers Park, West Ridge, Uptown, Lincoln Square, Edgewater, Edison Park, Norwood Park, Jefferson Park, Forest Glen, North Park, Albany Park, Portage Park, Irving Park and Avondale.
 - B) 6B: City of Chicago Community Areas North Center, Lakeview, Lincoln Park, Near North Side, Loop, Logan Square, West Town, Near West Side, Lower West Side, West Garfield Park, East Garfield Park, North Lawndale, South Lawndale, O'Hare, Dunning, Montclare, Belmont Cragin, Hermosa, Humboldt Park and Austin.
 - C) 6C: City of Chicago Community Areas Near North Side, Armour Square, Douglas, Oakland, Fuller Park, Grand Boulevard, Kenwood, Washington Park, Hyde Park, Woodlawn, South Shore, Chatham, Avalon Park, South Chicago, Burnside, Calumet Heights, Roseland, Pullman, South Deering, East Side, West Pullman, Riverdale, Hegewisch, Garfield Ridge, Archer Heights, Brighton Park, McKinley Park, Bridgeport, New City, West Elson, Gage Park, Clearing, West Lawn, Chicago Lawn, West Englewood, Englewood, Greater Grand Crossing, Ashburn, Auburn Gresham, Beverly, Washington Heights, Mount Greenwood and Morgan Park.
- 7) HSA 7: Planning Areas
 - A) 7A: Cook County Townships of Barrington, Palatine, Wheeling, Hanover, Schaumburg and Elk Grove.
 - B) 7B: Cook County Townships of Northfield, New Trier, Evanston, Niles and Maine.
 - C) 7C: DuPage County.
 - D) 7D: Cook County Townships of Norwood Park, Leyden, Proviso, River Forest, Oak Park, Riverside, Berwyn and Cicero.

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- E) 7E: Cook County Townships of Lyons, Lemont, Palos, Orland, Stickney, Worth, Calumet, Bremen, Thornton, Rich and Bloom.
 - 8) HSA 8: Planning areas are Kane, Lake and McHenry Counties.
 - 9) HSA 9: Planning areas are Grundy, Kankakee, Kendall and Will Counties.
 - 10) HSA 10: Planning areas are Henry, Mercer and Rock Island Counties.
 - 11) HSA 11: Planning areas are Clinton, Madison, Monroe and St. Clair Counties.
- b) Age Groups
For general long-term nursing care, age groups of 0-64, 65-74, and 75 and over.
 - c) Utilization Target
Facilities providing a general long-term nursing care service should operate those beds at a minimum annual average occupancy of 90% or higher.
 - d) Bed Capacity
General long-term nursing care bed capacity is the licensed capacity for facilities subject to the Nursing Home Care Act and the total number of LTC beds for a facility as determined in the HFSRB Inventory for facilities not subject to the Nursing Home Care Act.
 - e) Need Determination
The following methodology is utilized to determine the projected number of nursing care beds needed in a planning area:
 - 1) Establish minimum and maximum planning area use rates for the 0-64, the 65-74, and the 75 and over age groups as follows:
 - A) Divide the HSA's base year experienced nursing care patient days for each age group by the base year population estimate for each age group to determine the HSA experienced use rate for each age group;

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- B) the minimum planning area use rate for each age group is 60% of the HSA experienced use rate for each age group, and the maximum planning area use rate for each age group is 160% of the HSA experienced use rate for each age group;
- 2) Divide the planning area's base year experienced nursing care patient days for each age group by the base year population estimate for each group to determine the planning area experienced use rate for each age group;
- 3) Determine the planning area's population projection, which is 10 years from the base year; the use rate for each age group is as follows:
 - A) If the experienced use rate for an age group is below the minimum use rate, the minimum use rate is the projected use rate for that age group;
 - B) If the experienced use rate for an age group is above the maximum use rate, the maximum use rate is the projected use rate for that age group;
 - C) If the experienced use rate for an age group is above the minimum use rate and below the maximum use rate, the experienced use rate for the age group is the projected use rate for that age group;
- 4) Multiply each age group's projected use rate times the projected population for the age group to determine the projected patient days for each age group;
- 5) Total the projected patient days for the age groups to determine the planning area's total projected patient days;
- 6) Divide the planning area's total projected patient days by the number of days in the projected year to obtain the projected average daily census;
- 7) Divide the projected average daily census by .90 (90% occupancy factor) to obtain the projected planning area bed need;
- 8) Subtract the number of existing beds in the planning area from the projected planning area bed need to determine the projected number of

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excess (surplus) beds or the projected need for additional (deficit) beds in an area.

Section 1125.220 Specialized Long-Term Care Categories of Service

- a) Categories of Service:
 - 1) Chronic Mental Illness (MI);
 - 2) Long-Term Care for the Developmentally Disabled (Adult) (DD-Adult); and
 - 3) Long-Term Care for the Developmentally Disabled (Children) (DD-Children).
- b) Planning Areas:
 - 1) The State of Illinois is utilized for the MI category of service.
 - 2) Health Service Areas are utilized for the DD-Children category of service.
 - 3) For DD-Adult category of service:

HSA I, HSA II, HSA III, HSA IV, HSA V, HSA X, HSA XI, and the combined HSAs VI, VII, VIII and IX.
- c) Occupancy Targets:
 - 1) Modernization 80%; Additional Beds 90% for the MI category of service; and
 - 2) Modernization 80%; Additional Beds 93% for the DD-Adult and DD-Children categories of service.
- d) Bed Capacity: For facilities licensed pursuant to the Nursing Home Care Act, the bed capacity is the licensed bed capacity for the service.
- e) Bed Need Determination for the Specialized Categories of Service:

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- 1) No formula bed need for the MI and DD-Children categories of service has been developed. It is the responsibility of the applicant to document the need for the service by complying with all applicable review criteria contained in 77 Ill. Adm. Code 1110.Subpart S.
- 2) Bed need for the DD-Adult category of service is calculated in two parts:
 - A) For facilities licensed as ICF/DD 16-bed or fewer, total bed need and the number of additional beds needed are determined by dividing the planning area's projected adult developmentally disabled population by 21.4 to determine the total number of beds needed for developmentally disabled adult residents in the planning area. The number of additional beds needed or excess beds is determined by subtracting the number of existing beds in ICF/DD 16-bed or fewer facilities from the total number of beds needed for developmentally disabled adult residents in the planning area.
 - B) For facilities with more than 16 beds, no bed need formula has been established.

SUBPART C: GENERAL INFORMATION REQUIREMENTS

Section 1125.310 Introduction

The information requirements contained in this Subpart are applicable to all projects. An applicant shall document the *qualifications, background, character and financial resources to adequately provide a proper service for the community* and also demonstrate that the project promotes the *orderly and economic development of LTC facilities in the State of Illinois that avoids unnecessary duplication of facilities or service*. [20 ILCS 3960/2]

Section 1125.320 Purpose of the Project – Information Requirements

The applicant shall document that the project will provide health services that improve the long-term nursing care or well-being of the market area population to be served. The applicant shall define the planning area or market area, or other, per the applicant's definition.

- a) The applicant shall address the purpose of the project, i.e., identify the issues or problems that the project is proposing to address or solve. Information to be

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provided shall include, but is not limited to, identification of existing problems or issues that need to be addressed, as applicable and appropriate for the project. Examples of this information include:

- 1) The area's demographics or characteristics (e.g., rapid area growth rate, increased aging population) that may affect the need for services in the future;
- 2) The population's morbidity or mortality rates;
- 3) The incidence of various diseases in the area;
 - A) The population's financial ability to access LTC (e.g., financial hardship, increased number of charity care patients/residents, changes in the area population's insurance or managed care status);
 - B) The physical accessibility to necessary LTC (e.g., new highways, other changes in roadways, changes in bus/train routes or changes in housing developments).
- b) The applicant shall cite the source of the information (e.g., local health department Illinois Project for Local Assessment of Need (IPLAN) documents, Public Health Futures, local mental health plans, or other health assessment studies from governmental or academic and/or other independent sources).
- c) The applicant shall detail how the project will address or improve the issues listed in subsection (a), as well as the population's health status and well-being. Further, the applicant shall provide goals with quantified and measurable objectives with specific time frames that relate to achieving the stated goals.
- d) For projects involving modernization, the applicant shall describe the conditions being upgraded. For facility projects, the applicant shall include statements of age and condition and any regulatory citations. For equipment being replaced, the applicant shall also include repair and maintenance records.

Section 1125.330 Alternatives to the Proposed Project – Information Requirements

The applicant shall document that the proposed project is the most effective or least costly alternative for meeting the LTC needs of the population to be served by the project.

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- a) Alternative options shall be addressed. Examples of alternative options include:
- 1) Proposing a project of greater or lesser scope and cost;
 - 2) Pursuing a joint venture or similar arrangement with one or more providers;
 - 3) Developing alternative settings to meet all or a portion of the project's intended purposes; and
 - 4) Utilizing other LTC resources that are available to serve all or a portion of the population proposed to be served by the project.
- b) Documentation shall consist of a comparison of the project to alternative options. The comparison shall address issues of cost, resident/patient access, quality and financial benefits in both the short term (within one to three years after project completion) and long term. This may vary by project or situation.
- c) The applicant shall provide empirical evidence, including quantified outcome data, that verifies improved quality of care, as available.

SUBPART D: GENERAL LONG-TERM CARE – REVIEW CRITERIA

Section 1125.510 Introduction

- a) This Subpart applies to projects involving General Long-Term Care. Applicants proposing to establish, expand or modernize the General Long-Term Care category of service shall comply with the applicable subsections of this Section, as follows:

PROJECT TYPE	REQUIRED REVIEW CRITERIA	
	Section	Subject
Establishment of Services or Facility	.520	Background of the Applicant
	.530(a)	Bed Need Determination
	.530(b)	Service to Planning Area Residents
	.540(a) or (b) + (c)	Service Demand –

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	+ (d) or (e)	Establishment of General Long Term Care
	.570(a) & (b)	Service Accessibility
	.580(a) & (b)	Unnecessary Duplication & Maldistribution
	.580(c)	Impact of Project on Other Area Providers
	.590	Staffing Availability
	.600	Bed Capacity
	.610	Community Related Functions
	.620	Project Size
	.630	Zoning
	.640	Assurances

Expansion of Existing Services	.520	Background of the Applicant
	.530(b)	Service to Planning Area Residents
	.550(a) + (b) or (c)	Service Demand – Expansion of General Long-Term Care
	.590	Staffing Availability
	.600	Bed Capacity
	.620	Project Size
	.640	Assurances

Continuum of Care – Establishment or Expansion	.520	Background of the Applicant
	.560(a)(1) through (3)	Continuum of Care Components
	.590	Staffing Availability
	.600	Bed Capacity
	.610	Community Related Functions
	.630	Zoning
	.640	Assurances

Defined Population – Establishment or Expansion	.520	Background of the Applicant
	.560(b)(1) & (2)	Defined Population to be Served
	.590	Staffing Availability

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	.600	Bed Capacity
	.610	Community Related Functions
	.630	Zoning
	.640	Assurances

Modernization	.650(a)	Deteriorated Facilities
	.650(b) & (c)	Documentation
	.650(d)	Utilization
	.600	Bed Capacity
	.610	Community Related Functions
	.620	Project Size
	.630	Zoning

- b) If the proposed project involves the replacement of a facility or service onsite, the applicant shall comply with the requirements listed in Section 1125.650 (Modernization) plus Section 1125.640.
- c) If the proposed project involves the replacement of a facility or service on a new site, the applicant shall comply with the requirements listed in the chart in subsection (a) under Establishment of Services or Facility.
- d) If the proposed project involves the replacement of a facility or service (onsite or new site), the number of beds being replaced shall not exceed the number justified by historical occupancy rates for each of the latest two years, unless additional beds can be justified per the criteria for Expansion of Existing Services in the chart in subsection (a).
- e) All applicants shall address the requirements listed in Section 1125.520 (Background of the Applicant).

Section 1125.520 Background of the Applicant – Review Criterion

All applicants shall comply with the requirements of this Section, as follows:

- a) An applicant must demonstrate that it is fit, willing and able, and *has the qualifications, background and character, to adequately provide a proper standard of LTC service for the community.* [20 ILCS 3960/6] In evaluating the qualifications, background and character of the applicant, HFSRB shall consider whether adverse action has been taken against the applicant, or against any LTC

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facility owned or operated by the applicant, directly or indirectly, within three years preceding the filing of the application. An LTC facility is considered "owned or operated" by every person or entity that owns, directly or indirectly, an ownership interest. If any person or entity owns any option to acquire stock, the stock shall be considered to be owned by that person or entity. (See Section 1125.140 for the definition of "adverse action".)

- b) Examples of Facilities Owned or Operated by an Applicant
- 1) The applicant, Partnership ABC, owns 60% of the shares of Corporation XYZ that manages the Good Care Nursing Home under a management agreement. The applicant, Partnership ABC, owns or operates Good Care Nursing Home.
 - 2) The applicant, Healthy LTC, a corporation, is a subsidiary of Universal Health, the parent corporation of Healthcenter Services, its wholly-owned subsidiary. The applicant, Healthy LTC, owns and operates Healthcenter Services.
 - 3) Dr. Wellcare is the applicant. His wife is the director of a corporation that owns an LTC. The applicant, Dr. Wellcare, owns or operates the LTC.
 - 4) Drs. Faith, Hope and Charity own 40%, 35% and 10%, respectively, of the shares of Healthfair, Inc., a corporation, which is the applicant. Dr. Charity owns 45% and Drs. Well and Care each own 25% of the shares of XYZ Nursing Home, Inc. The applicant, Healthfair, Inc., owns and operates XYZ Nursing Home, Inc.
- c) The applicant shall submit the following information:
- 1) A listing of all LTC facilities currently owned and/or operated by the applicant, including licensing, certification and accreditation identification numbers, as applicable;
 - 2) A certified listing from the applicant of any adverse action taken against any facility owned and/or operated by the applicant during the three years prior to the filing of the application; and

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- 3) Authorization permitting HFSRB and IDPH access to any documents necessary to verify the information submitted, including, but not limited to: official records of IDPH or other State agencies; the licensing or certification records of other states, when applicable; and the records of nationally recognized accreditation organizations. Failure to provide the authorization shall constitute an abandonment or withdrawal of the application without any further action by HFSRB.
- d) If, during a given calendar year, an applicant submits more than one application for permit, the documentation provided with the prior applications may be utilized to fulfill the information requirements of this Section. In these instances, the applicant shall attest that the information has been previously provided, cite the project number of the prior application, and certify that no changes have occurred regarding the information that has been previously provided. The applicant is able to submit amendments to previously submitted information, as needed to update and/or clarify data.

Section 1125.530 Planning Area Need – Review Criterion

The applicant shall document that the number of beds to be established or added is necessary to serve the planning area's population, based on the following:

- a) Bed Need Determination
 - 1) The number of beds to be established for general LTC is in conformance with the projected bed need specified and reflected in the latest updates to the HFSRB Inventory.
 - 2) The number of beds proposed shall meet or exceed the occupancy standard specified in Section 1125.210(c).
- b) Service to Planning Area Residents
 - 1) Applicants proposing to establish or add beds shall document that the primary purpose of the project will be to provide necessary LTC to the residents of the area in which the proposed project will be physically located (i.e., the planning or geographical service area, as applicable), for each category of service included in the project.

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- 2) Applicants proposing to add beds to an existing general LTC service shall provide resident/patient origin information for all admissions for the last 12-month period, verifying that at least 50% of admissions were residents of the area. For all other projects, applicants shall document that at least 50% of the projected resident volume will be from residents of the area.
- 3) Applicants proposing to expand an existing general LTC service shall submit resident/patient origin information by zip code, based upon the resident's/patient's legal residence (other than an LTC facility).

Section 1125.540 Service Demand – Establishment of General Long-Term Care

- a) The number of beds proposed to establish a new general long-term care service is necessary to accommodate the service demand experienced annually by the existing applicant facility over the latest two-year period, as evidenced by historical and projected referrals, or if the applicant proposes to establish a new LTC facility, the applicant shall submit projected referrals. The applicant shall document subsection (c) and subsection (d) or (e).
- b) If the applicant is not an existing facility and proposes to establish a new general LTC facility, the applicant shall submit the number of annual projected referrals, as required in subsection (d) or (e).
- c) **Historical Referrals**
If the applicant is an existing facility and is proposing to establish this category of service, the applicant shall document the number of referrals to other facilities, for each proposed category of service, for each of the latest two years. Documentation of the referrals shall include: resident/patient origin by zip code; name and specialty of referring physician or identification of another referral source; and name and location of the recipient LTC facility.
- d) **Projected Referrals**
An applicant proposing to establish a category of service or establish a new LTC facility shall submit the following:
 - 1) Letters from referral sources (hospitals, physicians, social services and others) that attest to total number of prospective residents (by zip code of residence) who have received care at existing LTC facilities located in the

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area during the 12-month period prior to submission of the application. Referral sources shall verify their projections and the methodology used;

- 2) An estimated number of prospective residents whom the referral sources will refer annually to the applicant's facility within a 24-month period after project completion. The anticipated number of referrals cannot exceed the referral sources' documented historical LTC caseload. The percentage of project referrals used to justify the proposed expansion cannot exceed the historical percentage of applicant market share, within a 24-month period after project completion;
 - 3) Each referral letter shall contain the referral source's Chief Executive Officer's notarized signature, the typed or printed name of the referral source, and the referral source's address; and
 - 4) Verification by the referral sources that the prospective resident referrals have not been used to support another pending or approved Certificate of Need (CON) application for the subject services.
- e) **Projected Service Demand – Based on Rapid Population Growth**
If a projected demand for service is based upon rapid population growth in the applicant facility's existing market area (as experienced annually within the latest 24-month period), the projected service demand shall be determined as follows:
- 1) The applicant shall define the facility's market area based upon historical resident/patient origin data by zip code or census tract;
 - 2) Population projections shall be produced, using, as a base, the population census or estimate for the most recent year, for county, incorporated place, township or community area, by the U.S. Bureau of the Census or IDPH;
 - 3) Projections shall be for a maximum period of 10 years from the date the application is submitted;
 - 4) Historical data used to calculate projections shall be for a number of years no less than the number of years projected;

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- 5) Projections shall contain documentation of population changes in terms of births, deaths and net migration for a period of time equal to or in excess of the projection horizon;
- 6) Projections shall be for total population and specified age groups for the applicant's market area, as defined by HFSRB, for each category of service in the application (see the HFSRB Inventory); and
- 7) Documentation on projection methodology, data sources, assumptions and special adjustments shall be submitted to HFSRB.

Section 1125.550 Service Demand – Expansion of General Long-Term Care

The number of beds to be added at an existing facility is necessary to reduce the facility's experienced high occupancy and to meet a projected demand for service. The applicant shall document subsection (a) and either subsection (b) or (c).

- a) Historical Service Demand
 - 1) An average annual occupancy rate that has equaled or exceeded occupancy standards for general LTC, as specified in Section 1125.210(c), for each of the latest two years.
 - 2) If prospective residents have been referred to other facilities in order to receive the subject services, the applicant shall provide documentation of the referrals, including completed applications that could not be accepted due to lack of the subject service and documentation from referral sources, with identification of those patients by initials and date.
- b) Projected Referrals
The applicant shall provide documentation as described in Section 1125.540(d).
- c) Projected Service Demand – Based on Rapid Population Growth
If a projected demand for service is based upon rapid population growth in the applicant facility's existing market area (as experienced annually within the latest 24-month period), the projected service demand shall be determined as described in Section 1125.540 (e).

Section 1125.560 Variances to Computed Bed Need

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a) Continuum of Care

The applicant proposing a continuum of care project shall demonstrate the following:

- 1) The project will provide a continuum of care for a geriatric population that includes independent living and/or congregate housing (such as unlicensed apartments, high rises for the elderly and retirement villages) and related health and social services. The housing complex shall be on the same site as the health facility component of the project.
- 2) The proposal shall be for the purposes of and serve only the residents of the housing complex and shall be developed either after the housing complex has been established or as a part of a total housing construction program, provided that the entire complex is one inseparable project, that there is a documented demand for the housing, and that the licensed beds will not be built first, but will be built concurrently with or after the residential units.
- 3) The applicant shall demonstrate that:
 - A) The proposed number of beds is needed. Documentation shall consist of a list of available patients/residents needing the proposed project. The proposed number of beds shall not exceed one licensed LTC bed for every five apartments or independent living units;
 - B) There is a provision in the facility's written operational policies assuring that a resident of the retirement community who is transferred to the LTC facility will not lose his/her apartment unit or be transferred to another LTC facility solely because of the resident's altered financial status or medical indigency; and
 - C) That admissions to the LTC unit will be limited to current residents of the independent living units and/or congregate housing.

b) Defined Population

The applicant proposing a project for a defined population shall provide the following:

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- 1) The applicant shall document that the proposed project will serve a defined population group of a religious, fraternal or ethnic nature from throughout the entire health service area or from a larger geographic service area (GSA) proposed to be served and that includes, at a minimum, the entire health service area in which the facility is or will be physically located.
- 2) The applicant shall document each of the following:
 - A) A description of the proposed religious, fraternal or ethnic group proposed to be served;
 - B) The boundaries of the GSA;
 - C) The number of individuals in the defined population who live within the proposed GSA, including the source of the figures;
 - D) That the proposed services do not exist in the GSA where the facility is or will be located;
 - E) That the services cannot be instituted at existing facilities within the GSA in sufficient numbers to accommodate the group's needs. The applicant shall specify each proposed service that is not available in the GSA's existing facilities and the basis for determining why that service could not be provided.
 - F) That at least 85% of the residents of the facility will be members of the defined population group. Documentation shall consist of a written admission policy insuring that the requirements of this subsection (b)(2)(F) will be met.
 - G) That the proposed project is either directly owned or sponsored by, or affiliated with, the religious, fraternal or ethnic group that has been defined as the population to be served by the project. The applicant shall provide legally binding documents that prove ownership, sponsorship or affiliation.

Section 1125.570 Service Accessibility

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The number of beds being established or added for each category of service is necessary to improve access for planning area residents.

a) Service Restrictions

The applicant shall document that at least one of the following factors exists in the planning area, as applicable:

- 1) The absence of the proposed service within the planning area;
- 2) Access limitations due to payor status of patients/residents, including, but not limited to, individuals with LTC coverage through Medicare, Medicaid, managed care or charity care;
- 3) Restrictive admission policies of existing providers;
- 4) The area population and existing care system exhibit indicators of medical care problems, such as an average family income level below the State average poverty level, or designation by the Secretary of Health and Human Services as a Health Professional Shortage Area, a Medically Underserved Area, or a Medically Underserved Population;
- 5) For purposes of this Section 1125.570 only, all services within the 45-minute normal travel time meet or exceed the occupancy standard specified in Section 1125.210(c).

b) Supporting Documentation

The applicant shall provide the following documentation, as applicable, concerning existing restrictions to service access:

- 1) The location and utilization of other planning area service providers;
- 2) Patient/resident location information by zip code;
- 3) Independent time-travel studies;
- 4) Certification of a waiting list;
- 5) Admission restrictions that exist in area providers;

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- 6) An assessment of area population characteristics that document that access problems exist;
- 7) Most recently published IDPH Long Term Care Facilities Inventory and Data (see www.hfsrb.illinois.gov).

Section 1125.580 Unnecessary Duplication/Maldistribution

- a) The applicant shall document that the project will not result in an unnecessary duplication. The applicant shall provide the following information:
 - 1) A list of all zip code areas that are located, in total or in part, within 30 minutes normal travel time of the project's site;
 - 2) The total population of the identified zip code areas (based upon the most recent population numbers available for the State of Illinois); and
 - 3) The names and locations of all existing or approved LTC facilities located within 30 minutes normal travel time from the project site that provide the categories of bed service that are proposed by the project.
- b) The applicant shall document that the project will not result in maldistribution of services. Maldistribution exists when the identified area (within the planning area) has an excess supply of facilities, beds and services characterized by such factors as, but not limited to:
 - 1) A ratio of beds to population that exceeds one and one-half times the State average;
 - 2) Historical utilization (for the latest 12-month period prior to submission of the application) for existing facilities and services that is below the occupancy standard established pursuant to Section 1125.210(c); or
 - 3) Insufficient population to provide the volume or caseload necessary to utilize the services proposed by the project at or above occupancy standards.

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- c) The applicant shall document that, within 24 months after project completion, the proposed project:
- 1) Will not lower the utilization of other area providers below the occupancy standards specified in Section 1125.210(c); and
 - 2) Will not lower, to a further extent, the utilization of other area facilities that are currently (during the latest 12-month period) operating below the occupancy standards.

Section 1125.590 Staffing Availability

The applicant shall document that relevant clinical and professional staffing needs for the proposed project were considered and that staffing requirements of licensure, certification and applicable accrediting agencies can be met. In addition, the applicant shall document that necessary staffing is available by providing letters of interest from prospective staff members, completed applications for employment, or a narrative explanation of how the proposed staffing will be achieved.

Section 1125.600 Bed Capacity

The maximum bed capacity of a general LTC facility is 250 beds, unless the applicant documents that a larger facility would provide personalization of patient/resident care and documents provision of quality care based on the experience of the applicant and compliance with IDPH's licensure standards (77 Ill. Adm. Code: Chapter I, Subchapter c (Long-Term Care Facilities)) over a two-year period.

Section 1125.610 Community Related Functions

The applicant shall document cooperation with and the receipt of the endorsement of community groups in the town or municipality where the facility is or is proposed to be located, such as, but not limited to, social, economic or governmental organizations or other concerned parties or groups. Documentation shall consist of copies of all letters of support from those organizations.

Section 1125.620 Project Size – Review Criterion

The applicant shall document that the amount of physical space proposed for the project is necessary and not excessive. The proposed gross square footage (GSF) cannot exceed the GSF

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standards of Appendix A, unless the additional GSF can be justified by documenting one of the following:

- a) Additional space is needed due to the scope of services provided, justified by clinical or operational needs, as supported by published data or studies;
- b) The existing facility's physical configuration has constraints or impediments and requires an architectural design that results in a size exceeding the standards of Appendix A;
- c) The project involves the conversion of existing bed space that results in excess square footage.

Section 1125.630 Zoning

The applicant shall document one of the following:

- a) The property to be utilized has been zoned for the type of facility to be developed;
- b) Zoning approval has been received; or
- c) A variance in zoning for the project is to be sought.

Section 1125.640 Assurances

- a) The applicant representative who signs the CON application shall submit a signed and dated statement attesting to the applicant's understanding that, by the second year of operation after the project completion, the applicant will achieve and maintain the occupancy standards specified in Section 1125.210(c) for each category of service involved in the proposal.
- b) For beds that have been approved based upon representations for continuum of care (Section 1125.560(a)) or defined population (Section 1125.560(b)), the facility shall provide assurance that it will maintain admissions limitations as specified in those Sections for the life of the facility. To eliminate or modify the admissions limitations, prior approval of HFSRB will be required.

Section 1125.650 Modernization

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- a) If the project involves modernization of a category of LTC bed service, the applicant shall document that the bed areas to be modernized are deteriorated or functionally obsolete and need to be replaced or modernized, due to such factors as, but not limited to:
 - 1) High cost of maintenance;
 - 2) Non-compliance with licensing or life safety codes;
 - 3) Changes in standards of care (e.g., private versus multiple bed rooms); or
 - 4) Additional space for diagnostic or therapeutic purposes.
- b) Documentation shall include the most recent:
 - 1) IDPH and CMMS inspection reports; and
 - 2) Accrediting agency reports.
- c) Other documentation shall include the following, as applicable to the factors cited in the application:
 - 1) Copies of maintenance reports;
 - 2) Copies of citations for life safety code violations; and
 - 3) Other pertinent reports and data.
- d) Projects involving the replacement or modernization of a category of service or facility shall meet or exceed the occupancy standards for the categories of service, as specified in Section 1125.210(c).

SUBPART E: SPECIALIZED LONG-TERM CARE – REVIEW CRITERIA

Section 1125.710 Introduction

Section 1125.720 contains review criteria that pertain to the Specialized Long-Term Care Category of Service. These review criteria are utilized in addition to the General Information Requirements outlined in Subpart C and any other applicable review criteria outlined in Subpart

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F. These review criteria shall apply to all specialized LTC projects in the review process, at the time they become effective, and to all subsequent applications relating to specialized LTC.

Section 1125.720 Specialized Long-Term Care – Review Criteria

- a) Facility Size – Review Criterion. The maximum unit size is 100 beds, unless the project is for a State-operated facility or for the long-term medical care for children category of service.
- b) Community Related Functions – Review Criterion. The applicant shall document the written endorsement of community groups and shall include the following:
 - 1) a detailed description of the steps taken to inform and receive input from the public, including those community members who live in close proximity to the proposed facility's location;
 - 2) endorsements from social service, social and economic organizations; and
 - 3) support from municipal officials and other elected officials representing the area in which the proposed facility is located.
- c) Availability of Ancillary and Support Programs – Review Criterion. An applicant proposing the establishment of an ICF/DD facility of 16 beds or fewer must document that the community has the necessary support services available to provide care to the proposed facility's residents. The documentation must include:
 - 1) a copy of the letter, sent by certified mail, return receipt requested, to each of the day programs in the area informing them of the proposed project and requesting their comments regarding the impact of the proposed project on their programs. The applicant shall also provide copies of the responses received to these letters;
 - 2) a description of the transportation services available to the proposed residents;
 - 3) a description of the specialized services, other than day programs, available to the proposed residents;

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- 4) a description of the availability of community activities for the proposed facility's residents, e.g., movie theaters, bowling alleys, etc.; and
 - 5) documentation of the availability of a community workshop to serve the residents.
- d) Recommendations from State Departments – Review Criterion. An applicant proposing a facility for the developmentally disabled must document contact with the Department of Human Services and the Department of Healthcare and Family Services. Documentation must include proof that a request has been submitted to each Department requesting that they determine the project's consistency with the long-range goals and objectives of those Departments and requesting the identification of individuals in need of the service. The Departments' responses should address, on both a statewide and a planning area basis, whether the proposed project meets the Department's planning objectives regarding the size, type and number of beds proposed, whether the project conforms or does not conform to each Department's plan, and how the project assists or hinders each Department in achieving its planning objectives. Such a request must be made by certified mail, return receipt requested, and must occur within a 60-day period prior to the submission of the application.
- e) Long-Term Medical Care for Children Category of Service (Only) – Review Criterion. The applicant must document the following:
- 1) the planning area served by the facility and the size of the specialized population (age 0-18 years) to be served within that geographic area. Documentation must include, but is not limited to, any reports or studies showing the points of origin of patients/residents admitted to the facility, preferably for the latest 12-month period for which data is available;
 - 2) identification of the special programs and/or services to be provided or currently offered by the applicant and the relationship of the programs to the needs of the specialized population;
 - 3) insufficient service capability currently exists to meet this need; and
 - 4) the number of beds in the proposed project is needed. Provide documentation that the proposed project will achieve, within the first year of operation, an occupancy of at least 90%.

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- f) Zoning – Review Criterion. The applicant must document that:
- 1) the property to be utilized has been zoned for the type of facility to be developed; or
 - 2) zoning approval has been received; or
 - 3) a certificate of need is required by the local zoning authority before zoning can be approved. This documentation shall include a letter from the appropriate zoning official indicating that such a requirement exists.
- g) Establishment of Chronic Mental Illness – Review Criterion. Documentation shall consist of a narrative statement detailing the scope of system changes that have brought about the need for the project and historical utilization of facilities involved. The applicant must document that:
- 1) all beds will be operated by the State of Illinois;
 - 2) the resident population and type of resident/patient served has changed, necessitating the establishment or expansion of services in order to meet the needs of the facility's residents;
 - 3) the project represents redistribution of existing beds from another facility due to closure of the facility or unit; and
 - 4) admissions from the general public have increased over the last two-year period and the expansion is necessary in order to adequately serve the residents of the facility and the general public.
- h) Establishment of Beds, Developmentally Disabled-Adult Category of Service – Review Criterion. Any proposed project to establish a facility of 16 beds or fewer must be located in a planning area where a need for additional beds is calculated as shown in Section 1125.220(e), unless the applicant can document compliance with the requirements for a variance to the computed bed need in subsection (i) of this Section.
- i) Variance to Computed Bed Need for Establishment of Beds, Developmentally Disabled-Adult Category of Service, for Placement of Residents from Department

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of Human Services (DHS) Operated Beds – Review Criterion. The applicant must document all of the following:

- 1) That each of the residents proposed to be served:
 - A) currently resides in a DHS-operated facility and has at least one interested family member residing in the proposed planning area or has an interested family member who resides out-of-state within 15 miles of the proposed planning area boundary; or
 - B) has resided in a DHS-operated facility physically located in the proposed project's planning area for at least the last 2 years, and the consent of the resident's legal guardian has been obtained for the relocation.
- 2) All of the existing 16-bed or fewer facilities in the planning area are occupied at or above the 93% target occupancy rate or those facilities have refused to accept residents referred from DHS-operated facilities. Documentation of each refusal must include the following:
 - A) a letter from DHS stating the number of times in the last 12 months the facility or facilities have refused to accept referrals of DHS-operated facility residents, including the name of the facility, the date of the refusal, and the reasons cited for the refusals, if any;
 - B) a copy of the letter, sent by certified mail, return receipt requested, to each of the underutilized facilities in the area asking if they accept referrals from DHS-operated facilities, listing the dates of each past refusal, and requesting an explanation of the basis for the refusal in each instance;
 - C) copies of the responses to the letters required by subsections (i)(2)(A) and (B); and
 - D) a letter from DHS indicating that each of the residents to be referred to the proposed facility has been refused admission at all of the other 16-bed or fewer facilities in the planning area.

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- 3) That the proposed relocation of a resident will result in cost savings to the State.
 - 4) That the facility will only accept future referrals from the DHS-operated facility in the planning area if a bed is available.
 - 5) An explanation of how the proposed facility conforms with or deviates from the DHS comprehensive long range development plan for developmental disabilities services.
- j) State Board Consideration of Public Hearing Testimony – Review Criterion. If public hearing testimony is presented that indicates that one or more facilities in the planning area have available beds, and are willing to accept DHS referrals, HFSRB shall notify DHS and request that DHS contact the facility or facilities and attempt to place residents in the available beds, thereby reducing the need for the proposed additional beds. DHS shall notify HFSRB of the results of these placement efforts within 45 days after the date of HFSRB advice. If DHS' response is not received by HFSRB within the specified time period, HFSRB shall assume that the patients/residents were placed appropriately and that the need for the additional beds no longer exists. If the existing facility or facilities refuses to accept the referrals, HFSRB shall be notified by DHS of the refusal and of any rationale for the refusal provided to DHS by the refusing facility. This material shall then be forwarded to the Board for its consideration. The review period set forth in 77 Ill. Adm. Code 1130.610(b) may be extended by HFSRB for a period not to exceed 60 days.

SUBPART F: FINANCIAL AND ECONOMIC FEASIBILITY – REVIEW CRITERIA

Section 1125.800 Estimated Total Project Cost

- a) All applicants shall address the requirements listed in this Section, as applicable. The applicant shall provide project cost information for each of the following components as is applicable. When a project or any component of a project is to be accomplished by lease, donation, gift or any other means, the fair market value or dollar value that would have been required for purchase, construction or acquisition shall be included in the estimated total project cost.

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- 1) Preplanning costs – includes costs incurred prior to the submission of an application, such as development and feasibility studies, market studies, legal fees, bid solicitation, etc.;
- 2) Site survey and soil investigation fees – includes costs for surrounding surveying of a proposed project site and resulting soil investigation fees;
- 3) Site preparation – includes costs of rental equipment for earthwork, concrete, lifting and hoisting, site drainage, utilities, demolition of existing structures, clearing, grading and earthwork;
- 4) Off-site work – includes costs of drainage, pipes, utilities, sewage, roads and walks;
- 5) Construction and modernization contracts – includes expenses covered under the construction contract, including major medical and other fixed equipment, contractor's overhead and profit;
- 6) Contingencies – means an allowance for unforeseeable events relating to construction or modernization;
- 7) Architectural & engineering fees – includes fees associated with the development and implementation of drawings and design materials for a proposed project;
- 8) Consulting and other fees – includes charges for the services of various types of consulting and professional expertise, including environmental impact, acoustical studies, computer software fees, etc.;
- 9) Movable capital equipment not in construction contracts – includes the cost of all movable capital equipment, including any movable major medical equipment and the cost of installation of the equipment, excluding any trade-in allowances on existing equipment;
- 10) Bond issuance expense – includes all costs associated with the issuance of bonds to finance a project, including issuer's fees, bond counsel's fees, official statements (feasibility study), official statement printing, printing of bonds, survey of the collateral site, title insurance to property, auditor's

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fees, trustee fees, underwriters' discount and government fees (if applicable);

- 11) Net interest expense during construction – means the difference between interest earned on funds for construction and interest expense on the amount of borrowed funds;
 - 12) Other costs to be capitalized – includes miscellaneous fees and working capital expenses related to the project; and
 - 13) Acquisition of buildings or other property – includes the cost incurred (or the fair market value) for the acquisition of buildings or property for the project. Any acquisition that has occurred within two years from the date the application for permit is submitted must be included as part of project costs.
- b) Related Cost Data
- 1) Land Acquisition Cost – The applicant shall provide the purchase price or fair market value, whichever is applicable, for the acquisition of land that is required in order to undertake the project. Acquisition of land is not a capital expenditure and is not included as part of project costs.
 - 2) Operating Start-Up Cost – The applicant shall provide a schedule of estimated non-capitalized operating start-up costs and an estimate of any initial operating deficit.
HFSRB NOTE: Any capitalized costs that are related to the start-up costs of a facility must be included in the total estimated project cost.
 - 3) Construction and Modernization Costs and Schedule – The applicant shall provide a construction or project completion schedule that details the anticipated dates and percent of project construction or modernization completion at the 25th, 50th, 75th, 95th and 100th percentile of project funds expended.
 - 4) Debt Service Relief Fund – Applicants shall provide the amount that will be placed in a debt service reserve fund and shall also provide the terms and conditions of uses of the fund.

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- c) Information Requirements for Financial Feasibility
- 1) The applicant shall provide (for the LTC facility or for the person who controls the LTC facility) either documentation of a U.S. Department of Housing and Urban Development (HUD) insured mortgage commitment, historical financial statements, or evidence of financial resources to fund the project.
 - 2) Historical Financial Statements – The applicant shall provide (for the LTC facility or for the person who controls the LTC facility) the most recent three years' financial statements (if available) that include the following:
 - A) Balance sheet;
 - B) Income statement;
 - C) Changes in fund balance; and
 - D) Change in financial position.
 - 3) Projected Capital Costs – The applicant must provide the annual projected capital costs (depreciation, amortization and interest expense) for:
 - A) The first full fiscal year after project completion; or
 - B) The first full fiscal year when the project achieves or exceeds the average occupancy rate in the market area (or target occupancy), whichever is later.
 - 4) Projected Operating Costs – The applicant shall provide projected operating costs (excluding depreciation and stated in current dollars based on the full-time equivalents (FTEs) and other resource requirements) for the first full fiscal year after project completion or the first full fiscal year when the project achieves or exceeds the average occupancy rate in the market area (or target occupancy), whichever is later, including:
 - A) Annual operating costs; and

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- B) Annual operating costs change (increase or decrease) attributable to the project.
- 5) Availability of Funds – The applicant shall document that financial resources will be available and be equal to or exceed the estimated total project cost and any related cost. An applicant that has no documented HUD insured mortgage commitment shall document that the project and related costs will be:
- A) Funded in total with cash and equivalents, including investment securities, unrestricted funds, and funded depreciation as currently defined by the Medicare statute (42 USC 1395 et seq.); or
 - B) Funded in total or in part by borrowing because:
 - i) a portion or all of the cash and equivalents must be retained in the balance sheet asset accounts in order that the current ratio does not fall below 2.0 times; or
 - ii) Borrowing is less costly than the liquidation of existing investments.
- 6) Operating Start-up Costs – The applicant shall document that financial resources will be available and be equal to or exceed any start-up expenses and any initial operating deficit.
- 7) Financial Viability – The applicant shall demonstrate the financial feasibility of the project based upon the projection of reasonable Medicare, Medicaid and private pay charges, expenses of operation, and staffing patterns relative to other facilities in the market area in which the proposed project will be located.
- 8) Previous Certificate of Need Projects – The applicant shall describe its previous record of implementing certificate of need-approved LTC projects.
- 9) Financial and Economic Review Standard Ratios for New Facilities – The proposed project shall comply with the ratio standards cited in Appendix

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B. Applicants not in compliance with any of the viability ratios shall document the reasons for non-compliance.

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Section 1125.APPENDIX A Project Size Standards – Square Footage and Utilization

The following standards apply to new construction, the development of freestanding facilities, modernization, and the development of facilities in existing structures, including the use of leased space. For new construction, the standards are based on the inclusion of all building components and are expressed in building gross square feet (BGSF). For modernization projects, the standards are based upon interior build-out only and are expressed in departmental gross square feet (DGSF). Spaces to be included in the applicant's determination of square footage shall include all functional areas minimally required for the applicable service areas, by the appropriate rules, required for IDPH licensure and/or federal certification and any additional spaces required by the applicant's operational program.

Service Areas	Square Feet/Unit	Annual Utilization/Unit
General Long-Term Care	435-713 BGSF/Bed 350-570 DGSF/Bed	See Section 1125.210(c)

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Section 1125.APPENDIX B Financial and Economic Review Standards

a) Reasonableness of Project and Related Costs Standards

- 1) **Preplanning**
Costs shall not exceed 1.8% of construction and modernization contracts plus contingencies plus equipment costs.
- 2) **Site Survey and Preparation**
Costs shall not exceed 5% of construction and contingency costs.
- 3) **New Construction and Modernization Costs per Gross Square Foot (GSF)**
Hospital and long-term care (LTC) cost standards are derived from the RSMeans Building Construction Cost Data (Means) publication (RSMeans, 63 Smiths Lane, PO Box 800, Kingston MA 02364-9988, 800/334-3509; 2008, no later amendments or editions included) and will be adjusted (for inflation and location) for each project to the current year (www.rsmeans.com). Cost standards for the other types of facilities are derived from the third quartile costs of previously approved projects and are to be adjusted to the current year based upon historic inflation rates from RSMeans.

HFSRB NOTE: HFSRB staff will review the cost per square foot data submitted in the application to determine compliance with the latest available cost standards of the RSMeans publication.

HFSRB NOTE: Modernization includes the build out of leased space and shall include the cost of all capital improvements contained in the terms of the lease. These standards are based on 2008 data.

Type of Facility	New Construction	Modernization
LTC (includes ICF/DD facilities)	Adjusted Means 3 rd Quartile	70% of Adjusted Means 3 rd Quartile

- 4) **Contingencies**
Contingency costs for projects (or for components of projects) are based upon a percentage of new construction or modernization costs and are based upon the status of a project's architectural contract documents.

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Status of Project	New Construction	Modernization
Contract Documents	Components	Components
Schematics	10%	10-15%
Preliminary	7%	7-10%
Final	3-5%	5-7%

5) New Construction or Modernization Fees and Architectural & Engineering (A&E) Fees

Current fees for services for projects or components of projects involving new construction or modernization (total amount of construction and contingencies, A&E fees for LTC facilities and total fees for site work) can be found in the Centralized Fee Negotiation Professional Services and Fees Handbook (available at www.cdb.state.il.us or by contacting the Capital Development Board, 401 South Spring Street, Springfield, Illinois 62706). HFSRB shall, for all calculations, consider the latest version of the handbook as released on the Capital Development Board website.

A) Projects or Components of Projects Involving New Construction

Total Amount of Construction and Contingencies	LTC Facilities
under \$100,000	10.59-15.89%
\$ 200,000	9.99-14.99%
\$ 300,000	9.48-14.22%
\$ 400,000	9.03-13.55%
\$ 500,000	8.65-12.99%
\$ 700,000	8.21-12.33%
\$ 900,000	7.89-11.85%
\$ 1,000,000	7.79-11.69%
\$ 1,250,000	7.62-11.44%
\$ 1,500,000	7.49-11.25%
\$ 1,750,000	7.36-11.06%
\$ 2,500,000	7.06-10.60%
\$ 3,000,000	6.89-10.35%
\$ 5,000,000	6.42-9.64%
\$ 7,000,000	6.11-9.17%

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\$ 9,000,000	5.94-8.92%
\$ 10,000,000	5.90-8.86%
\$ 15,000,000	5.76-8.66%
\$ 20,000,000	5.64-8.48%
\$ 25,000,000	5.52-8.28%
\$ 30,000,000	5.37-8.07%
\$ 40,000,000	5.12-7.68%
\$ 50,000,000	4.86-7.30%
\$100,000,000 and over	3.59-5.39%

B) Projects or Components of Projects Involving Modernization

Total Amount of Construction and Contingencies	A&E Fees for LTC facilities
under \$100,000	10.76-16.16%
\$ 200,000	10.16-15.26%
\$ 300,000	9.65-14.49%
\$ 400,000	9.20-13.80%
\$ 500,000	8.81-13.23%
\$ 700,000	8.36-12.56%
\$ 900,000	8.04-12.06%
\$ 1,000,000	7.93-11.91%
\$ 1,250,000	7.76-11.66%
\$ 1,500,000	7.63-11.45%
\$ 1,750,000	7.50-11.26%
\$ 2,000,000	7.40-11.12%
\$ 2,500,000	7.19-10.79%
\$ 3,000,000	7.02-10.54%
\$ 5,000,000	6.54-9.82%
\$ 7,000,000	6.22-9.34%
\$ 9,000,000	6.04-9.08%
\$ 10,000,000	6.00-9.02%
\$ 15,000,000	5.87-8.81%
\$ 20,000,000	5.74-8.62%
\$ 25,000,000	5.62-8.44%
\$ 30,000,000	5.48-8.22%

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\$ 40,000,000	5.21-7.83%
\$ 50,000,000	4.95-7.43%
\$100,000,000 and over	3.65-5.49%

- 6) **Capital Equipment Not Included in Construction Contracts**
Standards for capital equipment not included in construction contracts are established by type of facility and are derived from the third quartile costs of previously approved projects for which data are available. The standards apply only to the following types of projects: establishment of new facilities, expansion of existing facilities (e.g., bed additions, station additions, or operating/treatment room additions), and modernization of existing facilities involving replacement of existing beds, relocation of existing facilities, replacement of ASTC operating or procedure room equipment, etc. The standards below are calculated for the year 2008. These will be inflated to the current year using the inflation of major medical equipment by the department. (Long-Term Care standard includes ICF/DD.)

HFSRB NOTE: Modernization includes the build out of leased space and shall include the cost of capital equipment included in the terms of the lease.

LTCs per Bed

\$6,491

- 7) **Inflation Factor**
Costs for construction and modernization contracts and equipment are to be adjusted for projected inflation. The projected inflation rate is to be calculated to the midpoint of construction. For construction midpoint of up to 3 years, the inflation rate shall be an average of the previous 3 years annual inflation rates for construction as determined by RSMeans. For construction midpoints beyond 3 years, the inflation rate shall be the lesser of this rate or 3% for the period of time beyond 3 years.
- b) **Financial Viability Standards**
- 1) **Current Ratio = Current Assets/Current Liabilities**

Type of Long-Term Care (including ICF/DD) Facilities:

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Not-For-Profit, System	1.5 or more
Not-For-Profit, Non-System	1.5 or more
For-Profit, System	1.5 or more
For-Profit, Non-System	1.5 or more
Governmental	1.5 or more

- 2) Net Margin Percentage = (Net Income/Net Operating Revenues) X 100

Type of Long-Term Care (including ICF/DD) Facilities:

Not-For-Profit, System	2.5% or more
Not-For-Profit, Non-system	2.5% or more
For-Profit, System	2.5% or more
For-Profit, Non-system	2.5% or more
Governmental	0% or more

HFSRB NOTE: Net Margin Percentage for For-Profits is before the provision for income taxes. Net income is the excess of revenues over expenses from operations, before non-recurring income or expense.

- 3) Long-Term Debt to Capitalization = (Long-Term Debt/Long-Term Debt plus Net Assets) X 100

Type of Long-Term Care (including ICF/DD) Facilities:

Not-For-Profit, System	80% or less
Not-For-Profit, Non-system	80% or less
For-Profit, System	50% or less
For-Profit, Non-system	50% or less
Governmental	NA

HFSRB NOTE: For long-term care facilities and for-profit facilities, the applicant shall explain the rationale of the use of debt rather than the issuance of stock (if this is the case).

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- 4) $\text{Projected Debt Service Coverage} = \frac{\text{Net Income plus (Depreciation plus Interest plus Amortization)}}{\text{Principal Payments plus Interest Expense}}$ for the Year of Maximum Debt Service after Project Completion

Type of Long-Term Care (including ICF/DD) Facilities:

Not-For-Profit, System	1.5 or more
Not-For-Profit, Non-system	1.5 or more
For-Profit, System	1.5 or more
For-Profit, Non-system	1.5 or more
Governmental	1.5 or more

HFSRB NOTE: Net Income is the excess of revenues over expenses from operations, before non-recurring income or expense.

- 5) $\text{Days Cash on Hand} = \frac{\text{Cash plus Investments plus Board Designated Funds}}{(\text{Operating Expense less Depreciation Expense})/365 \text{ days}}$

Type of Long-Term Care (including ICF/DD) Facilities:

Not-For-Profit, System	45 or more days
Not-For-Profit, Non-system	45 or more days
For-Profit, System	45 or more days
For-Profit, Non-system	45 or more days
Governmental	45 or more days

HFSRB NOTE: Days Cash on Hand ratio can be a combination of cash and investments held by the facilities or available funds from the backup line of credit.

- 6) $\text{Cushion Ratio} = \frac{\text{Cash plus Investments plus Board Designated Funds}}{(\text{Principal Payments plus Interest Expense})}$ for the year of maximum debt service after project completion

Type of Long-Term Care (including ICF/DD) Facilities:

Not-For-Profit, System	3.0 or more
Not-For-Profit, Non-system	3.0 or more

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For-Profit, System	3.0 or more
For-Profit, Non-system	3.0 or more
Governmental	NA

HFSRB NOTE: The applicant may also include in the numerator the amount of funds available from an existing or proposed backup line of credit. If the applicant includes funds available from a line of credit, documentation shall be provided regarding the terms and conditions of the line.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: 112.10 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13], and Public Laws 108-386 and 108-193
- 5) Effective Date of Amendment: October 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 amendment, including any material incorporated by reference, is on file in the agency' principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: February 4, 2011; 35 Ill. Reg. 1818
- 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? Yes
- 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>
112.150	Amendment	35 Ill. Reg. 6736; April 22, 2011
112.151	Amendment	35 Ill. Reg. 6736; April 22, 2011

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- 15) Summary and Purpose of Rulemaking: The purpose of this rulemaking is to include trafficking victims and their relatives, who are certified or have their status verified by the Office of Refugee Resettlement (ORR), to the category of noncitizens who may qualify for TANF cash and medical assistance.

Eligibility for TANF for these individuals was authorized under the federal Trafficking Victims Protection Act of 2000 (Public Law 106-386) and the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193). The Trafficking Victims Protection Act allowed for the eligibility of noncitizens categorized as victims of trafficking to participate in cash, medical and SNAP benefits. The Trafficking Victims Reauthorization Act of 2003 expanded eligibility to minor children, spouses, parents, and siblings of victims of trafficking. As a result of this rulemaking, noncitizens who are victims of trafficking and their relatives will meet the noncitizen requirement for TANF and may be eligible for cash and medical benefits.

Companion amendments are also adopted in 89 Ill. Adm. Code 113, 89 Ill. Adm. Code 114 and 89 Ill. Adm. Code 121 in this week's Register.

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

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

217/785-9772

- 17) Does this amendment 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 Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

112.1	Description of the Assistance Program and Time Limit
112.2	Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
112.3	Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
112.5	Incorporation by Reference
112.6	The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Basis of Eligibility
112.61	Death of a Parent (Repealed)
112.62	Incapacity of a Parent (Repealed)
112.63	Continued Absence of a Parent (Repealed)
112.64	Unemployment of the Parent (Repealed)
112.65	Responsibility and Services Plan
112.66	Alcohol and Substance Abuse Treatment
112.67	Restriction in Payment to Households Headed by a Minor Parent
112.68	School Attendance Initiative
112.69	Felons and Violators of Parole or Probation

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SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section	
112.70	Employment and Work Activity Requirements
112.71	Individuals Exempt from TANF Employment and Work Activity Requirements
112.72	Participation/Cooperation Requirements
112.73	Adolescent Parent Program (Repealed)
112.74	Responsibility and Services Plan
112.75	Teen Parent Personal Responsibility Plan (Repealed)
112.76	TANF Orientation
112.77	Reconciliation and Fair Hearings
112.78	TANF Employment and Work Activities
112.79	Sanctions
112.80	Good Cause for Failure to Comply with TANF Participation Requirements
112.81	Responsible Relative Eligibility for JOBS (Repealed)
112.82	Supportive Services
112.83	Teen Parent Services
112.84	Employment Retention and Advancement Project
112.85	Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section	
112.86	Project Advance (Repealed)
112.87	Project Advance Experimental and Control Groups (Repealed)
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90	Project Advance Sanctions (Repealed)
112.91	Good Cause for Failure to Comply with Project Advance (Repealed)
112.93	Individuals Exempt From Project Advance (Repealed)
112.95	Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section	
112.98	Exchange Program (Repealed)

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SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.100	Unearned Income
112.101	Unearned Income of Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards

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- 112.153 Deferral of Consideration of Assets
- 112.154 Property Transfers (Repealed)
- 112.155 Income Limit
- 112.156 Assets for Independence Program

SUBPART H: PAYMENT AMOUNTS

Section

- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
- 112.254 Payment Levels in Group III Counties
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

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SUBPART J: CHILD CARE

Section

112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at

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3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency

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amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended

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at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency

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amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138,

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effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17167, effective October 20, 2008; peremptory amendment at 32 Ill. Reg. 18051, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4977, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12763, effective September 8, 2009; amended at 33 Ill. Reg. 13831, effective September 17, 2009; amended at 33 Ill. Reg. 16828, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6930, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 10085, effective July 1, 2010; amended at 35 Ill. Reg. 998, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6933, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17082, effective October 5, 2011.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.10 Citizenship

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to [the following](#) specific restrictions ~~as set forth below~~:

- a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parents.

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- b) Non-citizens
- 1) The following categories of non-citizens may receive assistance, if otherwise eligible:
- A) A United States veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of such a person;
- B) Refugees under section 207 of the Immigration and Nationality Act (INA);
- C) Asylees under section 208 of the INA;
- D) Persons for whom deportation has been withheld under section 243(h) of the INA;
- E) Persons granted conditional entry under section 203(a)(7) of the INA as in effect prior to April 1, 1980;
- F) Persons lawfully admitted for permanent residence under the INA including;
- i) Afghani immigrants with special immigrant status under section 101(a)(27) of the INA. The five-year residency requirement set forth in subsection (b)(2) of this Section does not apply to this sub-group.
- ii) Iraqi immigrants with special immigrant status under section 101(a)(27) of the INA. The five-year residency requirement set forth in subsection (b)(2) of this Section does not apply to this sub-group;
- G) Parolees, for at least one year, under section 212(d)(5) of the INA; and
- H) Persons who are a spouse, widow or child of a U.S. citizen or a spouse or child of a legal permanent resident (LPR) who have been

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battered or subjected to extreme cruelty by the U.S. citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plans to live separately within one month after receipt of assistance and whose need for assistance is due, at least in part, to the abuse; and-

D) Victims of trafficking, or the minor child, spouse, parent or sibling of the trafficking victim, who have been certified by or whose status has been verified by the federal Office of Refugee Resettlement (ORR).

- 2) Those persons who are in the categories set forth in subsections (b)(1)(F) and (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States.

(Source: Amended at 35 Ill. Reg. 17082, effective October 5, 2011)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind, or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
113.10	Amendment
113.264	Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and Pubic Laws 108-386 and 108-193
- 5) Effective Date of Amendment: October 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 amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: February 4, 2011; 35 Ill. Reg. 1832
- 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? Yes
- 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>
113.107	Amendment	35 Ill. Reg. 6738; April 22, 2011

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NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and purpose of Rulemaking: The purpose of this rulemaking is to include trafficking victims and their relatives, who are certified or have their status verified by the Office of Refugee Resettlement (ORR), to the category of noncitizens who may qualify for AABD cash and medical assistance. This rulemaking also adds trafficking victims and their relatives to the category of noncitizens who may be eligible for the \$500 AABD allowance when SSI eligibility is lost or denied.

Eligibility for AABD for these individuals was authorized under the federal Trafficking Victims Protection Act of 2000 (Public Law 106-386) and the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193). The Trafficking Victims Protection Act allowed for the eligibility of noncitizens categorized as victims of trafficking to participate in cash, medical and SNAP benefits. The Trafficking Victims Reauthorization Act of 2003 expanded eligibility to minor children, spouses, parents, and siblings of victims of trafficking. As a result of this rulemaking, noncitizens who are victims of trafficking and their relatives will meet the noncitizen requirement for AABD and may be eligible for cash and medical benefits. In addition, this rulemaking establishes that these individuals may qualify for the \$500 AABD allowance when SSI eligibility is lost or denied.

Companion amendments are also adopted in 89 Ill. Adm. Code 112, 89 Ill. Adm. Code 114 and 89 Ill. Adm. Code 121 in this week's Register.

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

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

217/785-9772

- 17) Does this amendment 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:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

- 113.1 Description of the Assistance Program
- 113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.9 Client Cooperation
- 113.10 Citizenship
- 113.20 Residence
- 113.30 Age
- 113.40 Blind
- 113.50 Disabled
- 113.60 Living Arrangement
- 113.70 Institutional Status
- 113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.100 Unearned Income
- 113.101 Budgeting Unearned Income
- 113.102 Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/Or Date of Decision
- 113.103 Initial Receipt of Unearned Income
- 113.104 Termination of Unearned Income
- 113.105 Unearned Income In-Kind
- 113.106 Earmarked Income
- 113.107 Lump Sum Payments and Income Tax Refunds
- 113.108 Protected Income (Repealed)

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- 113.109 Earned Income (Repealed)
- 113.110 Budgeting Earned Income (Repealed)
- 113.111 Protected Income
- 113.112 Earned Income
- 113.113 Exempt Unearned Income
- 113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 113.115 Initial Employment
- 113.116 Budgeting Earned Income For Contractual Employees
- 113.117 Budgeting Earned Income For Non-contractual School Employees
- 113.118 Termination of Employment
- 113.120 Exempt Earned Income
- 113.125 Recognized Employment Expenses
- 113.130 Income From Work/Study/Training Programs
- 113.131 Earned Income From Self-Employment
- 113.132 Earned Income From Roomer and Boarder
- 113.133 Earned Income From Rental Property
- 113.134 Earned Income In-Kind
- 113.139 Payments from the Illinois Department of Children and Family Services
- 113.140 Assets
- 113.141 Exempt Assets
- 113.142 Asset Disregard
- 113.143 Deferral of Consideration of Assets
- 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
- 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
- 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
- 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
- 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96
- 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

- Section
- 113.245 Payment Levels for AABD
- 113.246 Personal Allowance
- 113.247 Personal Allowance Amounts
- 113.248 Shelter

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113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care, Personal Care or Nursing Care Rates
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262	Meeting the Needs of an Ineligible Dependent with Client's Income
113.263	Service Animals
113.264	Refugees Ineligible for SSI

SUBPART E: OTHER PROVISIONS

Section	
113.300	Persons Who May Be Included In the Assistance Unit
113.301	Grandfathered Cases
113.302	Interim Assistance (Repealed)
113.303	Special Needs Authorizations
113.304	Retrospective Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture (Repealed)
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.309	Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320	Redetermination of Eligibility
113.330	Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section	
113.400	Description of the Interim Assistance Program

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- 113.405 Pending SSI Application (Repealed)
- 113.410 More Likely Than Not Eligible for SSI (Repealed)
- 113.415 Non-Financial Factors of Eligibility (Repealed)
- 113.420 Financial Factors of Eligibility (Repealed)
- 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
- 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
- 113.435 Medical Eligibility (Repealed)
- 113.440 Attorney's Fees for SSI Applicants (Repealed)
- 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
- 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
- 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective

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October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867,

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effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995;

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emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12469, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 648, effective December 16, 2004; amended at 29 Ill. Reg. 5703, effective April 11, 2005; amended at 29 Ill. Reg. 10176, effective July 5, 2005; amended at 30 Ill. Reg. 16065, effective September 21, 2006; amended at 31 Ill. Reg. 6981, effective April 30, 2007; amended at 31 Ill. Reg. 11306, effective July 19, 2007; amended at 32 Ill. Reg. 17187, effective October 16, 2008; peremptory amendment at 32 Ill. Reg. 18065, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4993, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7337, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12775, effective September 8, 2009; emergency amendment at 33 Ill. Reg. 12850, effective September 4, 2009, for a maximum of 150 days; emergency expired January 31, 2010; amended at 33 Ill. Reg. 13846, effective September 17, 2009; amended at 33 Ill. Reg. 15033, effective October 22, 2009; amended at 33 Ill. Reg. 16845, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6944, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7255, effective May 10, 2010; amended at 35 Ill. Reg. 1012, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6951, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17096, effective October 5, 2011.

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SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 113.10 Citizenship

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to specific restrictions as set forth in this Section:

- a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parents.
- b) Non-citizens
 - 1) The following categories of non-citizens may receive assistance, if otherwise eligible:
 - A) A United States veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of such a person;
 - B) Refugees under section 207 of the Immigration and Nationality Act (INA);
 - C) Asylees under section 208 of the INA;
 - D) Persons for whom deportation has been withheld under section 243(h) of the INA;
 - E) Persons granted conditional entry under section 203(a)(7) of the INA as in effect prior to April 1, 1980;
 - F) Persons lawfully admitted for permanent residence under the INA including:
 - i) Afghani immigrants with special immigrant status under section 101(a)(27) of the INA. The five-year residency requirement set forth in subsection (b)(2) of this Section does not apply to this sub-group.

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- ii) Iraqi immigrants with special immigrant status under section 101(a)(27) of the INA. The five-year residency requirement set forth in subsection (b)(2) of this Section does not apply to this sub-group;
 - G) Parolees, for at least one year, under section 212(d)(5) of the INA ~~and~~;
 - H) Persons who are a spouse, widow or child of a U.S. citizen or a spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plans to live separately within one month after receipt of assistance and whose need for assistance is due, at least in part, to the abuse; ~~and~~-
 - I) **Victims of trafficking, or the minor child, spouse, parent or sibling of the trafficking victim, who have been certified by or whose status has been verified by the federal Office of Refugee Resettlement (ORR).**
- 2) Those persons who are in the categories set forth in subsections (b)(1)(F) and (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States.

(Source: Amended at 35 Ill. Reg. 17096, effective October 5, 2011)

SUBPART D: PAYMENT AMOUNTS

Section 113.264 Refugees Ineligible for SSI

- a) An allowance not to exceed \$500 is authorized to be provided to persons who are ineligible for SSI due to the expiration of the period of eligibility for certain noncitizens pursuant to 8 USC 1612(a)(2)(A).
- b) This group includes noncitizens who entered the U.S. under one of the following immigrant classifications:

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- 1) Refugee admitted under section 207 of the Immigration and Nationality Act (8 USC 1157);
- 2) Asylee admitted under section 208 of the Immigration and Nationality Act (8 USC 1158);
- 3) Cuban/Haitian immigrant admitted under section 501(e) of the Refugee Education Assistance Act of 1980 (PL 96-422);
- 4) Amerasian immigrant admitted under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (Act) (as contained in section 101(e) of PL 100-202, as amended by PL 100-461); ~~and~~
- 5) Deportation withheld under section 243(h) or section 241(b)(3) of the Immigration and Nationality Act (8 USC 1253); ~~and-~~
- 6) [Victims of trafficking, or the minor child, spouse, parent or sibling of the trafficking victim, who have been certified by or whose status has been verified by the federal Office of Refugee Resettlement \(ORR\).](#)

c) No other allowances will be authorized.

(Source: Amended at 35 Ill. Reg. 17096, effective October 5, 2011)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) Section Number: 114.10 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13] and Public Laws 108-386 and 108-193
- 5) Effective Date of Amendment: October 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 amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: February 4, 2011; 35 Ill. Reg. 1844
- 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? Yes
- 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>
114.250	Amendment	35 Ill. Reg. 6740; April 22, 2011
114.251	Amendment	35 Ill. Reg. 6740; April 22, 2011

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NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: The purpose of this rulemaking is to include trafficking victims and their relatives, who are certified or have their status verified by the Office of Refugee Resettlement (ORR), to the category of noncitizens who may qualify for GA cash and medical assistance.

Eligibility for GA for these individuals was authorized under the federal Trafficking Victims Protection Act of 2000 (Public Law 106-386) and the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193). The Trafficking Victims Protection Act allowed for the eligibility of noncitizens categorized as victims of trafficking to participate in cash, medical and SNAP benefits. The Trafficking Victims Reauthorization Act of 2003 expanded eligibility to minor children, spouses, parents, and siblings of victims of trafficking. As a result of this rulemaking, noncitizens who are victims of trafficking and their relatives will meet the noncitizen requirement for GA and may be eligible for cash and medical benefits.

Companion amendments are also adopted in 89 Ill. Adm. Code 112, 89 Ill. Adm. Code 113 and 89 Ill. Adm. Code 121 in this week's Register.

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

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

217/785-9772

- 17) Does this amendment 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 Amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section

- 114.1 Description of the Assistance Program
- 114.2 Determination of Not Employable
- 114.3 Advocacy Program for Persons Receiving State Transitional Assistance
- 114.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 114.9 Client Cooperation
- 114.10 Citizenship
- 114.20 Residence
- 114.30 Age
- 114.40 Relationship
- 114.50 Living Arrangement
- 114.52 Social Security Numbers
- 114.60 Work Registration Requirements (Outside City of Chicago only)
- 114.61 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
- 114.62 Job Service Registration (Outside City of Chicago only)
- 114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
- 114.64 Responsibility to Seek Employment (Outside City of Chicago only)
- 114.70 Initial Employment Expenses (Outside City of Chicago only)
- 114.80 Downstate General Assistance Work and Training Programs
- 114.85 Downstate General Assistance – Food Stamps Employment and Training Pilot Project
- 114.90 Work and Training Programs
- 114.100 General Assistance Jobs Program (Repealed)
- 114.101 Persons Ineligible for TANF Due to Time Limits

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NOTICE OF ADOPTED AMENDMENT

SUBPART C: PROJECT ADVANCE

Section

- 114.108 Project Advance (Repealed)
- 114.109 Project Advance Participation Requirements of Adjudicated Fathers (Repealed)
- 114.110 Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)
- 114.111 Project Advance Sanctions (Repealed)
- 114.113 Project Advance Good Cause for Failure to Comply (Repealed)
- 114.115 Individuals Exempt From Project Advance (Repealed)
- 114.117 Project Advance Supportive Services (Repealed)

SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section

- 114.120 Employment and Training Requirements
- 114.121 Persons Required to Participate in Project Chance (Repealed)
- 114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
- 114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
- 114.124 Employment and Training Participation/Cooperation Requirements (Repealed)
- 114.125 Employment and Training Program Orientation (Repealed)
- 114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
- 114.127 Employment and Training Program Components (Repealed)
- 114.128 Employment and Training Sanctions (Repealed)
- 114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
- 114.130 Employment and Training Supportive Services (Repealed)
- 114.135 Conciliation and Fair Hearings (Repealed)
- 114.140 Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 114.200 Unearned Income
- 114.201 Budgeting Unearned Income
- 114.202 Budgeting Unearned Income of Applicants

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114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits (Repealed)
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump-Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses
114.240	Income From Work/Study/Training Program (Repealed)
114.241	Earned Income From Self-Employment
114.242	Earned Income From Roomer and Boarder
114.243	Earned Income From Rental Property
114.244	Earned Income In-Kind
114.245	Payments from the Illinois Department of Children and Family Services
114.246	Budgeting Earned Income for Contractual Employees
114.247	Budgeting Earned Income for Non-contractual School Employees
114.250	Assets
114.251	Exempt Assets
114.252	Asset Disregards
114.260	Deferral of Consideration of Assets (Repealed)
114.270	Property Transfers (Repealed)
114.280	Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section	
114.350	Payment Levels
114.351	Payment Levels in Group I Counties
114.352	Payment Levels in Group II Counties
114.353	Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

Section

- 114.400 Persons Who May Be Included In the Assistance Unit
- 114.401 Eligibility of Strikers
- 114.402 Special Needs Authorizations (Repealed)
- 114.403 Institutional Status
- 114.404 Budgeting
- 114.405 Budgeting Schedule
- 114.406 Limitation on Amount of General Assistance to Recipients from Other States (Repealed)
- 114.408 Responsibility of Sponsors of Non-citizens Entering the Country On or After 8/22/96
- 114.420 Redetermination of Eligibility
- 114.430 Extension of Medical Assistance Due to Increased Income from Employment
- 114.440 Attorney's Fees for VA Appellants
- 114.442 Attorney's Fees for SSI Applicants

SUBPART H: CHILD CARE

Section

- 114.450 Child Care (Repealed)
- 114.452 Child Care Eligibility (Repealed)
- 114.454 Qualified Provider (Repealed)
- 114.456 Notification of Available Services (Repealed)
- 114.458 Participant Rights and Responsibilities (Repealed)
- 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
- 114.464 Rates of Payment for Child Care (Repealed)
- 114.466 Method of Providing Child Care (Repealed)

SUBPART I: TRANSITIONAL CHILD CARE

Section

- 114.500 Transitional Child Care Eligibility (Repealed)
- 114.504 Duration of Eligibility for Transitional Child Care (Repealed)
- 114.506 Loss of Eligibility for Transitional Child Care (Repealed)
- 114.508 Qualified Provider (Repealed)
- 114.510 Notification of Available Services (Repealed)
- 114.512 Participant Rights and Responsibilities (Repealed)
- 114.514 Child Care Overpayments and Recoveries (Repealed)

DEPARTMENT OF HUMAN SERVICES

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- 114.516 Fees for Service for Transitional Child Care (Repealed)
114.518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

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

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peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill.

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NOTICE OF ADOPTED AMENDMENT

Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a

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NOTICE OF ADOPTED AMENDMENT

maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 16356, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19820, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 588, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1619, effective January 20, 1999; amended at 23 Ill. Reg. 6067, effective May 4, 1999; amended at 23 Ill. Reg. 6434, effective May 15, 1999; amended at 23 Ill. Reg. 6948, effective May 30, 1999; emergency amendment at 23 Ill. Reg. 8661, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13863, effective November 19, 1999; amended at 24 Ill. Reg. 2338, effective February 1, 2000; amended at 24 Ill. Reg. 5688, effective March 20, 2000; amended at 25 Ill. Reg. 10325, effective August 3, 2001; amended at 26 Ill. Reg. 164, effective January 1, 2002; amended at 26 Ill. Reg. 9821, effective June 24, 2002; emergency amendment at 26 Ill. Reg. 11009, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17198, effective November 15, 2002; amended at 27 Ill. Reg. 7263, effective April 7, 2003; amended at 27 Ill. Reg. 18433, effective November 20, 2003; amended at 28 Ill. Reg. 5682, effective March 22, 2004; amended at 29 Ill. Reg. 5487, effective April 1, 2005; emergency amendment at 32 Ill. Reg. 10622, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; peremptory amendment at 32 Ill. Reg. 18076, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 5004, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7355, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12785, effective September 8, 2009; amended at 33 Ill. Reg. 13857, effective September 17, 2009; amended at 33 Ill. Reg. 16863, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6955, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 35 Ill. Reg. 1023, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6962, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17108, effective October 5, 2011.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 114.10 Citizenship

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to [the following](#) specific restrictions ~~as set forth below~~:

- a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen

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parents.

- b) Non-citizens
- 1) The following categories of non-citizens may receive assistance, if otherwise eligible:
- A) A United States veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of such a person;
 - B) Refugees under section 207 of the Immigration and Nationality Act (INA);
 - C) Asylees under section 208 of the INA;
 - D) Persons for whom deportation has been withheld under section 243(h) of the INA;
 - E) Persons granted conditional entry under section 203(a)(7) of the INA as in effect prior to April 1, 1980;
 - F) Persons lawfully admitted for permanent residence under the INA including:
 - i) Afghani immigrants with special immigrant status under section 101(a)(27) of the INA. The five-year residency requirement set forth in subsection (b)(2) of this Section does not apply to this sub-group.
 - ii) Iraqi immigrants with special immigrant status under section 101(a)(27) of the INA. The five-year residency requirement set forth in subsection (b)(2) of this Section does not apply to this sub-group.
 - G) Parolees, for at least one year, under section 212(d)(5) of the INA; ~~and~~
 - H) Persons who are a spouse, widow or child of a U.S. citizen or a

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plans to live separately within one month after receipt of assistance and whose need for assistance is due, at least in part, to the abuse; ~~and-~~

D) [Victims of trafficking, or the minor child, spouse, parent or sibling of the trafficking victim, who have been certified by or whose status has been verified by the federal Office of Refugee Resettlement \(ORR\).](#)

- 2) Those persons who are in the categories set forth in subsections (b)(1)(F) and (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States.

(Source: Amended at 35 Ill. Reg. 17108, effective October 5, 2011)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.20 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13], and Public Laws 108-386 and 108-193
- 5) Effective Date of Amendment: October 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 amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: February 4, 2011; 35 Ill. Reg. 1856
- 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? Yes
- 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>
121.63	Amendment	35 Ill. Reg. 8273; June 3, 2011
121.117	New Section	35 Ill. Reg. 8754; June 10, 2011
121.8	Amendment	35 Ill. Reg. 9228; June 24, 2011

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NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: The purpose of this rulemaking is to include trafficking victims and their relatives, who are certified or have their status verified by the Office of Refugee Resettlement (ORR), to the category of noncitizens who may qualify for SNAP benefits.

Eligibility for SNAP for these individuals was authorized under the federal Trafficking Victims Protection Act of 2000 (Public Law 106-386) and the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193). The Trafficking Victims Protection Act allowed for the eligibility of noncitizens categorized as victims of trafficking to participate in cash, medical and SNAP benefits. The Trafficking Victims Reauthorization Act of 2003 expanded eligibility to minor children, spouses, parents, and siblings of victims of trafficking. As a result of this rulemaking, noncitizens who are victims of trafficking and their relatives will meet the noncitizen requirement for SNAP and may be eligible for SNAP benefits.

Companion amendments are also being adopted in 89 Ill. Adm. Code 112, 89 Ill. Adm. Code 113 and 89 Ill. Adm. Code 114 in this week's Register.

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

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

217/785-9772

- 17) Does this amendment 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 Amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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NOTICE OF ADOPTED AMENDMENT

121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers or Boarders
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

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121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)

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- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690,

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effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150

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days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a

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maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for

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a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; peremptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; peremptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; peremptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.20 Citizenship

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to [the following](#) specific restrictions ~~as set forth below~~:

- a) Citizenship status – Persons born in the U.S. or in its possessions are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings or by certain persons born in a foreign country of U.S. citizen parents.
- b) Non-citizens – The following categories of non-citizens may receive assistance, if otherwise eligible regardless of their time in the U.S.:
 - 1) Lawful Permanent Resident Credited with 40 Quarters of Work
 - A) Aliens lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (INA) who have worked 40 qualifying quarters of coverage (as defined under Title II of the Social Security Act). Effective January 1, 1997, in order for a quarter of work to count, the client must not have received any benefits under a federal means-tested program during

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that quarter.

- B) Quarters of a parent count for an alien while the alien is under age 18.
 - C) Quarters of a spouse count for an alien if the alien is still married to that spouse or the spouse is deceased.
- 2) Veterans, Active U.S. Military Service Persons and Their Dependents. A veteran honorably discharged from U.S. military service or a person in active U.S. military duty and the spouse or dependent child or children of such a person meet the citizenship requirement for [SNAP food stamps](#) if their INS status is:
- A) lawful permanent resident;
 - B) conditional entrant under section 203(a)(7) of the INA (8 USCA 1153(a)(7));
 - C) parolee status for at least a year under section 212(d)(5) of the INA (8 USCA 1182(d)(5));
 - D) deportation withheld under section 243(h) (8 USCA 1253(h)) or 241(b)(3) (8 USCA 1231(b)(3)) of the INA; or
 - E) battered spouse or child, or parent or child of a battered person with a petition pending under section 204(a)(1)(A) or (B) (8 USCA 1154(a)(1)(A) or (B)) or 244(a)(3) (8 USCA 1641(c)) of the INA. This status does not apply if the non-citizen lives with the abuser.
- c) The following non-citizens meet the citizenship requirement for SNAP indefinitely even if their status later changes to lawful permanent resident:
- 1) refugees admitted under section 207 of the INA;
 - 2) asylees admitted under section 208 of the INA;
 - 3) persons for whom deportation has been withheld under section 243(h) (8 USCA 1253(h)) or 241(b)(3) (8 USCA 1231(b)(3)) of the INA;

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- 4) Cuban or Haitian national admitted on or after 4/21/80;
 - 5) Amerasians from Vietnam and their close family members admitted through the Orderly Departure Program beginning on 3/20/88; ~~or~~
 - 6) Afghan and Iraqi immigrants with special immigrant status under section 101(a)(27) of the INA; ~~or~~
 - 7) Victims of trafficking, or the minor child, spouse, parent or sibling of the trafficking victim, who have been certified by or whose status has been verified by the federal Office of Refugee Resettlement (ORR).
- d) Elderly non-citizens who were lawfully residing in the U.S. on 8/22/96, and children lawfully residing in the U.S., and disabled persons lawfully residing in the U.S. A person qualifies as elderly if the person was age 65 on 8/22/96. A person qualifies as a child if the person is under age 18. A person qualifies as disabled/blind if the person meets one of the requirements listed in Section 121.61(a)(1)(B) through (L). The person must also have the following status with INS:
- 1) lawful permanent resident;
 - 2) conditional entrant under section 203(a)(7) of the INA (8 USCA 1153(a)(7));
 - 3) parolee status for at least a year under section 212(d)(5) of the INA (8 USCA 1182(d)(5)); or
 - 4) battered spouse or child, or parent or child of a battered person with a petition pending under section 204(a)(1)(A) or (B) (8 USCA 1154(a)(1)(A) or (B)) or 240A of the INA. This status does not apply if the non-citizen lives with the abuser.
- e) Hmong or Highland Laotian tribe members and the member's close family members. A person lawfully residing in the U.S. that was a member of a Hmong or Highland Laotian tribe when the tribe helped U.S. personnel by taking part in a military or rescue operation during the Vietnam era (between August 5, 1964 and May 7, 1975). This also includes the person's spouse, unmarried surviving

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spouse, if deceased, and unmarried dependent children.

- f) Certain American Indians born in Canada. An American Indian born in Canada to whom the provisions of section 289 of the INA apply, and a member of an Indian tribe as defined in section 4e of the Indian Self-Determination and Education Assistance Act.
- g) Noncitizens who have lived in the U.S. for at least 5 years in the following status with INS may receive assistance, if otherwise eligible:
 - 1) lawful permanent resident;
 - 2) conditional entrant under section 203(a)(7) of the INA;
 - 3) parolee status for at least a year under section 212(d)(5) of the INA; or
 - 4) battered spouse or child, or parent or child of a battered person with a petition pending under section 204(a)(1)(A) or (B) (8 USCA 1154(a)(1)(A) or (B)) or 240A of the INA. This status does not apply if the noncitizen lives with the abuser.

(Source: Amended at 35 Ill. Reg. 17120, effective October 5, 2011)

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NOTICE OF PUBLIC INFORMATION

2011 THIRD QUARTER INCOME TAX SUNSHINE INDEX

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

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1 et seq.

2. Summary of information: Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the 3rd Quarter of 2011. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

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

Allocation

Apportionment – Sales Factor

Credits – Property Tax

Exempt Organizations – Other Rulings

Net Income (Loss) and Net Loss Deduction (IITA § 207)

Net Operating Loss and Net Operating Loss Deduction

Subtraction Modifications – Valuation Limitation

Withholding – Other Rulings

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one.

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2011 THIRD QUARTER INCOME TAX SUNSHINE INDEX

Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

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

Linda Settle
Illinois Department of Revenue
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794

217/782-7055

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ALLOCATION

IT 11-0014-GIL 07/12/2011 The decision of the United States Supreme Court in Lunding requires a state to allow nonresidents to allocate to the state deductions for alimony paid.

APPORTIONMENT – SALES FACTOR

IT 11-0002-PLR 09/06/2011 Educational institution providing both classroom and online classes should source tuition for online classes taken by students who are also taking classroom classes to the state in which the classroom is located.

CREDITS – PROPERTY TAX

IT 11-0015-GIL 07/28/2011 Taxpayer whose principal residence is in Illinois is entitled to the credit for property taxes paid on that residence, despite being a nonresident because he or she is only present in Illinois pursuant to active duty military assignment.

EXEMPT ORGANIZATIONS – OTHER RULINGS

IT 11-0019-GIL 09/30/2011 Insurance companies are not exempt from Illinois income taxation.

NET INCOME (LOSS) AND NET LOSS DEDUCTION (IITA § 207)

IT 11-0013-GIL 07/08/2011 The law suspending net loss deductions for C corporations contains no exception or special provision for taxpayers that cease operations during the period in which net loss deductions are suspended.

IT 11-0018-GIL 09/30/2011 There is no exception to the provision in IITA Section 207(d), which disallows net loss deductions after 2010 and prior to

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NOTICE OF PUBLIC INFORMATION

2011 THIRD QUARTER INCOME TAX SUNSHINE INDEX

calendar 2014, for corporations ceasing to exist prior to the end of that period.

NET OPERATING LOSS AND NET OPERATING LOSS DEDUCTION

IT 11-0016-GIL 08/01/2011 Corporation with a taxable year ending May 31, 2011, taxable year that realizes its net income for that year prior to January 1, 2011, is subject to tax at the pre-2011 rates, but may not deduct a net loss carryforward.

SUBTRACTION MODIFICATIONS – VALUATION LIMITATION

IT 11-0012-GIL 07/07/2011 A donee's holding period of property acquired by gift includes the holding period of the donor prior to time the gift was made.

WITHHOLDING – OTHER RULINGS

IT 11-0017-GIL 08/22/2011 Illinois income tax must be withheld from wages paid in this State from which federal income tax must be withheld.

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 Third Quarter of 2011. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 2 Ill. Adm. Code 1200.120)

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

Agents	Local Taxes
Automobile Renting Tax	Manufacturing Machinery &
Cigarette Tax	Equipment
Computer Software	Medical Appliances
Construction Contractors	Miscellaneous
Delivery Charges	Motor Vehicles
Enterprise Zones	Nexus
Exempt Organizations	Sale at Retail
Farm Machinery & Equipment	Sale for Resale
	Sale of Service
Governmental Bodies	Service Occupation Tax
Gross Receipts	Trade-Ins

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

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/.

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

217/782-2844

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

AGENTS

ST 11-0053-GIL 07/05/2011 An auctioneer acting on behalf of an unknown or undisclosed principal is responsible for Retailers' Occupation Tax on the gross receipts from the sale. However, if the auctioneer is acting on behalf of a known or disclosed principal, the sale of tangible personal property is taxable to the principal and not the auctioneer if the principal is a retailer of the tangible personal property being sold at the auction. See 86 Ill. Adm. Code 130.1915.

AGRICULTURAL PRODUCERS & PRODUCTS

ST 11-0066-GIL 08/19/2011 Farm chemicals qualify for sales tax exemptions pursuant to 86 Ill. Adm. Code 130.1955.

Automobile Renting Tax

ST 11-0055-GIL 07/13/2011 Persons who are engaged in the business of renting automobiles in Illinois under rental terms of one year or less are subject to the Automobile Renting Occupation and Use Tax set forth at 35 ILCS 155/1 et seq. See 86 Ill. Adm. Code 180.101.

Cigarette Tax

ST 11-0073-GIL 09/06/2011 A distributor of cigarettes in this State within the meaning of the first definition of "distributor" in Section 1 of Cigarette Tax Act possessing a license under Section 4 of the Act may make retail sales of cigarettes. See 35 ILCS 130/2, 3 and 4b.

Computer Software

ST 11-0068-GIL 08/22/2011 This letter concerns the taxation of computer software transactions. See 86 Ill. Adm. Code 130.1935.

ST 11-0070-GIL 08/24/2011 This letter concerns sales of software manufacturer agreements. See 86 Ill. Adm. Code 130.1935.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Construction Contractors

ST 11-0084-GIL 09/26/2011 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.

Delivery Charges

ST 11-0071-GIL 08/29/2011 This letter discusses incoming shipping charges. See 86 Ill. Adm. Code 130.410 and 130.415.

Enterprise Zones

ST 11-0060-GIL 08/11/2011 This letter revokes General Information Letter ST 10-0101-GIL. This letter clarifies that the expanded manufacturing and machinery equipment exemption and the expanded pollution control facilities exemption are available only to certified business enterprises or their lessors and are not available to construction contractors. See 86 Ill. Adm. Code 130.1951(g)(11)(B) and 130.1951(i)(7)(B).

Exempt Organizations

ST 11-0011-PLR 08/26/2011 This ruling concerns sales of building materials to construction contractors that are incorporating tangible personal property into real estate owned by a governmental body. See 86 Ill. Adm. Code Sections 130.2075(d)(1) and 130.2075(d)(4).

ST 11-0074-GIL 09/13/2011 Please be advised retail sales made directly to Medicare and Medicaid are exempt from tax as sales to a government body so long as the exemption is properly documented. See 86 Ill. Adm. Code 130.2080(a).

ST 11-0080-GIL 09/19/2011 If an organization does not have an active E number, then its purchases are subject to tax. See 86 Ill. Adm. Code 130.2007(a).

Farm Machinery & Equipment

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 11-0078-GIL 09/19/2011 The sale of certain types of tangible personal property used in production agriculture is not subject to Illinois Retailers' Occupation Tax and Use Tax. See 35 ILCS 120/2-5(2) and 86 Ill. Adm. Code 130.305.

Governmental Bodies

ST 11-0065-GIL 08/16/2011 Sales to a governmental body are generally subject to tax unless the governmental body has an active exemption identification "E" number. See 86 Ill. Adm. Code 130.2080.

Gross Receipts

ST 11-0058-GIL 07/19/2011 Proceeds from mandatory gratuity/service charges that are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed are not subject to tax. See 86 Ill. Adm. Code 130.2145(d).

ST 11-0086-GIL 09/30/2011 Illinois Retailers' Occupation Tax is imposed upon gross receipts from the sale of tangible personal property to end-users and no deductions shall be taken by a taxpayer from gross receipts on account of the cost of the property sold, the cost of materials used, labor costs, or any other expense whatsoever. See 86 Ill. Adm. Code 130.410.

Local Taxes

ST 11-0082-GIL 09/22/2011 Property which is subject to an annexation agreement with a municipality is treated "...in all respects the same as property that lies within the annexing municipality's corporate limits." See, 65 ILCS 5/11-15.1-2.1(a).

Manufacturing Machinery & Equipment

ST 11-0009-PLR 08/11/2011 This letter concerns the Manufacturing Machinery and Equipment Exemption and Manufacturer's Purchase Credit. See 86 Ill. Adm. Code 130.330 and 130.331.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 11-0010-PLR 08/18/2011 This letter explains the applicability of the manufacturing machinery and equipment exemption to various aspects of the blasting process used in quarrying. See 86 Ill. Adm. Code 130.330.

ST 11-0056-GIL 07/14/2011 Under the Retailers' Occupation Tax Act, the manufacturing machinery and equipment exemption is available for machinery and equipment used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330.

ST 11-0069-GIL 08/23/2011 Under the Retailers' Occupation Tax Act, the manufacturing machinery and equipment exemption is available for machinery and equipment used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330.

Medical Appliances

ST 11-0064-GIL 08/16/2011 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.311.

Miscellaneous

ST 11-0057-GIL 07/14/2011 This letter responds to an annual survey. See 86 Ill. Adm. Code, Parts 120, 130, 140, and 150.

ST 11-0059-GIL 07/29/2011 Information or data that is electronically downloaded is not considered the transfer of tangible personal property personal property in this State. See 86 Ill. Adm. Code 120.2105.

ST 11-0077-GIL 09/16/2011 The Department will not approve the accuracy of private legal publications.

ST 11-0081-GIL 09/19/2011 Information or data that is electronically downloaded is not considered the transfer of tangible personal property in this State. See 86 Ill. Adm. Code 120.2105.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 11-0083-GIL 09/23/2011 This letter discusses the Department's regulation for sales of containers, wrapping and packing materials and related products as set forth at 86 Ill. Adm. Code 130.2070.

Motor Vehicles

ST 11-0076-GIL 09/15/2011 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.

Nexus

ST 11-0067-GIL 08/22/2011 This letter discusses nexus. See *Quill Corp. v. North Dakota*, 112 S.Ct. 1904 (1992).

Sale at Retail

ST 11-0061-GIL 08/11/2011 This letter concerns sales of chemicals for weed control in fields. See 86 Ill. Adm. Code 130.1955.

Sale for Resale

ST 11-0062-GIL 08/12/2011 This letter discusses sales for resale. See 86 Ill. Adm. Code 130.1405.

ST 11-0063-GIL 08/12/2011 This letter addresses sales for resale. See 86 Ill. Adm. Code 130.1405.

Sale of Service

ST 11-0075-GIL 09/15/2011 Where a business provides repair services that are accompanied with the transfer of tangible personal property, such transactions are generally subject to tax liability under the Service Occupation Tax Act. See 86 Ill. Adm. Code 140.140(I).

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Service Occupation Tax

ST 11-0072-GIL 09/01/2011 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 11-0079-GIL 09/19/2011 Sellers of special order machines are considered to be engaged primarily in a service occupation, rather than being engaged in the business of selling tangible personal property, if the test set out in 86 Ill. Adm. Code 130.2115(b) is met. See 86 Ill. Adm. Code 130.2115.

ST 11-0085-GIL 09/28/2011 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.

Trade-Ins

ST 11-0012-PLR 09/09/2011 This letter concerns an advance trade-in transaction. See 86 Ill. Adm. Code 130.455

Use Tax

ST 11-0054-GIL 07/13/2011 Citizens of foreign countries are not exempt from Use Tax liability for purchases of merchandise at retail within the State of Illinois. See 86 Ill. Adm. Code 130.605.

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 September 27, 2011 through October 3, 2011 and have been scheduled for review by the Committee at its October 11, 2011 or November 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>
11/16/11	<u>Illinois Law Enforcement Training and Standards Board</u> , Illinois Police Training Act (20 Ill. Adm. Code 1720)	7/8/11 35 Ill. Reg. 10482	11/8/11
11/16/11	<u>Department of Healthcare and Family Services</u> , Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)	5/13/11 35 Ill. Reg. 7454	11/8/11
11/16/11	<u>Department of Healthcare and Family Services</u> , Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)	5/13/11 35 Ill. Reg. 7444	11/8/11
11/18/11	<u>Department of Public Health</u> , Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)	7/8/11 35 Ill. Reg. 10520	11/8/11
11/18/11	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	8/12/11 35 Ill. Reg. 13054	11/8/11

PROCLAMATIONS

2011-337**African Immigrant Health and Heritage Month**

WHEREAS, America can trace much of its heritage to immigration. Africans immigrants are proud to join the rest of the country in celebrating their heritage in September by highlighting African immigrant health; and,

WHEREAS, the month of September was chosen for this observation because of African Union day on September 9th. Additionally, 2011 has been declared by the United Nations as the International Year of People of African Descent; and,

WHEREAS, African immigrants have achieved high rates of educational attainment and income compared to other immigrant groups, and they have made significant contributions to our state and our nation in every area of life, including the arts, health, education, community service and public policy; and,

WHEREAS, despite these achievements, African immigrants continue to suffer tremendous health disparities in the United States; and,

WHEREAS, raising awareness about African immigrant health is crucial to effectively fighting these health disparities and essential to building a network of African immigrant and refugee health advocates who disseminate culturally sensitive information to the community; and,

WHEREAS, a healthy and vibrant African immigrant community will continue to enrich the State of Illinois and the United States with its rich heritage and culture:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2011 as **AFRICAN IMMIGRANT HEALTH AND HERITAGE MONTH** in Illinois, in celebration of the contributions that African immigrants have made to our state and our nation, and to raise awareness of health disparities in this community.

Issued by the Governor September 22, 2011

Filed by the Secretary of State October 7, 2011

2011-338**Breast Cancer Awareness Month and Mammography Day**

WHEREAS, October 2011 marks the 27th year of the National Breast Cancer Awareness Month campaign, which is recognized in order to educate women about breast cancer and the importance of early detection through mammography; and,

PROCLAMATIONS

WHEREAS, in 2011 a projected 9,280 women in Illinois will be diagnosed with breast cancer; and,

WHEREAS, in 2010 1,880 women in Illinois were projected to have lost their life to breast cancer; and,

WHEREAS, after skin cancer, breast cancer is the most common cancer among women in the United States and is the second leading cause of cancer death for women; and,

WHEREAS, the best chance for detecting breast cancer early is through mammography screening, which, when paired with new treatment options, can dramatically improve a woman's chance of survival; and,

WHEREAS, the Illinois Breast and Cervical Cancer Program (IBCCP) provides free breast exams, mammograms, pelvic exams, and Pap tests to uninsured women. The IBCCP has provided 36,392 women with free breast screenings in the past fiscal year alone; and,

WHEREAS, since 1993, the United States has recognized the third Friday in October as National Mammography Day:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2011 as **BREAST CANCER AWARENESS MONTH** and October 21, 2011, as **MAMMOGRAPHY DAY** in Illinois, and encourage all citizens to join me in the continued fight against breast cancer.

Issued by the Governor September 22, 2011
Filed by the Secretary of State October 7, 2011

2011-339**Rob Johnson Day**

WHEREAS, Rob Johnson has reported news with extreme professionalism and ethical fortitude in the Chicagoland area since 1998, and now serves as anchor extraordinaire at CBS 2 News Chicago; and,

WHEREAS, Rob Johnson, who has never forgotten his role as a big brother and public figure, serves as an advocate for people with developmental challenges and their families by crafting op-ed pieces and public service announcements, in addition to donating his personal time emceeding events for multiple disability-related organizations; and,

PROCLAMATIONS

WHEREAS, Rob Johnson has used his talents and abilities to support the "Spread the Word to End the Word" campaign- an ongoing effort by Special Olympics, Best Buddies International and their supporters to raise the consciousness of society about the dehumanizing and hurtful effects of the "R-word" and to encourage people to pledge to stop using the R-word; and,

WHEREAS, inspired by this campaign, created by youth with and without developmental disabilities, and encouraged by advocates like Rob Johnson, in July of this year with the signing of Senate Bill 1833, Illinois amended the Mental Health and Developmental Disabilities Code to remove all occurrences of the R-word; and,

WHEREAS, on September 22, 2011, Neumann Family Services will host their OctoberZest event, celebrating the power of dreams for individuals with developmental disabilities and mental illness. At this event, Rob Johnson will be honored for his tireless advocacy for these individuals and their families:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 22, 2011 as **ROB JOHNSON DAY** in Illinois, in recognition of his outstanding efforts on behalf of the disability community.

Issued by the Governor September 22, 2011
Filed by the Secretary of State October 7, 2011

2011-340
Principals Week and Day

WHEREAS, school principals play an important role in the education and inspiration of children in elementary, middle, and secondary schools all across the State of Illinois; and,

WHEREAS, school principals are responsible for promoting education and working with parents and teachers to ensure that each child receives services that meet their needs to excel in the classroom; and,

WHEREAS, it is the responsibility of the State of Illinois to preserve and improve resources for schools so that all students have the opportunity to receive a quality education and foundation for a successful future; and

WHEREAS, the Illinois Principals Association, which represents 4,500 educational leaders statewide, believes that learning is a lifelong process and that the education of our children is the highest priority; and,

PROCLAMATIONS

WHEREAS, for that reason, the Illinois Principals Association is dedicated to advancing learning through effective educational leadership; and,

WHEREAS, during the 2011- 2012 school year, the Illinois Principals Association will celebrate forty years of professional development, networking, advocacy, and advanced training for education leaders to improve learning opportunities for all Illinois children; and,

WHEREAS, educational leaders face many challenges in educating our young people and it is through their perseverance and passion that Illinois is able to continue to produce quality career ready students; and,

WHEREAS, we must continue to encourage, support, and recognize those who have a positive impact on Illinois students' and the educational system in the Land of Lincoln:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim the week of October 16-22, 2011 as **PRINCIPALS WEEK** and October 21, 2011 as **PRINCIPALS DAY** in Illinois, to recognize principals and the Illinois Principals Association for all that they do to help our children learn and succeed.

Issued by the Governor September 23, 2011

Filed by the Secretary of State October 7, 2011

2011-341**Career and Technical Organizations Week**

WHEREAS, the proper education of today's youth is a concern of all Americans; and,

WHEREAS, career and technical student organizations are dedicated to the advancement of proper education, training and development of America's youth; and,

WHEREAS, for more than 33 years, organizations such as the Illinois Coordinating Council for Career and Technical Student Organizations (ICCCTSO) have advanced awareness of the importance of career and technical student organizations as an integral part of the educational curriculum; and,

WHEREAS, career and technical student organizations in Illinois include the Business Professionals of America (BPA), Future Business Leaders of America (FBLA), Illinois Association of Family, Career and Community Leaders of America (FCCLA), Health Occupations Students of America (HOSA), Illinois Association of FFA, Illinois Association of DECA, Illinois Postsecondary Agricultural Student Organization (PAS), Phi Beta Lambda (PBL), Illinois Association of SkillsUSA, and Technology Student Association (TSA):

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2 – 8, 2011 as **CAREER AND TECHNICAL ORGANIZATIONS WEEK** in Illinois, in recognition of the contributions made by these organizations to the education of our youth.

Issued by the Governor September 23, 2011
Filed by the Secretary of State October 7, 2011

2011-342**Nineteenth Century Charitable Organization Day**

WHEREAS, the Nineteenth Century Charitable Organization (formerly known as the Nineteenth Century Club) was founded in Oak Park, Illinois in 1891 by local women to serve the members of the local community; and,

WHEREAS, the women who founded the Nineteenth Century Club were trailblazers who fought for women's rights, began organizations to help families, such as the Infant Welfare League and the Oak Park River Forest Day Care Center, and offered programs to continue adult education and continued learning; and,

WHEREAS, the Nineteenth Century Club was established by far-sighted women who realized that education and civic involvement were essential elements in building a community. Their mission continues today, more than 120 years later; and,

WHEREAS, the Nineteenth Century Charitable Association of Oak Park, River Forest, and Forest Park, Illinois continues to focus on learning and giving to their local community through support of nonprofit organizations' projects, awarding college scholarships to local students, sewing and knitting clothing for needy babies, and offering adult education programs to the community; and,

WHEREAS, over the past 120 years the organization has assisted many nonprofit organizations, clothed hundreds of infants, and given hundreds of scholarships to local students for their college education. Additionally, the Nineteenth Century Charitable Association has been instrumental in providing adult cultural programs every Monday from October through May of each year; and,

WHEREAS, the Nineteenth Century Charitable Association have built and currently maintain a building that enhances the historic character of Oak Park and its community; and,

WHEREAS, on October 3, 2011, the Nineteenth Century Charitable Association will host a 120th year Celebration Party at their historic building:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 3, 2011 as **NINETEENTH CENTURY CHARITABLE ASSOCIATION DAY** in Illinois, in recognition of this organization's 120 years focusing on learning and giving.

Issued by the Governor September 23, 2011
Filed by the Secretary of State October 7, 2011

2011-343
Operation Snowball Month

WHEREAS, Operation Snowball is a program that encourages youth to stay drug-free by providing them with experiential learning; and,

WHEREAS, over 50,000 youth participate in Operation Snowball, which is partnered with the Illinois Alcoholism and Drug Dependence Association. Operation Snowball currently has over 120 chapters and is continually expanding; and,

WHEREAS, the program focuses on prevention messages that are aimed at high schoolers because many students of this age understand the idea behind prevention. Group learning sessions present facts about drug and alcohol use and help students develop their own ideas about substances before they are faced with those decisions; and,

WHEREAS, Operation Snowball is continually expanding to include people of all ages into their program by creating Snowflake for junior high students and Snowflurry for elementary students. These programs teach youth the importance of living a drug-free healthy lifestyle at an early age. There is also Segue for college students and Blizzards for families, helping to serve as role models for the younger youth; and,

WHEREAS, Operation Snowball gives young adults the opportunity to enhance their leadership skills as well as maintain their drug-free lifestyle by mentoring younger youth and motivating them to live by the same standards:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2011 as **OPERATION SNOWBALL MONTH** in Illinois, and encourage all youth and young adults to maintain a healthy, substance-free lifestyle.

Issued by the Governor September 23, 2011
Filed by the Secretary of State October 7, 2011

2011-344
Flag Honors – Sergeant Timothy Sayne

PROCLAMATIONS

WHEREAS, on Sunday, September 18, 2011, United States Army Sergeant Timothy Sayne, originally of Effingham, Illinois, died at age 31 of injuries sustained when his dismounted patrol was attacked with an improvised explosive device in Kandahar Province, Afghanistan, where Sergeant Sayne was serving in support of Operation Enduring Freedom; and,

WHEREAS, Sergeant Sayne was assigned to the 5th Squadron, 1st Cavalry Regiment, 1st Stryker Brigade Combat Team, 25th Infantry Division, based at Fort Wainwright, Alaska; and,

WHEREAS, Sergeant Sayne, a graduate of Effingham High School, joined the Army in February 2008; and,

WHEREAS, Sergeant Sayne had one previous combat tour of duty in Iraq from September 2008 to September 2009 in support of Operation Iraqi Freedom; and,

WHEREAS, funeral services will be held on Wednesday, September 28, 2011 for Sergeant Sayne, who is survived by his wife, son, mother, two brothers, a sister, and three nieces and two nephews:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff immediately until sunset on September 28, 2011 in honor and remembrance of Sergeant Sayne, whose selfless service and sacrifice is an inspiration.

Issued by the Governor September 26, 2011
Filed by the Secretary of State October 7, 2011

2011-345**Order of the Eastern Star Day**

WHEREAS, the first session of the Grand Chapter of the Order of the Eastern Star of Illinois was convened on October 6, 1875; and,

WHEREAS, from its original membership of 22 chapters and 32 members, the Grand Chapter of the Order of the Eastern Star of Illinois has grown and prospered and now includes 161 constituent chapters and more than 19,000 members; and,

WHEREAS, among the purposes for which the members of the Order of the Eastern Star of Illinois are associated are to protect the widow and the orphan, to comfort the afflicted, to sympathize with the sorrowing, and to relieve the destitute and distressed; and,

PROCLAMATIONS

WHEREAS, members of the Order of the Eastern Star of Illinois enjoy many fraternal, social and community service activities with Sisters and Brothers of the Order from across the state; and,

WHEREAS, the members of the Order of the Eastern Star of Illinois each year raise hundreds of thousands of dollars to support local, national and international charitable programs, scholarships for deserving students, youth development and positive community activities to support families, senior citizens, and those suffering from natural disasters; and,

WHEREAS, this year, the Order of the Eastern Star of Illinois has introduced Paws for Patriots, a program designed to provide service dogs for veterans. Working with Dwight Correctional Center and their Helping Paws program, the Order has donated four Labrador retrievers and approximately \$2,000 of supplies since the program's inception; and,

WHEREAS, the Grand Chapter of the Order of the Eastern Star of Illinois will convene its 137th Annual Session, "Journey of Lasting Memories," in Springfield on October 4th and 5th, 2011; and,

WHEREAS, under the capable leadership of Worthy Grand Matron Sister Julie L. McMillen and Worthy Grand Patron Brother LeRoy Benson, the Grand Chapter of Illinois has accomplished great things for its members and for the people of Illinois:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois do hereby proclaim October 5, 2011 as **ORDER OF THE EASTERN STAR DAY** in Illinois, in recognition of the 137th annual session of the Grand Chapter and of the achievements of the members of the Order.

Issued by the Governor September 27, 2011
Filed by the Secretary of State October 7, 2011

2011-346
Central Service Week

WHEREAS, Central Sterile Supply Department technicians are responsible for processing surgical instruments, supplies and equipment; and,

WHEREAS, serving in sterile settings ranging from hospitals to ambulatory surgical centers, Central Sterile Supply Department technicians provide support to patient care services; and,

WHEREAS, Central Sterile Supply Department tasks include decontaminating, cleaning, processing, assembling, sterilizing, storing, and distributing the medical devices and supplies needed for patient care; and,

PROCLAMATIONS

WHEREAS, the Central Sterile Supply Department of a healthcare facility is the heart of all activity surrounding instruments, supplies and equipment required for operating rooms, Endoscopy suites, ICU, birth centers and other patient care areas; and,

WHEREAS, Central Sterile Supply Department technicians play a most important role in patient care arenas, and are responsible for first-line processes to prevent patient infections; and,

WHEREAS, the International Association of Healthcare Central Service Materiel Management (IAHCSMM), based in Chicago, Illinois, represents approximately 16,000 Central Sterile Supply Department professionals in the United States and abroad; and,

WHEREAS, IAHCSMM is committed to promoting safety and preventing infections for patients by providing educational and professional development opportunities to Central Sterile Supply Department professionals; and,

WHEREAS, IAHCSMM has designated the week of October 9 – 15, 2011 as Central Service Week in acknowledgment of the services provided by Central Sterile Supply Department professionals; and,

WHEREAS, Central Service Week recognizes the contributions Central Sterile Supply Department technicians make to patient safety and the opportunities and challenges facing the profession:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 9-15, 2011 as **CENTRAL SERVICE WEEK** in Illinois.

Issued by the Governor September 28, 2011

Filed by the Secretary of State October 7, 2011

2011-347**Childhood Lead Poisoning Prevention Week**

WHEREAS, lead poisoning is one of the most preventable environmental health problems affecting approximately 250,000 children aged 1 to 5 years in the United States; and,

WHEREAS, even at low levels, lead poisoning can affect nearly every system in the body, causing learning disabilities, shortened attention span, behavioral problems and, in extreme instances, seizure, coma and even death; and,

PROCLAMATIONS

WHEREAS, lead poisoning can affect any family regardless of race, socioeconomic status and education; and,

WHEREAS, Illinois identified approximately 3,300 lead poisoned children in 2010; and,

WHEREAS, the major source of lead exposure among Illinois children continues to be lead-contaminated dust and lead-based paint banned in 1978; and,

WHEREAS, more than 3.5 million housing units built prior to 1978 still remain in Illinois and an estimated 2 million contain lead; and,

WHEREAS, Illinois passed the Lead Poisoning Prevention Act in 1973 to set mandatory screening and reporting requirements; and,

WHEREAS, Illinois established the Lead Poisoning Prevention Program in the Illinois Department of Public Health to monitor the identification and treatment of lead poisoned children; and,

WHEREAS, Illinois data indicates a significant decline in the number of lead poisoned children younger than the age of 6, from 23.1 percent in 1996 to 1.2 percent in 2010; and,

WHEREAS, Illinois amended the Lead Poisoning Prevention Act in 2006, establishing new guidelines to further expand on lead poisoning prevention efforts in the state; and,

WHEREAS, Illinois is pleased to join with health care professionals, agencies and their delegates in observance of National Lead Poisoning Prevention Week, in an effort to increase awareness and promote prevention of lead poisoning in children:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, proclaim October 23-29, 2011, as **CHILDHOOD LEAD POISONING PREVENTION WEEK** in Illinois, and encourage all citizens to recognize the prevalence of lead poisoning in our society and to join in working toward eradicating this unfortunate and unnecessary condition.

Issued by the Governor September 28, 2011

Filed by the Secretary of State October 7, 2011

2011-348
Earth Science Week

WHEREAS, the earth sciences, especially geology, are integral to finding, developing, and conserving the water, mineral, and energy resources needed for modern society; and,

PROCLAMATIONS

WHEREAS, the earth sciences provide a basis for preparing for and mitigating the effects of natural hazards such as floods, landslides, earthquakes, volcanic eruptions, sinkholes, and coastal erosion; and,

WHEREAS, the earth sciences are crucial to our understanding of environmental and ecological issues ranging from air and water quality to waste disposal; and,

WHEREAS, knowledge about geological factors regarding earth resources, hazards, and the environment are vital to land management and land use decisions at local, state, regional, national, international, and global levels; and,

WHEREAS, study of the earth sciences contributes critically important information to our understanding of the natural world; and,

WHEREAS, Earth Science Week, observed annually during the second full week of October, is an opportunity to seek a greater understanding and appreciation of the value of earth science research and its application and relevance to our daily lives, as well as for science teachers at all levels throughout the Land of Lincoln to undertake lessons and activities with their students directed toward the study of earth science:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 9-15, 2011 as **EARTH SCIENCE WEEK** in Illinois.

Issued by the Governor September 28, 2011
Filed by the Secretary of State October 7, 2011

2011-349
Food Day

WHEREAS, the health and wellbeing of our citizens is of primary concern for the State of Illinois; and,

WHEREAS, reducing obesity and diet-related diseases by promoting safe and healthy diets is a critical factor in improving citizens' overall health; and,

WHEREAS, supporting sustainable family farms and local agriculture benefits our state's economy; and,

PROCLAMATIONS

WHEREAS, obtaining fair pay and safe conditions for food and farm workers is beneficial for both the producer and consumer, so that the food we produce and consume is safe and fair for all; and,

WHEREAS, expanding access to food and ending hunger is of critical importance to aid those who live in food deserts; and,

WHEREAS, curbing junk-food marketing aimed at children is vitally important in order to combat rising obesity rates and raise a generation of healthy children; and,

WHEREAS, protecting the environment and farm animals is necessary to sustain future generations:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 24, 2011 as **FOOD DAY** in Illinois.

Issued by the Governor September 28, 2011

Filed by the Secretary of State October 7, 2011

2011-350**Jewish Big Sisters Day**

WHEREAS, founded in 1916, Jewish Big Sisters (JBS) is the oldest Big Sister organization in Metropolitan Chicago; and,

WHEREAS, Jewish Big Sisters is a volunteer program providing Jewish women a great opportunity to mentor, support and work closely with young Jewish girls; and,

WHEREAS, Jewish Big Sisters fulfills emotional and interpersonal needs of girls ages 8 - 19 by providing social acceptance, warm understanding, guidance and recreational activities; and,

WHEREAS, the group's services focus on two basic programs: group activities and one-to-one matched relationships between the Little Sister and her volunteer Big Sister; and,

WHEREAS, group activities offer many opportunities for friendship and discussion, and may include cultural, religious, educational and recreational events; and,

WHEREAS, Big Sisters are volunteers and all services provided by Jewish Big Sisters are supported through independent fundraising and donations; and,

PROCLAMATIONS

WHEREAS, as an independent group of women, JBS has provided mentoring and friendship to approximately 9,000 Jewish girls in Chicagoland throughout the program's entirety; and,

WHEREAS, this year, Jewish Big Sisters will be celebrating its 95th anniversary on October 23rd with a Reunion Celebration:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 23, 2011 as **JEWISH BIG SISTERS DAY** in Illinois, in recognition of 95 years of service by this organization and its dedicated volunteers.

Issued by the Governor September 28, 2011

Filed by the Secretary of State October 7, 2011

2011-351**Lights on Afterschool Day**

WHEREAS, the citizens of the State of Illinois stand firmly committed to quality afterschool programs and opportunities; and,

WHEREAS, afterschool programs provide safe, challenging, and engaging learning experiences that help children develop social, emotional, physical and academic skills; and,

WHEREAS, afterschool programs also support working families by ensuring their children are safe and productive after the regular school day ends; and,

WHEREAS, afterschool programs benefit everyone because they build stronger communities by involving students, parents, business leaders and adult volunteers in the lives of young people, thereby promoting positive relationships among youth, families and adults; engage families, schools and community partners in advancing the welfare of our children; and,

WHEREAS, the State of Illinois has provided significant leadership in the area of community involvement in the education and well-being of our youth which is grounded in the principle that quality afterschool programs are key to helping our children become successful adults; and,

WHEREAS, more than 28 million children in the U.S. have parents who work outside the home, and unfortunately, 15.1 million children have no place to go after school; and,

WHEREAS, of the school-age children in Illinois, approximately 26 percent are unsupervised after school; and,

PROCLAMATIONS

WHEREAS, afterschool programs strengthen our communities by providing students a safe and healthy environment for them to learn while helping working parents; and,

WHEREAS, the State of Illinois is committed to investing in the health and safety of all young people by providing expanded learning opportunities that will help close the achievement gap and prepare young people to compete in the global economy; and,

WHEREAS, Lights On Afterschool is a national celebration of afterschool programs that will be held this year on October 20, 2011:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 20, 2011, as **LIGHTS ON AFTERSCHOOL DAY** in Illinois, in recognition of the importance of quality afterschool programs in the lives of children, families and communities.

Issued by the Governor September 28, 2011

Filed by the Secretary of State October 7, 2011

2011-352**Parental Involvement in Education Month**

WHEREAS, the children of Illinois are our most valuable resource and are the key to our state's future economic and social well-being; and,

WHEREAS, education strengthens and sustains our democratic society, and affords each child the opportunity to attain his or her highest level of achievement; and,

WHEREAS, parents serve as their child's first and most influential teachers and encourage their children to succeed in their goals; and,

WHEREAS, research indicates there is a direct correlation between high student achievement and the high expectations and positive contributions of a child's parents/caregivers; and,

WHEREAS, the most accurate predictor of student achievement in school is the extent to which their families are able to create a home environment that encourages learning and become involved in their children's education in both school and the community; and,

WHEREAS, creating an environment where learning takes place not just in a classroom – but becomes a central part of family life – requires that parents/caregivers play a more active role in their children's education; and,

WHEREAS, the importance of parent involvement in education requires not only recognition, but a firm commitment in our policies and frameworks; and,

PROCLAMATIONS

WHEREAS, Illinois' educational leaders are developing resources for parents looking to engage more fully in their children's education and to strengthen the connections between parents and schools; and,

WHEREAS, throughout the month of October, the Illinois State Board of Education's Division of Innovation and Improvement will host a number of Parent Involvement Regional Summits at locations across the state; and,

WHEREAS, these summits have been developed to assist districts and schools in the development and planning of strategies that sustain parent partnerships and to improve skills that join families and schools on a common path to student achievement; and,

WHEREAS, summit participants will take away ready-to-implement strategies for family engagement; build support networks for future work in family engagement; and gain experience in tools and processes that will assist in future school improvement planning; and,

WHEREAS, the importance of the role that parents and caregivers have in creating a successful preschool through college education system for each child in our state cannot be overstated:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2011 as **PARENTAL INVOLVEMENT IN EDUCATION MONTH** in Illinois, in recognition of the vital role that parents and caregivers play in the education of our state's children.

Issued by the Governor September 28, 2011

Filed by the Secretary of State October 7, 2011

2011-353**Flag Honors – Captain Thomas J. Heitmann**

WHEREAS, on Monday, September 19, 2011, United States Marine Corps Captain Thomas J. Heitmann of Mendota died at age 27 when his AH-1 Cobra helicopter crashed during a training exercise at Camp Pendleton, California. Also killed in the crash was Captain Jeffrey Bland of Champaign; and,

WHEREAS, both Marines were assigned to Marine Light Attack Helicopter Training Squadron 303, Marine Aircraft Group 39, 3rd Marine Aircraft Wing; and,

WHEREAS, Captain Heitmann graduated from St. Bede Academy in Peru, Illinois, where he was a record-breaking athlete; and,

WHEREAS, after graduating from high school, Captain Heitmann first attended Valley Forge Military College in Wayne, Pennsylvania and then Embry-Riddle Aeronautical University in Daytona Beach, Florida; and,

PROCLAMATIONS

WHEREAS, Captain Heitmann was commissioned as an officer in the United States Marine Corps in 2008; and,

WHEREAS, over the course of his military service, Captain Heitmann earned numerous awards and decorations including the National Defense Service Medal and the Global War on Terrorism Service Medal; and,

WHEREAS, funeral services will be held on Monday, October 3, 2011 for Captain Heitmann, who is survived by his parents, one brother, and four sisters:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on October 1, 2011 until sunset on October 3, 2011 in honor and remembrance of Captain Heitmann, whose selfless service and sacrifice is an inspiration.

Issued by the Governor September 30, 2011

Filed by the Secretary of State October 7, 2011

2011-354**Lakefront Sculpture Exhibit Day**

WHEREAS, conceived in 2001, the Lakefront Sculpture Exhibit is a nonprofit organization committed to pairing local sponsors with area artists to fund and facilitate an annually rotating collection of public sculptures throughout the Lincoln Park neighborhood in Chicago; and,

WHEREAS, the program began modestly, pairing a few sponsors with artists who placed six to ten sculptures. Over the past ten years, the Lakefront Sculpture Exhibit has grown tremendously and now features approximately twenty artists each year; and,

WHEREAS, over its ten year existence, the Lakefront Sculpture Exhibit has sponsored 54 artists, placing 141 sculptures; and,

WHEREAS, the Lakefront Sculpture Exhibit has created a model for improving the aesthetic and cultural value of a community while giving opportunities to both established and aspiring artists to simultaneously raise their profile and share their artwork with the public; and,

WHEREAS, October 16, 2011 marks the 10th anniversary of the Lakefront Sculpture Exhibit:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 16, 2011 as **LAKEFRONT SCULPTURE EXHIBIT DAY** in Illinois, in celebration of this unique public art installation.

Issued by the Governor October 3, 2011
Filed by the Secretary of State October 7, 2011

2011-355
NAWBO Day

WHEREAS, the National Association of Women Business Owners (NAWBO) was founded in 1975 by a small group of businesswomen in the Washington, D.C., area; and,

WHEREAS, NAWBO has since risen to become the strong and unified voice of more than 10 million women-owned businesses across the United States; and,

WHEREAS, NAWBO propels women entrepreneurs into economic, social and political spheres of power; and,

WHEREAS, NAWBO values and seeks a diverse and inclusive membership; and,

WHEREAS, the NAWBO Chicago Area Chapter membership of business owners, corporate partners and others comprises the largest of more than 60 NAWBO Chapters in the United States. NAWBO Chapters are also located in Peoria and Springfield; and,

WHEREAS, Crain's Chicago Business will present Small Business Week on October 3 through October 7, featuring an array of activities promoting the growth of area-wide small businesses, and recognizing Thursday, October 6, 2011, as NAWBO Day "For, By and About Women Business Owners":

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 6, 2011 as **NAWBO DAY** in Illinois, and call upon all citizens to celebrate and promote women business owners in the Land of Lincoln.

Issued by the Governor October 3, 2011
Filed by the Secretary of State October 7, 2011

2011-356
Flag Honors – Major Jeffrey Bland

PROCLAMATIONS

WHEREAS, on Monday, September 19, 2011, United States Marine Corps Major Jeffrey Bland of Galesburg died at age 37 when his AH-1 Cobra helicopter crashed during a training exercise at Camp Pendleton, California. Also killed in the crash was Captain Thomas Heitmann of Mendota; and,

WHEREAS, both Marines were assigned to Marine Light Attack Helicopter Training Squadron 303, Marine Aircraft Group 39, 3rd Marine Aircraft Wing; and,

WHEREAS, Major Bland was commissioned as an officer in the United States Marine Corps in 1997. He had previously served two tours of duty in Iraq in support of Operation Iraqi Freedom; and,

WHEREAS, over the course of his military service, Major Bland earned numerous awards and decorations, including two Navy Marine Corps Commendation Medals, the Selected Marine Corps Reserve Medal, the Air Medal, a Navy Unit Commendation Ribbon, the Iraq Campaign Medal, the National Defense Service Medal, the Global War on Terrorism Service Medal, three Sea Service Deployment Ribbons, and the Korean Defense Service Medal; and,

WHEREAS, funeral services will be held on Saturday, October 8, 2011 for Major Bland, who is survived by his wife and daughter:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on October 6, 2011 until sunset on October 8, 2011 in honor and remembrance of Major Bland, whose selfless service and sacrifice is an inspiration.

Issued by the Governor October 4, 2011

Filed by the Secretary of State October 7, 2011

2011-357**Flag Honors – Specialist Michael Vukovich**

WHEREAS, on Friday, September 30, 2011, United States Army Specialist Michael Vukovich of Crystal Lake died at age 22 after battling cancer for nearly six months; and,

WHEREAS, Specialist Vukovich joined the military in 2009. He did his basic training and was stationed at Fort Drum, New York, before being deployed to Afghanistan; and,

WHEREAS, from May 2010 through April 2011, Specialist Vukovich was stationed in Afghanistan where he was responsible for locating roadside bombs as a U.S. Army combat engineer; and,

PROCLAMATIONS

WHEREAS, funeral services will be held on Wednesday, October 5, 2011 for Specialist Vukovich, who is survived by his wife, his parents, and a brother and sister:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on until sunset on October 5, 2011 in honor and remembrance of Specialist Vukovich, whose selfless service is an inspiration.

Issued by the Governor October 4, 2011

Filed by the Secretary of State October 7, 2011

2011-358**Illinois Association for Home and Community Education Week**

WHEREAS, since 1924, members of the Illinois Association for Home and Community Education (IAHCE) have been promoting social and economic wellbeing in Illinois homes and neighborhoods; and,

WHEREAS, originally known as the Home Bureau Federation for farm wives, over the years the organization has continually evolved to meet changing times and needs; and,

WHEREAS, today the Illinois Association for Home and Community Education is an educational and community service organization comprised of over 10,000 men and women from 82 associations in 102 counties; and,

WHEREAS, the mission of the Illinois Association for Home and Community Education is to enhance the lives of individuals and families through quality educational programs and experiences encouraging responsible leadership and service to the community; and,

WHEREAS, IAHCE members volunteer their skills and energy to many different community service projects that include sending our troops care packages and making blankets for children in crisis situations and hospitals; and,

WHEREAS, altogether, IAHCE members across the Land of Lincoln volunteered more than 474,252 hours of their time to service projects last year:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 9 - 15, 2011 as **ILLINOIS ASSOCIATION FOR HOME AND COMMUNITY EDUCATION WEEK** in Illinois, in commendation of IAHCE members for their dedication and commitment to the welfare of local communities throughout our state.

PROCLAMATIONS

Issued by the Governor October 5, 2011

Filed by the Secretary of State October 7, 2011

2011-359**National Case Management Week**

WHEREAS, case management is a collaborative process of assessment, planning, facilitation, and advocacy for options and services to meet an individual's health needs through communication and available resources to promote quality, cost-effective outcomes; and,

WHEREAS, case managers are advocates who help patients understand their current health status, what they can do about it and why those treatments are important. In this way, case managers are catalysts by guiding patients and providing cohesion to other professionals in the health care delivery team, enabling their clients to achieve goals more effectively and efficiently; and,

WHEREAS, the Case Management Society of America (CMSA) is an international, non-profit, multi-disciplinary, and professional organization dedicated to the support and advancement of the case management profession; and,

WHEREAS, the Case Management Society of America is the leading membership association providing professional collaboration across the healthcare continuum to advocate for patients' wellbeing and improved health outcomes by fostering case management growth and development, impacting health care policy, and providing evidence-based tools and resources; and,

WHEREAS, since its inception, CMSA has been at the forefront of setting professional standards for the industry; and,

WHEREAS, founded in 1990, CMSA currently has more than 11,000 members and over 70 affiliated and pending chapters; and,

WHEREAS, this year, from October 9-15, there will be a weeklong celebration that serves to recognize case managers, to educate the public about case management, and to increase recognition of the significant contribution of case managers to quality healthcare for the patient, healthcare provider, and payer:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 9 – 15, 2011 as **NATIONAL CASE MANAGEMENT WEEK** in Illinois, in recognition of the contributions case managers make to the quality of healthcare in our state.

PROCLAMATIONS

Issued by the Governor October 5, 2011
Filed by the Secretary of State October 7, 2011

2011-360
Senior Health Insurance Program Week

WHEREAS, there are over 1.84 million Illinoisans 65 years of age or older on Medicare and more than 275,595 Illinoisans who are under 65 and have a disability who are on Medicare; and,

WHEREAS, according to the U.S. Census Bureau, the number of Illinoisans 65 years of age or older is estimated to increase to more than 2.4 million by the year 2030; and,

WHEREAS, elderly and disabled people who lack a social support network can be unaware of or overwhelmed by their Medicare benefits or may be unable to access and complete Medicare application procedures; and,

WHEREAS, the Senior Health Insurance Program (SHIP) was originated in 1988 by the Illinois Department of Insurance in order to educate the citizens of Illinois about Medicare benefits and programs through community organizations, senior citizen centers, and the media; and,

WHEREAS, since its inception, more than 2,500 SHIP volunteers have contributed nearly 700,000 hours to assist over 900,000 clients, saving Illinois' citizens more than \$75 million in customer service costs, \$40 million of which have been recorded in the past two years; and,

WHEREAS, hundreds of active SHIP volunteers are truly admirable citizens, contributing their time and talents through more than 204 local SHIP sites throughout Illinois in order to improve the lives of Illinois' Medicare beneficiaries; and,

WHEREAS, consistent with the Department of Insurance's consumer education and protection priorities, SHIP volunteers counsel eligible Illinois residents in every county, helping our seniors and disabled citizens work through the often confusing array of Medicare insurance options:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 10-14, 2011 as **SENIOR HEALTH INSURANCE PROGRAM WEEK** in Illinois, and encourage all residents to recognize the important contributions of the SHIP volunteers who assist our elderly and disabled citizens.

Issued by the Governor October 5, 2011
Filed by the Secretary of State October 7, 2011

ILLINOIS ADMINISTRATIVE CODE
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