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**June 1, 2012 Volume 36, Issue 22**

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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 2012

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 27, 2011	January 6, 2012
2	January 3, 2012	January 13, 2012
3	January 9, 2012	January 20, 2012
4	January 17, 2012	January 27, 2012
5	January 23, 2012	February 3, 2012
6	January 30, 2012	February 10, 2012
7	February 6, 2012	February 17, 2012
8	February 14, 2012	February 24, 2012
9	February 21, 2012	March 2, 2012
10	February 27, 2012	March 9, 2012
11	March 5, 2012	March 16, 2012
12	March 12, 2012	March 23, 2012
13	March 19, 2012	March 30, 2012
14	March 26, 2012	April 6, 2012
15	April 2, 2012	April 13, 2012
16	April 9, 2012	April 20, 2012
17	April 16, 2012	April 27, 2012
18	April 23, 2012	May 4, 2012
19	April 30, 2012	May 11, 2012
20	May 7, 2012	May 18, 2012
21	May 14, 2012	May 25, 2012
22	May 21, 2012	June 1, 2012
23	May 29, 2012	June 8, 2012

24	June 4, 2012	June 15, 2012
25	June 11, 2012	June 22, 2012
26	June 18, 2012	June 29, 2012
27	June 25, 2012	July 6, 2012
28	July 2, 2012	July 13, 2012
29	July 9, 2012	July 20, 2012
30	July 16, 2012	July 27, 2012
31	July 23, 2012	August 3, 2012
32	July 30, 2012	August 10, 2012
33	August 6, 2012	August 17, 2012
34	August 13, 2012	August 24, 2012
35	August 20, 2012	August 31, 2012
36	August 27, 2012	September 7, 2012
37	September 4, 2012	September 14, 2012
38	September 10, 2012	September 21, 2012
39	September 17, 2012	September 28, 2012
40	September 24, 2012	October 5, 2012
41	October 1, 2012	October 12, 2012
42	October 9, 2012	October 19, 2012
43	October 15, 2012	October 26, 2012
44	October 22, 2012	November 2, 2012
45	October 29, 2012	November 9, 2012
46	November 5, 2012	November 16, 2012
47	November 13, 2012	November 26, 2012
48	November 19, 2012	November 30, 2012
49	November 26, 2012	December 7, 2012
50	December 3, 2012	December 14, 2012
51	December 10, 2012	December 21, 2012
52	December 17, 2012	December 28, 2012

**Editor's Note:** The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 1<sup>st</sup> to July 2<sup>nd</sup>, 2012.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 595
- 3) Section Number: 595.110                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 6 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/6]
- 5) A Complete Description of the Subjects and Issues Involved: Section 6 of the Illinois Gas Pipeline Safety Act requires persons who engage in the transportation of gas or who own or operate pipeline facilities to file with the Commission, under such rules as the Commission prescribes, reports of all accidents, involving pipeline facilities or the transportation of gas.  
  
There are differences between the Commission's current definition of "accident" and the definition in the federal pipeline regulations. It is appropriate to initiate rulemaking to amend Part 595, given that Section 3 of the Act requires the Commission's rules to be "at least as inclusive, as stringent, and compatible with, the minimum safety standards adopted by the Secretary of Transportation under the Federal Act." The proposed amendment will incorporate by reference the federal definition.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 12-0348, with:

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

217/782-7434

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

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES  
 CHAPTER I: ILLINOIS COMMERCE COMMISSION  
 SUBCHAPTER d: GAS UTILITIES

## PART 595

REPORTS OF ACCIDENTS OR INCIDENTS BY PERSONS ENGAGED IN THE  
 TRANSPORTATION OF GAS, OR WHO OWN OR OPERATE GAS PIPELINE FACILITIES

## SUBPART A: GENERAL PROVISIONS

## Section

595.10 Exemption from 83 Ill. Adm. Code 220

## SUBPART B: REPORTS OF ACCIDENTS OR INCIDENTS

## Section

595.110 Definitions  
 595.120 Reporting of Accidents or Incidents  
 595.130 Immediate Reports

AUTHORITY: Implementing and authorized by Section 6 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/6].

SOURCE: Filed July 16, 1970; codified at 8 Ill. Reg. 7616; amended at 10 Ill. Reg. 8970, effective June 1, 1986; recodified from 92 Ill. Adm. Code 1810 at 12 Ill. Reg. 12998; amended at 13 Ill. Reg. 2036, effective February 1, 1989; amended at 22 Ill. Reg. 20083, effective November 7, 1998; amended at 32 Ill. Reg. 8128, effective May 15, 2008; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: REPORTS OF ACCIDENTS OR INCIDENTS

**Section 595.110 Definitions**

"Accident or incident", for the purposes of this Part, shall mean any or all of the events listed in 49 CFR 191.3 (January 1, 2011) following, the cause of which is gas escaping from pipeline facilities or liquefied natural gas facilities; No later amendments or editions are incorporated by this definition.

personal injury requiring hospitalization;

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

~~fatality; and~~

~~property damage exceeding \$50,000.~~

"Commission" shall mean the Illinois Commerce Commission.

"Gas" shall mean natural gas, flammable gas or gas ~~that~~which is toxic or corrosive.

"Liquefied natural gas facility" means a pipeline facility that is used for liquefying natural gas or synthetic gas or transferring, storing, or vaporizing liquefied natural gas.

"Person" shall mean any individual, firm, joint venture, partnership, corporation, association, ~~municipality or municipalities~~, cooperative association, and includes any trustee, receiver, assignee or personal representative thereof.

"Pipeline facilities" shall include new and existing pipe, rights-of-way and any equipment, facility or building used in the transportation of gas or the treatment of gas during the course of ~~the~~such transportation.

"Transportation of gas" shall mean the gathering, transmission or distribution of gas by pipeline or its storage within this ~~State~~state and not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Pipeline Safety Act ~~(49 USC 60101 et seq.)~~.

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

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Charter Schools
- 2) Code Citation: 23 Ill. Adm. Code 650
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
650.10	Amendment
650.20	Amendment
650.30	Amendment
650.40	Amendment
650.50	Amendment
650.60	Repeal
650.70	New Section
650.100	New Section
650.110	New Section
- 4) Statutory Authority: 105 ILCS 5/Art. 27A
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 97-152, effective July 20, 2011, amended Article 27A of the School Code [105 ILCS 5/Art. 27A] to create the State Charter School Commission to assume some of the responsibilities of the State Board of Education relative to charter schools. In particular, the nine-member Commission is charged with considering appeals from charter school developers of new applications denied by local school boards, charter schools that have had their renewal requests rejected by their authorizing school boards, and charter schools whose charters have been revoked by their authorizing school boards.

Additionally, the law now allows a charter school to request that the authority for the school be transferred from the local school board to the Commission. The Commission also is authorized to consider requests in which two or more school districts would be responsible for issuing a charter. These requests could come to the Commission for action when the authorizing school districts are not opposed to the charter school in concept but, given the complexities of administering the charter in multiple school districts, they wish to yield authority for the school to the Commission. Processes related to these responsibilities of the Commission will be set forth in a subsequent rulemaking.

Finally, the authority for the two charter schools that are currently authorized by the State Board – Southland College Prep Charter High School and Prairie Crossing Charter School – will transfer to the Commission by no later than July 1, 2012, by operation of a vote of the State Board.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

Given the shift in responsibilities, Part 650 will need to be changed to clearly articulate the responsibilities of the State Board of Education and those of the Commission. To that end, the proposed amendments contain separate Subparts that set forth the actions of each entity. Subpart B addresses the actions of the State Board of Education in receiving reports of action from local school boards relative to charter school applications that they have considered. The Subpart continues to provide a process for an approved charter to be certified by the agency. Minor revisions are being proposed in existing regulatory provisions to require electronic submission of documents to the State Board (Section 650.30) and to acknowledge the responsibilities of the State Board to certify charters upon which the Commission has acted (Section 650.40).

Additionally, staff are recommending that the rules include the process to be used by charter schools should they close. Although closures are not a part of the changes to Article 27A resulting from P.A. 97-152, staff recognize that certain protections are needed for students and employees, with a view toward minimizing the risk they accept when they form or enroll in a charter school. The proposed amendments address notice requirements, disposition of the school's assets and records, and the handling of students' school records.

Subpart C outlines the procedures for the Commission's consideration of appeals from charter school developers and charter schools or requests for consideration when a school board fails to act in a timely manner (Sections 650.100 and 650.110). As proposed, the rules mirror closely the steps of the appeal process used by the State Board and set forth in Section 650.60, which is proposed for repeal. Under the Commission's proposed procedures, opportunities will be provided for charter school developers and charter schools to meet with Commission staff and authorized representatives in advance of the public meeting held to consider the request for consideration or appeal. The proposed amendments include timelines for action to ensure that the Commission meets its statutory obligation to render a decision on the request for consideration or appeal within 30 days after the public meeting is held.

- 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

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 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 create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Shelley Helton  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield, Illinois 62777-0001

217/782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Entities that wish to establish a charter school, as well as currently authorized charter schools.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER 6: MISCELLANEOUS

## PART 650

## CHARTER SCHOOLS

SUBPART A: GENERAL PROVISIONS

## Section

650.10 Definitions

650.20 Purpose

SUBPART B: ACTIONS OF THE STATE BOARD OF EDUCATION650.30 Submission to the State Board of Education650.40 Review by the State Superintendent of Education of Local or Commission  
Approvals by State Board

650.50 Revision and Renewal of Charters

650.60 Appeal of Local School Board Decisions (Repealed)650.70 Procedures for Closing a Charter SchoolSUBPART C: ACTIONS OF THE STATE CHARTER SCHOOL COMMISSION650.100 Appeals to, and Requests for Consideration by, the Commission650.110 Review of Appeals and Requests for Consideration; Decision

AUTHORITY: Implementing and authorized by Article 27A of the School Code [105 ILCS 5/Art. 27A].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 6329, effective April 23, 1996, for a maximum of 150 days; emergency expired; emergency amendment at 20 Ill. Reg. 8677, effective June 25, 1996, for a maximum of 150 days; new Part adopted at 20 Ill. Reg. 15284, effective November 15, 1996; emergency amendments at 22 Ill. Reg. 1479, effective January 1, 1998, for a maximum of 150 days; emergency expired; emergency amendment at 22 Ill. Reg. 5104, effective February 27, 1998, for a maximum of 150 days; emergency expired; amended at 22 Ill. Reg. 16455, effective September 3, 1998; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

SUBPART A: GENERAL PROVISIONS**Section 650.10 Definitions**

"Article 27A of the School Code" or the "Charter Schools Law" means 105 ILCS 5/Art. 27A ~~(see P.A. 89-450, effective April 10, 1996).~~

"Commission" has the meaning set forth in Section 27A-3 of the School Code.

"Day" means calendar day, unless otherwise specified in this Part. The time within which any action required under this Part must occur shall be determined in accordance with the provisions of Section 1.11 of the Statute on Statutes [5 ILCS 70/1.11].

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

**Section 650.20 Purpose**

Article 27A of the School Code sets forth the requirements for a charter school and the procedure for consideration of a charter school proposal by local boards of education, by two or more local boards of education pursuant to Section 27A-4(e) of the School Code, or by the Commission. ~~Pursuant to Section 27A-4(e) of the School Code, two or more local boards of education may jointly submit a proposal for a single charter school.~~ This Part sets forth the procedures applicable to reporting to the State Board of Education by local school boards and the Commission of the submission of charter school proposals, as required by ~~Sections~~ Section 27A-8(f) and 27A-9(f) of the School Code. Further, this Part sets forth procedures for appeals to the Commission of local board of education decisions under Section 27A-9 of the School Code and for the orderly closing of charter schools.

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

SUBPART B: ACTIONS OF THE STATE BOARD OF EDUCATION**Section 650.30 Submission to the State Board of Education**

Local ~~boards~~ board(s) of education shall submit a final report to the State Board of Education as to the action by the local ~~boards~~ board(s) of education with regard to an application for, revision of, renewal of, or revocation of a charter. A copy of the report shall be provided to the applicant

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

or charter holder at the same time that the report is submitted to the State Board of Education. ~~The report shall include a notice to the applicant or charter holder to the effect that a denial, revocation or non-renewal of a charter school application or revision may be appealed to the State Board of Education within 14 days after the postmark date that the report is submitted to the State Board of Education.~~ Reports shall be submitted as follows.:

- a) The local board of education shall submit the report to the State Board of Education either by electronic mail or U.S. mail to the address in subsection (e) of this Section not later than seven days after the date of the public meeting at which the board acted on the charter request.
  - 1) For reports submitted by U.S. mail, the report must bear a postmark date of not later than seven days following the meeting date.
  - 2) In case of separate public meetings by each school board involved, the seven days shall begin when the last school board votes on the matter.
- b) Reports of approved applications, revisions, or renewals shall be accompanied by a form to be supplied by the State Board that attests to the local board of education's. ~~The form shall include a certification as to~~ compliance with all of the procedural requirements and application components set forth in Article 27A of the School Code. The form and the proposed contractual agreement shall be signed by the ~~president~~president(s) of ~~each~~the local school board that is a party to the application~~board(s)~~ and the appropriate officers of the charter school governing body. Section 27A-6 of the School Code provides that a *proposed contract between the governing body of a proposed charter school and the local school board must be submitted to and certified by the State Board before it can have effect.*
- c)b) Reports of denials, revocations or non-renewals shall consist of the charter proposal or current charter contract voted upon by each of the local ~~boards~~board(s) of education; ~~and~~ a copy of each board's resolution setting forth the board's action and its reasons for the action; a notice to the applicant or charter holder to the effect that a denial, revocation or non-renewal of a charter school application or revision may be appealed to the Commission within 30 days from the date that the school board voted to deny the application or revoke or not renew a contract; and any other documents upon which the board relied in denying the current proposal or revoking or not renewing the contract.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

~~d)e)~~ Each submission under subsection (b) or (c) of this Section also shall include aA certification of publication and a copy of the printed notice of the public meeting for each local board of education involved, as required by Section 27A-8(d) of the School Code, ~~must be submitted with all reports.~~

~~e)d)~~ Reports shall be submitted via electronic submission to [charter@isbe.net](mailto:charter@isbe.net) or by certified mail, return receipt requested, addressed to:

Illinois State Board of Education  
Charter Schools  
100 West Randolph Street  
Suite 14-300  
~~100 North First Street~~  
ChicagoSpringfield, Illinois 6060162777

~~No electronic or facsimile transmissions will be accepted.~~

~~f)e)~~ Reports and other documentation pertaining to denials, revocations or non-renewals also shall be submitted to the Commission within the timeframe set forth in subsection (a) of this Section via electronic submission to [Jeanne.Nowaczewski@Illinois.gov](mailto:Jeanne.Nowaczewski@Illinois.gov) or by certified mail, return receipt requested, addressed to:

State Charter School Commission  
Michael A. Bilandic Building  
160 North LaSalle Street, 6<sup>th</sup> Floor  
Chicago, Illinois 60601

~~Reports must be postmarked no later than 7 calendar days following the date of public meeting of the local board(s) of education at which the vote occurred and must include proof of service of the report upon the applicant or charter holder. In cases of separate public meetings by each school board involved, the 7 days shall begin when the last school board votes on the matter.~~

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

**Section 650.40 Review by the State Superintendent of Education of Local or Commission Approvals ~~State Board~~**

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- a) The State ~~Superintendent~~~~Board~~ shall review each report of an approved application, revision or renewal to determine whether the statutory requirements have been followed and the proposed contractual agreement is complete and compliant with the provisions of Article 27A of the School Code. Proposed contractual agreements ~~that~~~~which~~ are complete and compliant with the provisions of Article 27A of the School Code shall be certified by the State Superintendent until the maximum authorized numbers of charter schools have been reached. ~~The State Superintendent shall send a~~ certification of the charter ~~shall be sent to each~~~~the~~ local school ~~board that is a party to the application or the Commission, as applicable,~~~~board(s)~~ and the charter school governing body.
- b) If a report is incomplete or a proposed contractual agreement fails to comply with any applicable law, the State ~~Superintendent~~~~Board~~ shall so notify ~~each~~~~the~~ submitting school ~~board or the Commission, as applicable,~~~~board(s)~~ and the applicant or charter holder, identifying the ~~area~~~~area(s)~~ of deficiency that must be remedied before the proposal can be considered for certification.
- c) The State Superintendent shall notify ~~each~~~~the~~ local school ~~board that is a party to the application or the Commission, as applicable,~~~~board(s)~~ and the applicant or charter holder as to a determination made with respect to a report of an approved application, renewal or revision by certified mail within ~~30~~~~14~~ days after receipt of the report (Section 27A-8(f) of the School Code).

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

**Section 650.50 Revision and Renewal of Charters**

*No material revision to a previously certified contract or a renewal shall be effective unless and until the State Board certifies that the revision or renewal is consistent with the provisions of Article 27A (Section 27A-6(e) of the School Code). Proposed revisions or renewals of a charter shall be submitted to the State Board of Education in the manner set forth in this Part.*

- a) The following revisions to a certified contract or a renewal are considered material for purposes of this Section. Any proposed revision not listed in this subsection (a), except those set forth in subsection (b) of this Section, should be presumed material and shall be submitted to the State Board for certification before it may take effect.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Enrollment growth beyond 20 percent or expansion beyond the grade levels listed in the certified charter.
  - 2) Transferring the charter to another non-profit entity.
  - 3) Altering the mission of the charter or the targeted student population.
  - 4) Employing or terminating a management company.
  - 5) Any change to the charter with respect to the National School Lunch Program (7 CFR 210.10 (2012)).
  - 6) Any change to the charter with respect to the provision of student transportation.
- b) The following revisions to a certified contract are not considered material for purposes of this Section.
- 1) Bylaws.
  - 2) Relocation.
  - 3) The name of the charter school.
  - 4) The articles of incorporation.
  - 5) Class sizes as stated in the application.
  - 6) Length of school day and/or academic year.
  - 7) Curriculum changes.

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

**Section 650.60 Appeal of Local School Board Decisions (Repealed)**

- a) ~~An applicant for a charter or a charter holder may appeal to the State Board of Education a local school board report which denies, revokes or refuses to renew a charter. The appeal must state the reasons why the decision of the school board~~

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

~~should be reversed and must be postmarked no later than 14 calendar days following the postmark date of the report's submission to the State Board of Education. The appeal must be submitted in writing by certified mail, return receipt requested, to the following address, with a copy sent by certified mail to the school board:~~

~~Illinois State Board of Education  
Charter Schools  
100 North First Street  
Springfield, Illinois 62777~~

~~No electronic or facsimile transmissions will be accepted. Appeals postmarked later than 14 calendar days following the postmark date of submission of the report shall not be processed.~~

- ~~b) The parties shall submit to the State Board such additional information as the State Board determines is necessary to decide the appeal.~~
- ~~e) The applicant, charter holder, or school board may request an opportunity to make an oral presentation to staff of the State Board of Education designated by the State Superintendent of Education.~~
  - ~~1) An applicant or charter holder shall request an oral presentation in the appeal document submitted pursuant to this Section.~~
  - ~~2) If an applicant or charter holder does not request an oral presentation, the school board may request an oral presentation by mailing a written request to the State Board, with a copy sent to the applicant or charter holder, within seven days after the postmark date of the appeal.~~
  - ~~3) Staff of the State Board of Education will schedule the presentation after giving no less than seven days' notice to each party, unless the State Superintendent can determine from the school board's report that the school or proposal, as a matter of law, does not comply with the Charter Schools Law.~~
  - ~~4) If either party has requested and is entitled to an oral presentation, each party shall be given 45 minutes to make a presentation.~~

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- ~~5) If neither party requests an oral presentation, staff of the State Board may request that the parties make an oral presentation after giving no less than seven days' notice to each party.~~
- ~~d) Staff of the State Board of Education shall submit a recommendation to the State Superintendent of Education.~~
- ~~1) If the State Superintendent determines that the appeal is untimely or that the school or proposal, as a matter of law, does not comply with the Charter Schools Law, he shall issue a final decision to the parties containing his findings and denying the appeal. Otherwise the State Superintendent shall submit his findings and recommendation to the State Board of Education for a final decision.~~
- ~~2) A copy of the final decision shall be sent by certified mail to each party within 60 days after receipt of the appeal, receipt of any additional information requested under subsection (b) of this Section, or the date of an oral presentation made pursuant to this Section, whichever occurs last.~~

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 650.70 Procedures for Closing a Charter School**

The governing body of a charter school that is closing, whether voluntarily or involuntarily, shall be subject to the requirements of this Section.

- a) Required Notices  
The governing body or its designee shall:
- 1) provide at least 14 days' advance written notice of the closing to the charter school's employees, including the date of closure;
- 2) provide at least 14 days' advance written notice of the closing to the parents or guardians of the students attending the school and to the superintendent of each school district in which any of the charter school's students reside, including:
- A) the date of closure; and



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- 2) the school's policy manual;
- 3) the manuals setting forth the school's administrative, accounting, and personnel-related procedures;
- 4) all personnel files, including service records and information regarding teachers' certification;
- 5) all teachers' schedules;
- 6) all inventory records for fixed assets (i.e., tangible property used in operating the charter school);
- 7) bank statements, including any canceled checks returned by the financial institution;
- 8) corporate credit card statements and invoices;
- 9) accounting reports, budgets, journals, ledgers, and registers;
- 10) annual financial reports prepared by independent auditors;
- 11) all agreements, contracts, and records of arrangements, including any exhibits, amendments, or other supporting documentation;
- 12) all Internal Revenue Service forms used and any supporting documentation;
- 13) all Teachers' Retirement System forms used and any supporting documentation;
- 14) purchase requisitions and purchase vouchers, including supporting documentation such as vendors' invoices, store receipts, or travel itineraries;
- 15) vouchers for reimbursement of staff expenses, including travel, with any supporting documentation; and
- 16) all electronic files containing financial records pertaining to the school.

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- e) Requirements for Inventory Records  
For each fixed asset of the charter school (i.e., land, buildings, machinery, equipment, furniture, and fixtures), the inventory record shall include the following information:
- 1) a description of the fixed asset;
  - 2) a manufacturer's serial number, model number, federal or national stock number, or other identifying number, if applicable;
  - 3) an indication as to whether local, State, and/or federal funds were used to acquire the asset, along with information from which the percentage of State and/or federal participation can be calculated;
  - 4) whether title to the asset vests in the charter school, an agency of State government, or the federal government;
  - 5) the acquisition date (or the date received, if the asset was furnished by a donor) and cost;
  - 6) the location and condition of the fixed asset and the date as of which this information was last reported (e.g., the date of the last physical inventory taken by representatives of the charter school);
  - 7) information as to the ultimate disposition of the fixed asset, including the date of disposal and sale price, or, when the charter school has compensated a State or federal agency for its share in the asset, the method used to determine the current fair market value.
- f) Final Financial Accountability
- 1) The governing body or its designee shall cause a final audit of the charter school to be performed by an independent auditor after all the school's assets have been liquidated and its accounts payable have been settled. The governing body or its designee shall provide a copy of the audit report to the chartering entity.

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- 2) If the governing body has been unable to liquidate all the school's accounts payable, the governing body or its designee shall inform the chartering entity or entities of any outstanding obligations. The chartering entity shall not, however, be responsible for any obligation of a charter school not specified in the charter agreement.
- 3) The governing body shall designate an individual who will complete any expenditure reports or other fiscal documentation that may be required by the State Board of Education.

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

SUBPART C: ACTIONS OF THE STATE CHARTER SCHOOL COMMISSIONSection 650.100 Appeals to, and Requests for Consideration by, the Commission

- a) An applicant for a charter or a charter holder may appeal to the Commission a local school board report that denies, revokes or refuses to renew a charter. An applicant for a charter also may submit its proposal to the Commission for consideration in situations in which the local school board fails to act on the proposal within a timely manner. (See Section 27A-8(d) and (e) of the School Code.) Any appeal or request for consideration shall be submitted to the Commission no later than 30 days after:
  - 1) the date that the school board voted to deny the application; or
  - 2) the date by which the school board was to, but did not, hold a public meeting (see Section 27A-8(d) of the School Code); or
  - 3) the date by which the school board was to, but did not, vote on the charter request (see Section 27A-8(e) of the School Code).
- b) The appeal or request for consideration must be submitted electronically to the Commission at [Jeanne.Nowaczewski@Illinois.gov](mailto:Jeanne.Nowaczewski@Illinois.gov), with a copy sent by certified mail or electronic mail to the school board.
- c) Appeals of School Board Decisions to Deny, Revoke or not Renew a Charter  
The applicant, to the extent possible, must state the reasons why the decision of the school board should be reversed.

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- d) Consideration of Requests Due to Local Inaction
- 1) The applicant shall state the reasons why the proposal should be granted.
  - 2) The applicant shall list the date the charter school proposal was submitted to the school board for consideration and, if a public meeting was held in accordance with Section 27A-8(c) of the School Code, the date of the public meeting and a statement that the school board failed to vote on the request within 30 days after the meeting being held.
- e) The parties shall submit to the Commission any additional information that the Commission determines is necessary to decide the appeal.
- f) Any appeal or request for consideration not submitted within the applicable deadline specified in subsection (a) of this Section shall not be considered, and the Commission shall provide notification to the applicant to this effect.

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

**Section 650.110 Review of Appeals and Requests for Consideration; Decision**

- a) Within seven days after receiving an appeal or a request to consider due to a school board's inaction, the Commission shall inform each party (i.e., charter school applicant and school district) of the following:
- 1) the time, date and location of the public meeting to hear the appeal or consider the request that is scheduled no later than 45 days after the Commission received the appeal or request for consideration;
  - 2) a notice provided to both parties that either party may provide a written request for an opportunity to make an oral presentation before the Commission during the public meeting at which the Commission shall hear the appeal or consider the request. This request shall be submitted no later than seven days prior to the date set for the meeting; and
  - 3) the time, date and location of any interviews the Commission may wish to schedule with the parties in advance of the public meeting.

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- b) When practicable, the Commission's designees (e.g., Commission staff, independent evaluators assigned by the Commission) shall conduct any interviews in the presence of both parties. Unless otherwise required by Illinois law, the interviews shall not be open to the public.
- c) In addition to the timeline provided under subsection (a) of this Section, the Commission shall provide each party with a reminder notice at least five days in advance of the public meeting to be held to hear the appeal or consider the request. A public meeting conducted under this subsection (c) shall comply with the Open Meetings Act [5 ILCS 120].
- 1) If either party has requested an oral presentation, the Commission shall provide each party with an equal amount of time to make the oral presentation to the body and to respond to the Commission's questions.
  - 2) The Commission shall reserve time at the public meeting to take testimony or comments from the public.
  - 3) In so far as possible, the Commission shall hold the public meeting at or near the school district involved in the appeal or request for consideration.
- d) The Commission shall render a decision no later than 30 days after the conclusion of the public meeting and shall announce that decision either during the public meeting held to consider the appeal or request for consideration or during another publicly scheduled meeting held within the required 30-day timeline.
- 1) In reviewing appeals or whether to grant a charter due to a school district's inaction, the Commission shall consider whether the charter proposal *is in compliance with Article 27A of the School Code and is in the best interests of the students the charter school is designed to serve.* (Section 27A-8(h) of the School Code) In order to determine whether a proposal satisfies both prongs under Section 27A-8(h), the Commission shall conduct a de novo review of the proposal and the district's response. Pursuant to this review, the Commission shall not give deference to any finding of fact or conclusion of law made by the local board of education with respect to the proposal or any information provided by the charter school applicant.
  - 2) If the appeal or request for consideration, as a matter of law, does not comply with the Charter Schools Law, or if the charter proposal is not in

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the best interest of the students, the Commission shall issue a final decision to the parties containing the Commission's reasons for denying the appeal or request for consideration.

3) If the Commission finds that the charter school proposal complies with Article 27A of the School Code and is in the best interest of the students to be served, it shall issue a final decision to the parties containing the Commission's reasons for approving the appeal or request for consideration.

4) A copy of any decision rendered pursuant to subsection (d)(2) or (d)(3) of this Section shall be provided to each party by certified mail within the timeline set forth in this subsection (d).

e) The decision of the Commission is final unless reviewed under the Administrative Review Law [735 ILCS 5/Art. III], as provided in Section 27A-8(h) of the School Code.

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.1001                      Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This amendment, regarding alternate payees, adds language that provides that an employer who is eligible to participate in the State's medical assistance program may be designated as an alternate payee by an individual practitioner who is employed by the payee. Further, the employer who qualifies as a payee for more than four practitioners and the employer who is not licensed in the same profession as the practitioner in his or her employ who has designated the employer as an alternate payee shall be subject to enhanced screening and verification by the Office of Inspector General of the Department of Healthcare and Family Services. Provides that a corporation may be named as an alternate payee and that a corporation registered with the Secretary of State to do business in the State and whose shares of ownership are not publicly traded in a recognized stock exchange within the United States of America shall be subject to enhanced screening and verification by the Department.  
  
This amendment is a response to well-supported proposed legislation, SB 3441. SB 3441 represents a broad expansion of the alternate payee system and prohibits the Department of Healthcare and Family Services from requiring a practitioner-owned group practice, partnership, or corporation to have a set number of licensed practitioner-owners who are eligible to provide medical services under the Code in order for the practitioner-owned group practice, partnership, or corporation to qualify as an alternate payee under the State's medical assistance program. Also, SB 3441 provides that the Department shall not prohibit a corporate entity that employs health care providers from participating as an alternate payee under the State's medical assistance program if the corporation is organized for the purpose of providing medical or other health care services.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
140.462	Amendment	35 Ill. Reg. 11126; July 15, 2011

- 11) Statement of Statewide Policy Objectives: This rulemaking does affect units of local government. It will have an impact on county government entities that own or operate nursing facilities enrolled in the Medical Assistance Program.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

217/782-1233

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded practitioners, practitioner-owned group practices, partnerships or corporations
- B) Reporting, bookkeeping or other procedures required for compliance: Preparation, documentation, and submission of facility's cost report

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- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on Which this Rulemaking Was Summarized: January 2012

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 140

## MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

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

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

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

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

## SUBPART C: PROVIDER ASSESSMENTS

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

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

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

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## Section

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

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

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140.480	Equipment Rental Limitations
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140.483	Limitations on Family Planning Services
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140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
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140.494	Record Requirements for Medical Transportation Services
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
140.498	Fingerprint-Based Criminal Background Checks

## SUBPART E: GROUP CARE

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

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140.520	Management of Recipient Funds – Local Office Responsibility
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140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
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140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	County Contribution to Medicaid Reimbursement (Repealed)
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140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
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140.550	Update of Operating Costs
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140.552	Nursing and Program Costs
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140.555	Minimum Wage
140.560	Components of the Base Rate Determination
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140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
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140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
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140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
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140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
140.646	Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
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140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND LOCAL GOVERNMENTAL ENTITIES

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

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section

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

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

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

## Section

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

## SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

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- 140.990 Primary Care Case Management Program

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

## SUBPART J: ALTERNATE PAYEE PARTICIPATION

## Section

140.1001	Registration Conditions for Alternate Payees
140.1002	Participation Requirements for Alternate Payees
140.1003	Recovery of Money for Alternate Payees
140.1004	Conditional Registration for Alternate Payees
140.1005	Revocation of an Alternate Payee

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140.1010	Mandatory Enrollment in MCOs
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## SUBPART L: UNAUTHORIZED USE OF MEDICAL ASSISTANCE

## Section

140.1300	Definitions
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140.TABLE B	Geographic Areas
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140.TABLE J	HSA Grouping (Repealed)
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140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; preemptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; preemptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; preemptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; preemptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June

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26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill.

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Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted

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Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October

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1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999;

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amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004;

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emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency

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expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART J: ALTERNATE PAYEE PARTICIPATION

**Section 140.1001 Registration Conditions for Alternate Payees**

a) In order to participate, alternate payees must meet the following conditions:

- 1) Hold a valid, appropriate license ~~when~~where State law requires licensure of medical practitioners, agencies, institutions and other medical entities;
- 2) Be certified for participation in the Title XVIII Medicare program when federal or State rules and regulations require ~~such~~ certification for Title XIX participation;
- 3) Be certified for Title XIX when federal or State rules and regulations so require;
- 4) Qualify as:
  - A) Hospital or a hospital affiliate as defined by the Hospital Licensing Act [210 ILCS 85];

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- B) Professional school that offers a degree to qualify individuals for licensure to perform medical services;
- C) Group practice solely owned by three or more full-time licensed individual practitioners who are eligible to participate in the Medical Assistance Program;
- D) Partnership that requires fees of its partners to be turned over to the partnership and all partners are eligible to participate in the Medical Assistance Program;
- E) Individual practitioner "employer" who requires an employee, as a condition of employment, to turn over his or her fees to the employer. The employer must be eligible to participate in the Medical Assistance Program. An employer who qualifies as a payee for more than four practitioners, and an employer who is not licensed in the same profession as the practitioners in his or her employ who have designated the employer as the alternate payee, shall be subject to enhanced screening and verification by the Inspector General of the Department. An advanced practice nurse licensed under the Nurse Practice Act [225 ILCS 65] may designate an employer who is a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] and, except as provided below, must be licensed in the same profession as the practitioners in his or her employ who have designated the employer as the alternate payee. The employer may only qualify as a payee for a total of four individual practitioners, including the employer. Practitioners may designate an employer who is a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] if the practitioner is an advanced practice nurse licensed under the Nurse Practice Act [225 ILCS 65];
- F) Corporation registered with the Illinois Secretary of State's Office to do business in the State of Illinois. A corporation registered with the Illinois Secretary of State's Office to do business in the State of Illinois, whose shares of ownership are not publicly traded in a recognized stock exchange within the United States of America, shall be subject to enhanced screening and verification by the Inspector General of the Department and whose shares of

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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~~ownership are publicly traded in a recognized stock exchange within the United States of America;~~

- G) Governmental entity that requires, as a condition of employment, that the fees be turned over to the governmental entity;
  - H) Community mental health agency that is certified by the Department of Human Services under 59 Ill. Adm. Code 132 and is enrolled as a provider in the Medical Assistance Program; or
  - I) Federally Qualified Health Center, Rural Health Center or Encounter Rate Clinic that is enrolled as a provider in the Medical Assistance Program;
- 5) Provide registration information to the Department, in the prescribed format;
  - 6) Notify the Department, in writing, immediately whenever there is a change in any information that the alternate payee has previously submitted;
  - 7) Provide disclosure, as requested by the Department, of all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions, or other legal entities providing any form of health care services to public assistance recipients and alternate payee relationships; and
  - 8) Have a current alternate payee registration on file with the Department.
- b) Approval of a corporate entity such as a group practice, a partnership, hospital, or professional school as an alternate payee in the Medical Assistance Program applies only to the entity's existing ownership, corporate structure, and location. Therefore, an alternate payee's registration in the Medical Assistance Program is not transferable.
  - c) For purposes of administrative efficiency, the Department may periodically require classes of alternate payees to re-register in the Medical Assistance Program. Under ~~thesuch a~~ re-registration, the Department shall request classes of

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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alternate payees to submit updated information. Failure of an alternate payee to submit ~~updated~~~~sueh~~ information within the requested time frames may result in cancellation of the alternate payee registration from the Program. ~~The~~~~Sueh~~ cancellation shall have no effect on the future eligibility of the alternate payee to participate in the Program and is intended only for purposes of the Department's efficient administration of the Program.

- d) For purposes of this Section, an alternate payee whose alternate payee investor ownership has changed by 50 percent or more from the date the alternate payee was initially approved for registration as an alternate payee in the Medical Assistance Program shall be required to submit a new application for registration. All ~~sueh~~ applications must meet the requirements for registration.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3) Section Numbers:                      Proposed Action:  
     146.225                                      Amendment  
     146.255                                      Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The Department is proposing an amendment that eliminates bed hold payments for adults in supportive living facilities for an annual reduction of \$2.9 million
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
146.225	Amendment	36 Ill. Reg. 6208; April 27, 2012

- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which Interested Persons may Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeanette Badrov  
 General Counsel  
 Illinois Department of Healthcare and Family Services

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

201 South Grand Avenue E., 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

217/782-1233

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded skilled nursing facilities
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was Summarized: January 2012

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

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## NOTICE OF PROPOSED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 146

## SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

## SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

## Section

146.100	General Description
146.105	Definitions
146.110	Participation Requirements
146.115	Records and Data Reporting Requirements
146.125	Covered Ambulatory Surgical Treatment Center Services
146.130	Reimbursement for Services

## SUBPART B: SUPPORTIVE LIVING FACILITIES

## Section

146.200	General Description
146.205	Definitions
146.210	Structural Requirements
146.215	SLF Participation Requirements
146.220	Resident Participation Requirements
146.225	Reimbursement for Medicaid Residents
146.230	Services
146.235	Staffing
146.240	Resident Contract
146.245	Assessment and Service Plan and Quarterly Evaluation
146.250	Resident Rights
146.255	Discharge
146.260	Grievance Procedure
146.265	Records and Reporting Requirements
146.270	Quality Assurance Plan
146.275	Monitoring
146.280	Non-Compliance Action
146.285	Voluntary Surrender of Certification
146.290	Geographic Groups

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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146.295	Emergency Contingency Plan
146.300	Waivers
146.305	Reporting of Suspected Abuse, Neglect and Financial Exploitation
146.310	Facility Management of Resident Funds

## SUBPART C: STATE HEMOPHILIA PROGRAM

Section	
146.400	Definitions
146.410	Patient Eligibility
146.420	Hemophilia Treatment Centers
146.430	Comprehensive Care Evaluation
146.440	Home Transfusion Arrangements
146.450	Obligations of the Department

## SUBPART D: CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTERS

Section	
146.500	General Description
146.510	Definitions
146.520	Participation Requirements
146.530	Records and Data Reporting Requirements
146.540	Covered Children's Community-Based Health Care Center Services
146.550	Reimbursement for Services
146.560	Individuals Eligible for Services Provided in a Children's Community-Based Health Care Center
146.570	Prior and Post Approval of Services

## SUBPART E: SUPPORTIVE LIVING FACILITIES WITH DEMENTIA CARE UNITS

Section	
146.600	General Description
146.610	Structural Requirements
146.620	Participation Requirements
146.630	Resident Participation Requirements
146.640	Services
146.650	Reimbursement for Medicaid Residents
146.660	Staffing
146.670	Assessment and Service Plan and Quarterly Evaluation

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146.680	Monitoring
140.690	Reporting Requirements
146.700	Resident Rights
146.710	Discharge

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

**SOURCE:** Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2014, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. 14127, effective March 7, 2005; amended at 29 Ill. Reg. 6967, effective May 1, 2005; amended at 29 Ill. Reg. 14987, effective September 30, 2005; amended at 30 Ill. Reg. 8845, effective May 1, 2006; amended at 31 Ill. Reg. 5589, effective April 1, 2007; emergency amendment at 31 Ill. Reg. 5876, effective April 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11681, effective August 1, 2007; amended at 33 Ill. Reg. 11803, effective August 1, 2009; emergency amendment at 36 Ill. Reg. 6751, effective April 13, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: SUPPORTIVE LIVING FACILITIES

**Section 146.225 Reimbursement for Medicaid Residents**

SLFs shall accept the reimbursement provided in this Section as payment in full for all services provided to Medicaid residents.

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- a) The Department shall establish its portion of the reimbursement for Medicaid residents by calculating 60 percent of the weighted average (weighted by Medicaid patient days) nursing facility rates for the geographic grouping as defined in Section 146.290. Each SLF shall be paid 60 percent of the weighted average nursing facility geographic group rate, based upon the nursing facility geographic group in which it is located. The rates paid to SLFs shall be updated semi-annually on April 1 and on October 1 to assure that the rates coincide with 60 percent of weighted average nursing facility geographic group rates. Effective October 1, 2002, SLF rates shall remain at a minimum of the rate in effect as of September 30, 2002.
- b) The payment rate received by the SLF from the Department for services, with the exception of meals, provided in accordance with Section 146.230 shall constitute the full and complete charge for services rendered. Additional payment, other than patient credits authorized by the Department, may not be accepted. Meals are included in the room and board amount paid by the resident.
- c) **Single Occupancy:** Each Medicaid resident of an SLF shall be allotted a minimum of \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLF may charge each Medicaid resident no more than the current SSI rate for a single individual less a minimum of \$90 for room and board charges. Any income remaining after deduction of the protected minimum of \$90 and room and board charges shall be applied first towards medical expenses not covered under the Department's Medical Assistance Program. Any income remaining after that shall be applied to the charges for SLF services paid by the Department.
- d) **Double Occupancy:** In the event a Medicaid eligible resident chooses to share an apartment, the Medicaid resident of an SLF shall be allotted a minimum of \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLF may charge each Medicaid resident no more than the resident's share of the current SSI rate for a couple less a minimum of \$90 for room and board charges. The room and board rate for two Medicaid eligible individuals sharing an apartment cannot exceed the SSI rate for a married couple even if the two individuals sharing an apartment are unrelated. Any income of an individual remaining after deduction of the protected minimum of \$90 and room and board charges shall be applied first towards that individual's medical expenses not covered under the Department's Medical Assistance Program. Any income of an individual remaining after that shall be applied to that individual's charges for

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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SLF services paid by the Department. If one, or both, of the individuals sharing an apartment is not Medicaid eligible, the SLF may negotiate its own rate with the non-Medicaid individual or individuals.

- e) The room and board charge for Medicaid residents shall only be increased when the SSI amount is increased. Any room and board charge increase shall not exceed the amount of the SSI increase.
- f) ~~No payment~~Payment shall be made by the Department for temporary absences up to 30 days per State fiscal year during a Medicaid resident's temporary absence from the SLF when the absence is due to situations such as hospitalizations or vacations. The resident shall continue to be responsible for room and board charges during any absence. ~~Involuntary discharge criteria relating to temporary absence are found at Section 146.255(b) and (d)(7). Nursing facilities that have a distinct part certified as an SLF shall consider converted beds in the nursing facility's licensed capacity when calculating the 93 percent occupancy level for bed reserve payments pursuant to 89 Ill. Adm. Code 140.523.~~
- 1) The day a resident is transferred to the hospital is the first day of the temporary absence.
  - 2) For all other temporary absences, except a long-term care admission, the day after resident leaves the SLF is the first day of the temporary absence.
  - 3) The day before resident returns to the SLF is the last day of the temporary absence.
  - 4) In the case of a nursing facility admission, The Department does not pay for temporary absence due to admission to a long-term care facility. In this instance, an SLF shall discharge the resident from the Department's database. An SLF may choose to hold an apartment while a resident is in a long-term care facility.
  - 5) By agreement between the SLF and a resident, an SLF may continue to hold an apartment during a temporary absence when a resident has exceeded the 30 days payable by the Department.

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

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**Section 146.255 Discharge**

- a) If a resident does not meet the terms for occupancy as stated in the resident contract, the SLF shall not commence involuntary discharge until the SLF has discussed the reasons for involuntary discharge with the resident and his or her designated representative. Documentation of the discussion shall be placed in the resident's record.
  
- b) The SLF shall provide a resident with a 30-day written notice of proposed involuntary discharge unless such a delay might jeopardize the health, safety, and well-being of the resident or others. A copy of the notice required by this subsection (b) shall be placed in the resident's record and a copy shall be transmitted to the resident and the resident's designated representative. The notice shall be on a form prescribed by the Department and shall contain all of the following:
  - 1) The stated reason for the proposed discharge;
  - 2) The effective date of the proposed discharge;
  - 3) A statement in not less than 14-point type that reads: "You have a right to appeal the SLF's decision to discharge you. You may file a request for a hearing with the Department within ten days after receiving this notice. If you request a hearing, you will not be discharged during that time unless you are unsafe to yourself or others and the SLF has given you a notice for an emergency discharge. If the SLF has not given you a notice for an emergency discharge, and if the decision following the hearing is not in your favor, you will not be discharged prior to the tenth day after receipt of the Department's hearing decision unless you are unsafe to yourself or others. If the SLF provided you with a notice of emergency discharge, and the decision following the hearing is in your favor, you will be entitled to readmission to the SLF upon the first available apartment. A form to appeal the SLF's decision and to request a hearing is attached. If you have any questions, call the Department at the telephone number listed below.";
  - 4) A hearing request form, together with a postage paid, preaddressed envelope to the Department; and
  - 5) The name, address, and telephone number of the person charged with the

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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responsibility of supervising the discharge.

- c) The SLF shall prepare plans to ensure safe and orderly involuntary discharge and protect resident health, safety, welfare and rights.
- d) A resident may be involuntarily discharged only if one or more of the following occurs:
  - 1) He or she poses an immediate threat to self or others.
  - 2) He or she needs mental health services to prevent harm to self or others.
  - 3) He or she has breached the conditions of the resident contract.
  - 4) The SLF has had its certification terminated, suspended, not renewed, or has voluntarily surrendered its certification.
  - 5) The SLF cannot meet the resident's needs with available support services.
  - 6) The resident has received proper notice of failure to pay from the SLF. The resident shall have the right to make full payment up to the date that the discharge is to be made and then shall have the right to remain in the SLF. This subsection (d)(6) does not apply to Medicaid-eligible residents when the failure to pay relates to the Medicaid payment.
  - 7) The resident exceeds the SLF's policy for what constitutes a temporary absence from the SLF. ~~A temporary absence shall not be considered a basis for an involuntary discharge of a Medicaid-eligible resident until the Department has stopped payment pursuant to Section 146.225(f).~~
- e) The 30-day notice required under subsection (b) of this Section shall not apply in either of the following instances; however, a notice and right to appeal information must still be provided when an immediate discharge is required:
  - 1) When an emergency discharge is mandated by the resident's health care or mental health needs as documented in the resident record. The SLF may consult with the attending physician for additional support on the emergency discharge.

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- 2) When the discharge is mandated to ensure the physical safety of the resident and other residents as documented in the resident record.
- f) If the resident submits a request for hearing under subsection (b) of this Section, the involuntary discharge shall be stayed pending a hearing or appeal of the decision, unless the discharge is a result of a condition allowing a discharge in less than 30 days as described under subsections (e)(1) and (2) of this Section.
- g) In determining whether an involuntary discharge is justified, the burden of proof in the hearing rests with the entity requesting the discharge.
- h) If the Department determines that an involuntary discharge is justified under subsection (d) of this Section, the resident shall not be required to leave the SLF before the tenth day after receipt of the Department's hearing decision unless a condition which would have allowed discharge as described under subsections (e)(1) and (2) of this Section develops in the interim.
- i) The SLF shall offer relocation assistance to residents involuntarily discharged under this Section, including information on available alternative placements. A resident or his or her designated representative shall be involved in planning the discharge and shall choose among the available alternative placements. Where an emergency makes prior resident involvement impossible, the SLF may arrange for a temporary placement until a final placement can be arranged. The SLF may offer assistance in relocating from a temporary to a final placement.
- j) When a resident discharges on a voluntary basis, he or she shall provide the SLF with 30 days written notice of intent to discharge, except where a delay would jeopardize the health, safety, and well-being of the resident or others.
- k) The Department may discharge any resident from an SLF when any of the following conditions exist:
  - 1) The Department has terminated or suspended the SLF certification.
  - 2) The SLF is closing or surrendering its certification and arrangement for relocation of the resident has not been made at least 30 days prior to closure or surrender.
  - 3) The Department determines that an emergency exists which requires

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immediate discharge of the resident.

- 1) In cases of discharge under subsection (d) or (k) of this Section, the resident is no longer bound by the resident contract.

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.70                      Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This amendment is a result of a Final Rule published in the Federal Register, June 6, 2011, that prohibits federal reimbursement to states for any amounts expended for providing medical assistance for specified health care acquired conditions. The Department has outlined those conditions or events that are considered reasonably preventable through compliance with evidence-based guidelines, Provider-Preventable Conditions (PPCs). For the category of PPCs defined as Hospital-Acquired Conditions (HACs), hospitals are required to code inpatient claims with a Present on Admission (POA) indicator for principal and secondary diagnosis codes billed. The POA indicator will identify if the condition was introduced after the inpatient admission. For the category of PPCs defined as Other Provider Preventable Conditions (OPPCs), hospitals will code inpatient claims to identify: (1) a wrong surgical procedure performed on a patient; (2) a surgical procedure performed on the wrong body part; or (3) a surgical procedure performed on the wrong patient. Effective with admissions on and after July 1, 2012, HFS will deny the inpatient claims related to the defined HACs and OPPCs.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

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- 12) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

217/782-1233

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was Summarized: January 2012

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES  
SUBCHAPTER d: MEDICAL PROGRAMSPART 148  
HOSPITAL SERVICES

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- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
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- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
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- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
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- 148.300 Payment
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- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services

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- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
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- 148.402 Medicaid Eligibility Payments (Repealed)
- 148.404 Medicaid High Volume Adjustment Payments (Repealed)
- 148.406 Intensive Care Adjustment Payments (Repealed)
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- 148.410 Psychiatric Rate Adjustment Payments (Repealed)
- 148.412 Rehabilitation Adjustment Payments (Repealed)
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- 148.422 Outpatient Access Payments (Repealed)
- 148.424 Outpatient Utilization Payments (Repealed)
- 148.426 Outpatient Complexity of Care Adjustment Payments (Repealed)
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- 148.440 High Volume Adjustment Payments
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- 148.500 Definitions
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148.700	General Provisions
148.TABLE A	Renal Participation Fee Worksheet
148.TABLE B	Bureau of Labor Statistics Equivalence
148.TABLE C	List of Metropolitan Counties by SMSA Definition

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

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

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## NOTICE OF PROPOSED AMENDMENT

amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency

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amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005;

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emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11688, effective August 1, 2007; amended at 31 Ill. Reg. 14792, effective October 22, 2007; amended at 32 Ill. Reg. 312, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8718, effective May 29, 2008; amended at 32 Ill. Reg. 9945, effective June 26, 2008; emergency amendment at 32 Ill. Reg. 10517, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 33 Ill. Reg. 501, effective December 30, 2008; peremptory amendment at 33 Ill. Reg. 1538, effective December 30, 2008; emergency amendment at 33 Ill. Reg. 5821, effective April 1, 2009, for a maximum of 150 days; emergency expired August 28, 2009; amended at 33 Ill. Reg. 13246, effective September 8, 2009; emergency amendment at 34 Ill. Reg. 15856, effective October 1, 2010, for a maximum of 150 days; emergency expired February 27, 2011; amended at 34 Ill. Reg. 17737, effective November 8, 2010; amended at 35 Ill. Reg. 420, effective December 27, 2010; amended at 35 Ill. Reg. 10033, effective June 15, 2011; amended at 35 Ill. Reg. 16572, effective October 1, 2011; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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**Section 148.70 Limitation On Hospital Services**

- a) Payment for inpatient hospital care in general and specialty hospitals, including psychiatric hospitals, shall be made only when it is recommended by a qualified physician, and the care is essential as determined by the appropriate utilization review authority. For hospitals or distinct part units reimbursed on a per diem basis under Sections 148.160 through 148.170 and 148.250 through 148.300, payment shall not exceed the number of days approved for the recipient's care by the appropriate utilization review authority (see Section 148.240). If Medicare benefits are not paid because of non-approval by the utilization review authority, payment shall not be made on behalf of the Department.
- b) For hospitals or distinct part units reimbursed on a per case basis, payment for inpatient hospital services shall be made in accordance with 89 Ill. Adm. Code Part 149.
- c) For hospitals, or distinct part units reimbursed on a per diem basis, under Sections 148.160 through 148.170 and 148.250 through 148.300, payment for inpatient hospital services shall be made based on calendar days. The day of admission shall be counted. The day of discharge shall not be counted. An admission with discharge on the same day shall be counted as one day. If a recipient is admitted, discharged and re-admitted on the same day, only one day shall be counted.
- d) In obstetrical cases, payment for services to both the mother and the newborn child shall be made at one per diem rate, or one per case rate, whichever is applicable. Only in instances in which the medical condition of the newborn, as certified by the utilization review authority, necessitates care in other than the newborn nursery, shall payment be made in the child's name separately.
- e) Payment for inpatient psychiatric hospital care in a psychiatric hospital, as defined in 89 Ill. Adm. Code 149.50(c)(1), shall be made only when such services have been provided in accordance with federal regulations at 42 CFR 441, Subparts C and D.
- f) Payment for transplantation costs (with the exception of kidney and cornea transplants), including organ acquisition costs, shall be made only when provided by an approved transplantation center as described in Section 148.82. Payment for kidney and cornea transplantation costs does not require enrollment as an approved transplantation center and is only provided to hospitals reimbursed on a

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

per case basis in accordance with 89 Ill. Adm. Code 149.

- g) Effective with inpatient admissions on and after July 1, 2012, and to effectuate the purpose of care and services in the best interests of the recipients of medical assistance as stated in 42 CFR 447, the Department will deny payment to hospitals for the entire inpatient stay if a designated Provider-Preventable Condition (PPC) presented during the inpatient admission. This policy applies to all hospitals. Provider-Preventable Conditions are those conditions or events that are considered reasonably preventable through compliance with evidence-based guidelines. For the category of PPCs defined as Hospital-Acquired Conditions (HACs), hospitals are required to code inpatient claims with a Present on Admission (POA) indicator for principal and secondary diagnosis codes billed. The POA indicator will identify if the condition was introduced after the inpatient admission. The Department will specify to hospitals the list of diagnosis codes or diagnosis/procedure code combinations that will be used as HACs via provider releases and posting on the Department's Web site. For the category of PPCs defined as Other Provider Preventable Conditions (OPPCs), the Department will deny payment for claims relating to a wrong surgical procedure performed on a patient; a surgical procedure performed on the wrong body part; or a surgical procedure performed on the wrong patient. Hospitals must submit claims to report these incidents and will be instructed to populate the inpatient claims with specific supplementary diagnosis coding.

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Number: 153.100                      Proposed Action:  
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subject and Issues Involved: This amendment provides for exceptions to the rate freeze and clarifies that when a non-profit facility changes ownership, requests for the real estate tax component to be added to the capital rate must be made in writing. The amendment also outlines what must be submitted and when the change in capital rate will occur. Further, clarifies how facilities that have been assigned a median tax rate can have the rate recalculated based upon the first full tax bill received by that facility.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeanette Badrov  
General Counsel  
Illinois Department of Healthcare and Family Services

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

201 South Grand Avenue E., 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

217/782-1233

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

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

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

## PART 153

## LONG TERM CARE REIMBURSEMENT CHANGES

## Section

153.100	Reimbursement for Long Term Care Services
153.125	Long Term Care Facility Rate Adjustments
153.126	Long Term Care Facility Medicaid Per Diem Adjustments
153.150	Quality Assurance Review (Repealed)

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

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999; emergency amendment at 24 Ill. Reg. 10421, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15071, effective October 1, 2000; emergency amendment at 25 Ill. Reg. 8867, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14952, effective November 1, 2001; emergency amendment at 26 Ill. Reg. 6003, effective April 11, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 12791, effective August 9, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11087, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17817, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 11088, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18880, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 10218,

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effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15584, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 1026, effective January 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4740, effective March 18, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 6979, effective May 1, 2005; amended at 29 Ill. Reg. 12452, effective August 1, 2005; emergency amendment at 30 Ill. Reg. 616, effective January 1, 2006, for a maximum of 150 days; emergency amendment modified pursuant to the Joint Committee on Administrative Rules Objection at 30 Ill. Reg. 7817, effective April 7, 2006, for the remainder of the maximum 150 days; amended at 30 Ill. Reg. 10417, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11853, effective July 1, 2006, for a maximum of 150 days; emergency expired November 27, 2006; amended at 30 Ill. Reg. 14315, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 18779, effective November 28, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 6954, effective April 26, 2007; emergency amendment at 32 Ill. Reg. 535, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 4105, effective March 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 7761, effective May 5, 2008; amended at 32 Ill. Reg. 9972, effective June 27, 2008; amended at 33 Ill. Reg. 9347, effective July 1, 2009; emergency amendment at 34 Ill. Reg. 17462, effective November 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 6171, effective March 28, 2011; amended at 35 Ill. Reg. 19524, effective December 1, 2011; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 153.100 Reimbursement for Long Term Care Services**

- a) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 140, 144 and 147 for reimbursement of long term care services, effective January 18, 1994, reimbursement rates for long term care facilities (SNF/ICF and ICF/MR) and day training providers will remain at the levels in effect on January 18, 1994, except as otherwise provided in this Section.
- b) Capital and support rates in effect on January 18, 1994, will be adjusted based on final audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.
- c) Capital rates will be increased for major capital improvements in accordance with 89 Ill. Adm. Code 140.560(c) and (e).
- d) New facilities which are assigned median rates in accordance with 89 Ill. Adm. Code 140.560(b) will have rates recalculated based upon receipt of their first cost report and 89 Ill. Adm. Code 147.150.

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- e) Requests for IOCs upon which rate determinations are based upon a Medicaid resident being transferred from a State operated facility for persons with developmental disabilities to a community setting will be considered on a case-by-case basis.
- f) Fiscal year 1996 support rates may change based on the first cost report filed by new ownership reflecting six months or more of the new ownership's operation for any facility which changed ownership between July 1, 1992, and January 18, 1994. Only changes in ownership in arms-length transactions between unrelated parties will be recognized for this rate change. The new support rate for those facilities will be calculated in accordance with 89 Ill. Adm. Code 140.560 and 140.561. Support rates for facilities which qualify under this exception will not be decreased by the provisions in this Section. The capital rates of facilities which changed ownership between July 1, 1992, and January 18, 1994, will not be subject to changes in the capital rate based on the provisions of 89 Ill. Adm. Code 140.571(b)(4), but can still be affected by the provisions of subsection (d) of this Section.
- g) For those for-profit facilities whose fiscal year 1994 capital rate does not include a real estate tax component because it is based upon a non-profit facility's cost report, effective July 1, 1995, the real estate tax component will be added to the capital rate based upon the fiscal year 1994 median real estate tax rate for the geographic area in which the home is located.
- h) For any capital rate increases for real estate tax additions made after December 31, 2011, if a non-profit facility that changes ownership on or after July 1, 1995, and the new owner is a for-profit facility, the facility must request in writing the real estate tax component will be added to the capital rate effective with the change of ownership as recognized by the Illinois Department of Public Health. The request shall include the "Notice of Assessment" or the first real estate tax bill from the applicable county. The information from the county must indicate the initial date of tax assessment on the long term care facility site and building. In order to provide for efficient, accurate and timely rate adjustments, the facility shall submit its request within two years after the change in ownership date. The real estate tax component shall be added to the new owner's rate effective with the date of initial tax assessment determined by the county that was included in the facility's request. The effective date cannot go back beyond the change of ownership date as recognized by IDPH. The real estate tax component will be added at the geographic area median tax rate in effect for the month in which the

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real estate tax becomes effective. If the request is not received by the Department within two years after the IDPH change in ownership date, the real estate tax component shall be added effective the first day after the month subsequent to receipt of the facility's completed request.

- i) For those non-profit facilities whose fiscal year 1994 capital rate includes a real estate tax component based upon a for-profit facility's cost report, effective July 1, 1995, the real estate tax component of the capital rate will be removed (unless the non-profit facility rents the home from an unrelated for-profit entity).
- j) If a for-profit facility changes ownership on or after July 1, 1995, and the new owner is a non-profit facility, the real estate tax component will be removed from the capital rate effective with the date of change in ownership as recognized by the Illinois Department of Public Health. The real estate tax component will not be removed for a non-profit facility that rents the facility from an unrelated for-profit entity.
- k) The flat per diem paid to ICFs/MR to cover the cost of non-emergency dental services pursuant to 89 Ill. Adm. Code 144.275 and 144.300 will be increased from \$.30 to \$.40.
- l) Day training provider rates shall be increased by three percent for services provided on or after July 1, 1996.
- m) Effective for services provided on or after July 1, 1996, facilities which are located in an area which has changed geographic designation due to unique labor force factors shall have rates recalculated based upon the ceilings and norms of the newly designated geographic area.
- n) Long term care facilities that have been assigned a median tax rate on the basis of geographic area in accordance with 89 Ill. Adm. Code 140.560(b) and subsections (~~gm~~) and (~~hn~~) of this Section shall subsequently have those rates recalculated based upon the first full tax bill received by that facility. The revised rate will be the greater of the recalculated rate or the rate in effect from the aforementioned Section and subsections. Rates revised in accordance with this subsection shall result in payments retroactive to the applicable effective date of the updated rate July 1, 1997, for those facilities whose first full tax bill is received by the Department no later than September 30, 1998. The updated rate Rates for facilities whose first full tax bill is received after September 30, 1998, will be

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effective the first day of the month subsequent to receipt by the Department of the facility's completed request on the date the Department receives the first full tax bill. The facility shall request in writing that its tax rate be updated with the first full tax bill. This tax bill must be included with the request made to the Department. In order to calculate the potential tax rate, the real estate tax from the first full tax bill for the long term care property will be divided by the greater of the annualized capital days (see 89 Ill. Adm. Code 140.570(b)(3)) from the cost report used to calculate the remainder of the capital rate in accordance with 89 Ill. Adm. Code 140.570 through 140.574, or 93 percent of annualized bed days based upon the number of licensed beds available at the end of the period covered by the tax bill. No inflation factor will be used for this calculation.

- o) Interim IOCs may be conducted in an ICF/MR, at the facility's written request, if there has been a change in the resident population of at least 25 percent since the last IOC used to set the rate. A facility is limited to one request in any 12 month period. The rate effective date will be the first day of the month following the month of the facility's written request. The written request must contain documentation supporting the change in the resident population.
- p) Interim IOCs may be conducted for developmental training services when the population of an ICF/MR changes by at least 25 percent since the last IOC used to set the rate. The ICF/MR is limited to one request in any 12 month period. The rate effective date will be the first day of the month following the month of the facility's written request. Documentation must be submitted supporting the change in the resident population.
- q) Rates shall be adjusted for an ICF/MR entering into a downsizing agreement with the Department of Human Services, under the provisions of 89 Ill. Adm. Code 140.560, with the rate effective on the date a benchmark for such downsizing is achieved.
- r) For an ICF/MR with 16 or fewer licensed beds, rate changes shall be made in the program active treatment rate component to reflect an increase of 13 hours of base nursing and nurse supervision for administration of medication by unlicensed direct service staff, effective for services provided on or after January 1, 2000.
- s) The nursing component of a nursing facility's per diem shall be adjusted in accordance with 89 Ill. Adm. Code 147.150.

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- t) Effective for any capital rates calculated with an effective date of July 1, 2006 or later, the capital rates shall be adjusted based upon audits of cost report data in accordance with the updates and clarifications contained in 89 Ill. Adm. Code 140.534 and 140.560.

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

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- 1) Heading of the Part: Lottery (General)
- 2) Code Citation: 11 Ill. Adm. Code 1770
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1770.10	Amend
1770.20	Amend
1770.30	Amend
1770.40	Amend
1770.50	Amend
1770.60	Amend
1770.70	Amend
1770.80	Amend
1770.90	Amend
1770.100	Amend
1770.120	Amend
1770.130	Amend
1770.140	Amend
1770.145	New
1770.150	Amend
1770.160	Amend
1770.170	Amend
1770.180	Amend
1770.190	Amend
1770.200	Amend
1770.220	Amend
- 4) Statutory Authority: Implementing and authorized by Sections 7.1, 7.2, 7.12, and 7.15 of the Illinois Lottery Law [20 ILCS 1605/7.1, 7.2, 7.12 and 7.15]
- 5) A Complete Description of the Subjects and Issues Involved: The majority of the amendments to Section 1770 are intended to enhance readability by improving flow, using plainer language, applying consistent punctuation and capitalization, and otherwise conforming to the current Secretary of State Style Manual and Joint Committee on Administrative Rules preferences for rulemaking. The more substantive modifications to the rules are as follows.

Sections 1770.10, 1770.20, 1770.130, 1770.140, 1770.150 and 1770.160 have been amended, and Section 1770.145 has been added, to address the internet pilot program

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mandated by Sections 7.12 and 7.15 of the Illinois Lottery Law [20 ILCS 1605/7.12 and 7.15] . These provisions replace emergency rules effective March 27, 2012.

Section 1770.10 has been amended to reflect the fact that a prize winner claiming a prize through a revocable living trust need not be named the initial trustee under the trust. This provision was originally added in order to avoid potential violation of Section 13 of the Lottery Law [20 ILCS 1605/13]. However, since a revocable living trust is a grantor trust and the winner, as grantor, remains responsible for taxes associated with the prize, no violation of Section 13 will occur regardless of the trustee designation.

Section 1770.10 also reflects new terminology utilized within the Lottery since the selection of a private manager pursuant to Section 9.1 of the Illinois Lottery Law [20 ILCS 1605/9.1 and separation of the Lottery from the Department of Revenue pursuant to Public Act 97-464. Examples are the definition of "private manager"; references to "prize centers" rather than regional offices, since the regional sales office function has transferred to the private manager; and the designation of "Superintendent" for the chief executive officer of the Department of the Lottery.

Section 1770.10 previously defined "prize" in terms of the Internal Revenue Code provision that the cost of a wager be deducted from the prize value of a winner ticket before income tax withholding amounts were determined. Section 1770.190 relied upon this definition in stating that prizes of less than \$600 could be redeemed for cash by a licensed Lottery retailer. This has caused confusion among Lottery staff and perceived inconsistency with informational literature produced for the public that states prizes up to \$600 may be redeemed by a retailer. For this reason, Section 1770.10 now merely explains the application of the Internal Revenue Service rule, but restores references in Section 1770.190 to the face value of the prize, which is what the players and the retailers see.

Section 1770.20(c) previously mandated that the Lottery waive the \$50 license application fee if the term of a license was 30 days or less. Because the application fee is intended to defray the costs of processing a license application, and in particular the performance of criminal history, tax compliance and financial background checks, the fee waiver is now tied to whether background checks are required. If, as in most instances, these short-term licenses are requested by licensed retailers in order to participate in a fair, festival or other special event, no additional background checks will be required and the fee will be waived.

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Section 1770.20(d) sets forth a mandatory list of items to be considered in determining whether a retailer would be granted on-line status to sell tickets for draw games such as Lotto. One of these elements was the retailer's success selling instant tickets. Because of the greater availability of gaming system terminals today, the majority of retailers sell all products from the outset, and instant sales history is not a factor. Consequently, we are deleting that element from mandatory consideration.

Section 1770.40 regarding license suspension or revocation without notice has been reorganized so that elements referenced in the introductory language are now enumerated along with the other bases for suspension or revocation. Further, subsection (c) has been incorporated into subsections (a) and (b), since the criteria for both suspensions and revocations, or for the Superintendent to uphold or overturn suspensions or revocations, are the same.

Section 1770.60(b) has been amended to include the requirement that Lottery retailers conduct promotions as directed by the Department. In the past, the Lottery has experienced losses due to retailers redeeming coupons multiple times or failing to properly account for discounted or free lottery tickets during a promotion. This amendment makes clear that following instructions for promotions is also a condition of licensing.

Both Section 1770.60(c) and (r) referenced the ability or prohibition of a licensed retailer selling other gaming products. This language has been consolidated under what is now 1770.60(s).

The Lottery no longer provides an "Authorized Lottery Agent" decal to its retailers, but instead has various advertising elements that can be utilized on doors, in windows and in other locations based upon the location's particular needs. Consequently, the requirement to display the "Authorized Lottery Agent" decal has been deleted from Section 1770.70.

Section 1770.80(h) has historically permitted lottery sales to continue at a location, under the same license number, if a corporate entity took over operation of the location from a franchisee. It is the Lottery's position that the same seamless transition should be permitted in the case of a business transfer within an immediate family, if certain conditions are met. This scenario has been added as 1770.80(h)(2).

There is no longer a separate settlement schedule for retailers selling only instant tickets and those selling all Lottery products. Consequently, references in Section 1770.90 to different settlement schedules and different schedules of sanctions for delinquencies have

## ILLINOIS DEPARTMENT OF THE LOTTERY

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been eliminated. In addition, because suspension and revocation of retailer licenses is already governed by Sections 1770.40 and 1770.50, the specific references to suspension with or without prior notice and opportunity for hearing have been deleted from Section 1770.90.

Section 1770.145(j) has been clarified at the request of JCAR staff to indicate the circumstance that would result in cancellation of an internet Lottery player account.

Section 1770.150(f) has been modified to indicate that the requirement for Lottery proceeds to be segregated as a trust fund is a statutory requirement. The statutory citation has been added.

In light of increased concern on the part of winners for their personal safety, Section 1770.190(e) has been amended to allow the winners to designate an authorized representative to participate in media events when security concerns outweigh the public's interest in knowing that the prize has been legitimately claimed.

Section 1770.190(n) has been amended to more accurately describe how the proceeds from specially-designated games, payments to the private manager, and transfers to the Common School Fund impact funds ultimately transferred to the Capital Projects Funds, as well as to memorialize the inflation formula utilized by the Department in calculating the monthly, inflation-adjusted transfers to the Common School Fund.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Lisa Crites  
Illinois Lottery Legal Section  
101 West Jefferson, MC 5-950  
Springfield, Illinois 62794

Fax: 217/558-2168  
Email: [lisa.crites@illinois.gov](mailto:lisa.crites@illinois.gov)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Aspects of this rulemaking will impact small businesses, small municipalities and not for profit corporations who are licensed to sell Lottery products or who wish to submit an application to sell Lottery products.
  - B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking does not impose any new reporting, bookkeeping or other requirements on Lottery licensees.
  - 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 Amendments begins on the next page:

## ILLINOIS DEPARTMENT OF THE LOTTERY

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## TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

## SUBTITLE C: LOTTERY

## CHAPTER II: DEPARTMENT OF THE LOTTERY

## PART 1770

## LOTTERY (GENERAL)

## Section

1770.10	Definitions
1770.20	Selection of Lottery Sales Agents; License Application and Fee; On-Line Status
1770.30	Special Licenses
1770.40	License Revocation Without Prior Notice
1770.50	License Revocation, Suspension, Non-Renewal or Denial With Prior Notice
1770.60	Conditions of Licensing
1770.70	License to be Displayed
1770.80	Change of Name, Ownership, or Form of Business Organization
1770.90	Delinquent Financial Obligations
1770.100	Bonding of Agents
1770.110	License Expiration and Renewal
1770.120	Agent Financial Adjustments
1770.130	Lost, Stolen, and Damaged Winning Tickets and other Discrepancies
1770.140	Sales by Department Directly
<u>1770.145</u>	<u>Internet Pilot Program</u>
1770.150	Sales, Inspection, Compensation, and Ticket Purchases
1770.160	Lottery Tickets
1770.170	Lottery Games
1770.180	Drawings
1770.190	Prize Payment, Claiming or Redeeming of Prizes and Transfers to Common School Fund
1770.200	Eligibility to Buy
1770.210	Promotional Items
1770.220	Priority of Rules
1770.230	Assignment of Lottery Prizes
1770.240	Voluntary Self-exclusion Program
1770.APPENDIX A	Affidavit
1770.APPENDIX B	Voluntary Self-exclusion Agreement

AUTHORITY: Implementing and authorized by Sections 7.1, 7.2, 7.12 and 7.15 of the Illinois Lottery Law [20 ILCS 1605/7.1, 7.2, 7.12 and 7.15].

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SOURCE: Filed by the Lottery Control Board July 11, 1974; amended at 2 Ill. Reg. 17, p. 130, effective April 1, 1978; amended at 4 Ill. Reg. 15, p. 201, effective March 30, 1980; codified as 11 Ill. Adm. Code 1670 at 5 Ill. Reg. 10713; transferred from 11 Ill. Adm. Code 1670 (Lottery Control Board) to 11 Ill. Adm. Code 1770 (Department of the Lottery) pursuant to Executive Order 86-2, effective July 1, 1986, at 11 Ill. Reg. 1582; Part repealed, new Part adopted at 13 Ill. Reg. 7908, effective May 16, 1989; amended at 17 Ill. Reg. 18816, effective October 19, 1993; amended at 18 Ill. Reg. 13439, effective August 23, 1994; amended at 19 Ill. Reg. 6810, effective May 8, 1995; amended at 20 Ill. Reg. 15039, effective November 6, 1996; emergency amendment at 22 Ill. Reg. 1964, effective January 15, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 9307, effective May 15, 1998; amended at 22 Ill. Reg. 22298, effective December 14, 1998; amended at 24 Ill. Reg. 16061, effective October 13, 2000; amended at 25 Ill. Reg. 12812, effective September 28, 2001; amended at 26 Ill. Reg. 8562, effective May 30, 2002; recodified from the Department of the Lottery to the Department of Revenue pursuant to Executive Order 2003-9 at 27 Ill. Reg. 16993; amended at 29 Ill. Reg. 13869, effective August 29, 2005; amended at 32 Ill. Reg. 14888, effective August 28, 2008; recodified from the Department of Revenue to the Department of the Lottery, pursuant to PA 97-464, at 36 Ill. Reg. 4942; emergency amendment at 36 Ill. Reg. 5856, effective March 27, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1770.10 Definitions**

Terms defined in the Act have the same meanings when used in this Part. The following words and terms when used in this Part shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the Illinois Lottery Law [20 ILCS 1605].

"Agent", "Retailer", "Sales Agent" or "Distributor" means a person and his representative who has been licensed to distribute and/or sell Lottery tickets under Sections 9.d, 10 and 10.1 of the Act.

"Applicant" means a person who has applied to the Superintendent for a license to sell Lottery tickets to the public.

"Board" means the Lottery Control Board as established by Section 6 of the Act.

"Chairman" means the Chairman of the Lottery Control Board.

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"Claim" means to present a purported winning Illinois Lottery ticket to a licensed Lottery ~~agent~~Agent or a Lottery ~~prize center~~regional or administrative office for ~~later~~ payment. "Claim" shall additionally mean the process of completing an Illinois Lottery claim form or other documentation as required by this Part.

"Claimant" means a person, as defined in this Section, who presents a winning Lottery ticket to a licensed Lottery ~~agent~~Agent or a Lottery ~~prize center~~regional or administrative office for the purpose of receiving a prize.

"Department" means the Illinois Department of the Lottery.

"Game" means any individual or particular type of Lottery authorized by the Department.

"Internet Lottery Player Account" means a secure electronic record associated with a registered internet Lottery player that allows the internet player to access information about his or her Lottery internet account, including, but not limited to the transaction history of purchases, winnings and prize redemptions.

"Internet Player" means the person affiliated with a registered internet Lottery player account.

"License" means a license, issued by the Superintendent pursuant to Section 9 of the Act, under the authority of the Act, for an agent to sell Lottery tickets to the public. Licenses shall be effective for an initial period of two years from the date issued by the Department's Lottery licensing unit. Each license thereafter approved for renewal by the Department will be renewed for a two-year term dated from the date of expiration of the initial or last prior renewal term, as may be appropriate.

"Licensed Agent", "Lottery Sales Agent", "Licensed Sales Agent", "Licensed Retailer" or "Lottery Retailer" means a person permitted by a license issued by the Superintendent under the authority of Sections 9.d, 10 and 10.1 of the Act to sell Illinois State Lottery tickets to the public, by an across-the-counter transaction at a specified ~~point of sale~~Point of Sale at a specifically licensed location.

"Lottery" or "State Lottery" means the Lottery established and operated pursuant to the Act.

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"Lottery Internet Account" means a bank account established for a registered internet Lottery player for the sole purpose of purchasing Lottery game tickets or subscriptions via the internet and receiving payment for any prizes won in connection with an internet Lottery purchase, up to \$25,000.

"On-line status" means the ability of an agent to sell computer-generated Lottery game tickets or shares for the Lottery's draw games through a terminal connected to the Department's Lottery central gaming system.

"Person", when used in reference to a sales agent's license, shall be construed to mean and include an individual, association, partnership, corporation, limited liability company or partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, referee, or any other person acting in a fiduciary or representative capacity, who is appointed by a court, or any other combination of individuals. "Person" includes any department, commission, agency or instrumentality of the State, including the Department, and also including any county, city, village, or township and any agency and instrumentality of this State.

"Person", when used in the context of a prize claim, shall be construed to mean and include an individual; a group of individuals; a partnership or club; a limited partnership, if registered prior to the date the prize was won; a corporation, if incorporated prior to the date the prize was won; a limited liability company, if registered prior to the date the prize was won; a revocable living trust, ~~provided the prize winner is the initial trustee~~; an irrevocable trust, if the trust agreement was executed prior to the date the prize was won, and provided all beneficiaries of the trust are named therein; a charitable organization, if registered prior to the date the prize was won; an estate; or a governmental entity other than the Department of the Lottery. Prize claims by any such "persons" are subject to eligibility requirements set forth in the Act, this Part, or game rules.

"Point of Sale" means the physical location where a licensed agent is authorized to conduct the sale of Lottery tickets to the public.

"Prize" means any award, financial or otherwise, awarded to a ticket holder pursuant to the rules of the Lottery. In determining whether a winning Lottery ticket may be redeemed for cash by a Lottery retailer or must be presented to a Department office for payment, and whether a prize may be claimed in a group name or must be claimed by an individual group member, the Department will adhere to federal tax regulations and deduct the amount of the wager from the

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~~face value of the prize"prize" means the verified prize amount, less the dollar amount of the wager, in accordance with federal tax regulations.~~

"Prize Center" means a Lottery office or other authorized location where winning tickets with a face value up to \$25,000 may be redeemed pursuant to Section 20.1 of the Act, or larger prizes, or those subject to offset or investigation, may be claimed.

"Private Manager" means the company awarded a contract for the operation of the sales and marketing functions of the Illinois Lottery pursuant to Section 9.1 of the Act.

"Redeem" means to surrender a winning Illinois Lottery ticket to a Lottery retailer for immediate cash payment of the prize, or to a Lottery prize center for immediate payment by check, in accordance with Section 1770.190 ~~of this Part.~~

"Registered Internet Lottery Player" means an individual who has successfully established an internet Lottery player account after registering through the Lottery's web portal using the requisite age, location and other eligibility requirements.

"Related terminal" means any player activated machine or any agent operated terminal in which an owner of an agent location has 50% or greater interest.

"Secretary" means the Secretary of the Lottery Control Board.

"Service" means the mailing of any notice required by the Act or this Part by certified mail, return receipt requested. Service shall be deemed complete if the notice is returned undelivered or unclaimed when mailed, postage prepaid, to the intended recipient's last known address as disclosed in the Department's records, or if 30 days have elapsed from the date of mailing, to ~~that~~such address with no return of the item.

"Special License" means a license issued by the Superintendent limited in geographic scope and/or duration of validity, pursuant to Section 1770.30 ~~of this Part.~~

"State Lottery Fund" means the special fund created in the State Treasury by Section 20 of the Act, in which all revenues received by the State Lottery, as

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defined and limited by Section 20 of the Act, are deposited.

"Subscription" means a program that allows a registered internet Lottery player to make advance purchases to be automatically entered to play certain Lottery games for every drawing for a pre-selected, specific period of time. A subscription may also be purchased from the Lottery by phone or by mail.

"Superintendent" means the individual responsible for the executive oversight of the Department.

"Ticket" or "Lottery Game Ticket" means a Lottery scratch-off ticket; a paper ticket produced from the central gaming system, on official paper stock, by a licensed retailer; or a virtual ticket purchased as part of the Department's internet pilot program and recorded in the Department's central gaming system or share issued by the Department for sale to the general public.

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

**Section 1770.20 Selection of Lottery Sales Agents; License Application and Fee; On-Line Status**

- a) The Superintendent shall license as sales agents; persons engaged in business activity dealing with the public, provided, ~~however,~~ that the sole proprietors, partners, corporate officers or principals of an applicant must be 18 years of age or older to be eligible to apply for a license. The total number of sales agents shall be sufficient to assure that Lottery products are conveniently available to the public throughout the State, consistent with the constraints of the Department's budget. Any person interested in obtaining a license as a sales agent, must first fill out an application with the Department, on ~~such~~ forms ~~as may be~~ provided by the Department. The Department will have a representative meet with the applicant to discuss the responsibilities of selling Lottery products, and ~~to~~ gather information concerning the applicant and his or her business establishment ~~considering~~ ~~concerning~~ the factors listed ~~in this subsection (a)~~ below. The Superintendent shall give careful consideration to the following factors in selecting as sales agents those persons ~~that~~ ~~which~~ one may expect to provide a high level of sales volume of Lottery products, proper security for the Lottery equipment, tickets and money, and a good public image for the State's Lottery products:-

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- 1) The credit worthiness and financial responsibility of the applicant as disclosed by standard credit reporting services, the records of the State, and such other credible information bearing upon the credit worthiness of the applicant as may be brought to the attention of the Superintendent;
- 2) The criminal history and tax status of the applicant as disclosed in the application or in records of the State;
- 3) The physical security of the applicant's establishment in terms of the physical structure and design of the applicant's facilities as it would relate to the placement of Lottery equipment, the sale of Lottery products and the storage of Lottery receipts;
- 4) The public accessibility of the applicant's place of business or activity, including accessibility from roads, major highways, parking facilities and public transit routes, accessibility by the disabled, proximity of pedestrian traffic, hours of operation of applicant's business, and the cleanliness, attractiveness and physical security of the premises;
- 5) The number of existing Lottery sales licenses in the vicinity;
- 6) The nature of the applicant's business and the volume of the applicant's sales from his or her regular business in order to assure that the sale of Lottery products will be ancillary to the applicant's regular business;
- 7) The level of anticipated or projected sales from the general area in which the applicant's business is located, taking into consideration the demographics of the neighborhood or locality, the proximity of the location to population centers and the average sales for other comparable agents;
- 8) The character of the applicant and his or her reputation for honesty and integrity in the community;
- 9) The veracity of the information supplied in the license application;
- 10) The merchandising skills and business experience of the applicant, including the tenure of applicant's business at the proposed location;

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11) ~~Any~~The applicant may provide any information relating to ~~these~~the above listed factors that the applicant provides to the Department's representative at the time of the site visit or ~~may include any information relating to these factors~~ at the time of submission of the application.

b) The Superintendent shall make available forms for application for Lottery sales licensing. Each license application shall be accompanied by a non-refundable \$50 application fee and shall, ~~which application and fee should~~ be mailed or delivered to the Office of the Superintendent ~~located~~ at:

Department of the Lottery  
~~Lottery~~-Licensing Unit  
101 West Jefferson Street, MC5-940  
Springfield, Illinois 62794-9015  
800/752-9568

c) The license fee described in subsection (b) ~~may~~will be waived by the Department if the period of the license does not exceed 30 days and no new background checks are required for the applicants.

d) The Superintendent may grant a licensed sales agent on-line status based upon an evaluation conducted by an employee of the Department. The evaluation will include, but shall not be limited to:

~~1)~~ ~~Performance as an instant sales agent, including sales volume, settlement practices and compliance with Department procedures;~~

~~12)~~ Financial responsibility;

~~23)~~ Proximity to existing on-line sales agents;

~~34)~~ Ability to pay valid winning tickets;

~~45)~~ Days and hours of operation;

~~56)~~ Accessibility of the sales agent's place of business, including available parking, proximity of public transit stops and accessibility by the disabled; and

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~~67~~) Anticipated volume of on-line sales.

- e) *Each Lottery licensee granted on-line status pursuant to ~~this Section~~~~the Department's rules~~ must pay a fee of \$10 per week as partial reimbursement for ~~communicationstelecommunications~~ charges incurred by the Department in providing access to the ~~Department's central~~~~Lottery's on-line~~ gaming system. [20 ILCS 1605/10.2]*

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

**Section 1770.30 Special Licenses**

- a) The Superintendent may issue ~~special licenses~~~~Special Licenses~~ from time to time for the sale of Lottery products at public events of short-term duration and limited geographic scope. Examples of ~~thesesuch~~ events include, but are not limited to, State and county fairs, ethnic festivals, and street fairs. Subject to the provisions of subsection (c), a special license shall entitle the holder to conduct sales of instant tickets only for the term of the license, and on the licensed premises. The term of the special license shall be determined by the duration of the event.
- b) Factors ~~thatwhich~~ shall be considered by the Superintendent in determining whether ~~to license the~~~~the licensing of~~ sale of Lottery products during the course of a public event shall include, but are not limited to:
- 1) The anticipated public perception of the event as an appropriate vehicle for marketing of Lottery products;
  - 2) The term and expected attendance at the event, as a measure of anticipated sales; and
  - 3) Sensitivity of the sponsor to the preservation of the integrity of the Lottery and its products as evidenced by the sponsor's conduct of similar activities or events in a responsible manner.
- c) Any person may apply for a special license. However, to be granted on-line status, an applicant must be a currently licensed Lottery ~~sales agent~~~~Sales Agent~~ authorized to sell on-line products. Applications for special licenses will be subject to the discretionary review of the Superintendent as provided in subsections (a) and (b). In granting on-line status, the Superintendent shall

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additionally consider the cost of installation and availability of equipment balanced against the anticipated volume of sales of Lottery products.

- d) Lottery sales agents holding special licenses are subject to the same responsibilities and restrictions as regular sales agents as set forth in this Part. However, the Superintendent may, in his or her discretion, temporarily waive a particular condition of licensing in order to carry out the purposes of this Section.
- e) If the Superintendent determines Lottery tickets should be sold at a public event, and no application for special license is received for that event, the Superintendent may assign such personnel of the Department as may be appropriate to sell tickets to the public at the event.
- f) *The Superintendent may issue special licenses to veterans service organizations permitting the organizations to sell the specialty tickets authorized by Section 21.6 of the Act on a year-round basis and with no requirement to sell other Lottery products. No application or renewal fee shall be charged for this special class of license, and the licensees shall not be required to redeem winning tickets. Bonuses and commissions earned by the veterans service organizations shall be as specified in Section 10.8 of the Act. [20 ILCS 1605/10.8]*

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

**Section 1770.40 License Revocation Without Prior Notice**

- a) Pursuant to Section 10.1 of the Act, the Superintendent must act to assure that no person whom the Act declares to be "ineligible for a license" is granted a license, and that no licensed sales agent who becomes "ineligible" under the Act is allowed to remain as a licensed sales agent. ~~The Superintendent may revoke the license of any agent who violates the Act or any rule promulgated pursuant to the Act.~~ The Superintendent may revoke or suspend a license without notice or prior hearing, upon determining any of the following:
  - 1) That the agent has violated any of the provisions of the Act or this Part;
  - 2) That the agent has failed to meet or maintain the eligibility requirements for licensing as provided in the Act and this Part, and the conditions of licensing set forth in Section 1770.60;

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- 3) That the agent has been found guilty of fraud, deceit, misrepresentation or other conduct prejudicial to public confidence in the Lottery, including misrepresentation or failure to disclose a material fact on its application for the sale of lottery tickets;
- 41) That an agent has been convicted of a felony, unless the requirements of Section 10.1 of the Act have been met ~~or any crime involving fraud, misrepresentation, moral turpitude or failure to pay taxes;~~
- 52) That the agent, or an employee of the agent ~~engaged in or~~ responsible for Lottery ticket sales, has engaged in ~~been arrested for bookmaking or any other forms~~ ~~form~~ of illegal gambling;
- 63) That the agent, or an employee of the agent responsible for Lottery ticket sales, sold a Lottery ticket to a person under the age of 18 ~~That the agent has been found guilty of any fraud or misrepresentation;~~
- 74) That the agent has commingled and has failed to segregate Lottery funds as a trust fund as required by the Act ~~from other funds,~~ ~~or~~ has failed to surrender ~~Lottery~~ ~~sueh~~ funds and/or unsold instant tickets upon demand by the Department or its authorized agent, ~~or~~ has carried an accounts receivable balance in excess of \$500 for more than 90 days, or has failed to post a bond or security deposit if required by the Superintendent;
- 85) That the agent has failed to take reasonable security precautions with regard to the handling of Lottery tickets and related materials;
- 96) That the agent has ceased to offer Lottery products for sale, or has changed business ownership, as defined in Section 1770.80(d), with no prior notice to the Department by the seller or buyer;
- 107) That, on the basis of information made available to the Superintendent since the agent was licensed, the Superintendent finds that the agent's character and general fitness are such that his or her participation as an agent is inconsistent with the public interest, convenience and necessity.
- b) In the event the Superintendent revokes or suspends a license without notice and an opportunity for a prior hearing, the Superintendent shall, by service of appropriate notice pursuant to 11 Ill. Adm. Code 1700.30 and this Part, afford the

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person whose license has been revoked an opportunity for a hearing within ~~60~~<sup>30</sup> days after the revocation order has been issued. As a result of any such hearing, the Superintendent may confirm the action revoking the license, or may order the restoration of the license. In determining whether to confirm the action revoking the license, or order the restoration of the license, the Superintendent shall take the following factors into consideration, if applicable:

- 1) ~~The~~<sup>the</sup> agent's history of past offenses;
- 2) ~~Whether~~<sup>whether</sup> the agent's course of conduct constituted a threat to the safety of the agent, Department ~~officials~~<sup>Officials</sup>, or others;
- 3) ~~Any~~<sup>any</sup> evidence of the agent's ignorance of a material fact ~~that~~<sup>which</sup> led to his or her ~~improper or~~ unlawful conduct;
- 4) ~~The~~<sup>the</sup> degree of cooperation exhibited by the agent with Department ~~officials~~<sup>Officials</sup>;
- 5) ~~The~~<sup>the</sup> degree to which the agent profited economically as a result of his or her conduct;
- 6) ~~Any~~<sup>any</sup> other evidence offered and noted by the Hearing Officer as demonstrating factors in mitigation or factors in aggravation of the relief sought in the complaint.

e) ~~The Superintendent may suspend, with or without notice or prior hearing, the license of any agent who violates the Act or this Part. In the event the Superintendent suspends a license without notice and an opportunity for prior hearing, the Superintendent shall, by service of appropriate notice, as provided by 11 Ill. Adm. Code 1700.30 and this Part, afford the person whose license has been suspended an opportunity for a hearing within 30 days after the suspension order has been issued. As a result of any such suspension, the Superintendent may confirm suspension of the license or may rescind the suspension. In determining whether to confirm the action confirming suspension or rescinding the suspension, the Superintendent shall take the following factors into consideration, if applicable:~~

- 1) ~~the agent's history of past offenses;~~

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- ~~2) whether the agent's course of conduct constituted a threat to the safety of the agent, Department Officials, or others;~~
- ~~3) any evidence of the agent's ignorance of a material fact which led to his or her unlawful conduct;~~
- ~~4) the degree of cooperation exhibited by the agent with Department Officials;~~
- ~~5) the degree to which the agent profited economically as a result of his or her conduct;~~
- ~~6) any other evidence offered and noted by the Hearing Officer as demonstrating factors in mitigation or factors in aggravation of the relief sought in the complaint.~~
- cd) Upon termination of an agent's license, the Department shall arrange, and the agent shall participate in, a meeting with the Department's representative for the purpose of rendering the agent's final Lottery accounting. At that meeting, the agent shall surrender his or her agent's license, unsold Lottery tickets and other Lottery equipment and materials supplied to the agent by the Department or its vendors.
- ~~e) Upon receipt of notice of revocation, the agent shall surrender immediately to the Superintendent or his or her designee, his or her agent's license and other Lottery equipment and materials supplied to the agent by the Department, its on-line games vendor or its instant ticket validation service vendor.~~
- df) Nothing in this Section shall be construed to prevent the immediate termination of an agent's license upon agent's request and the Department's approval, or upon the effective date of a change in ownership for which the Department has received written documentation. The right to a hearing shall not apply in thesesuch circumstances.

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

**Section 1770.50 License Revocation, Suspension, Non-Renewal or Denial With Prior Notice**

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The Superintendent may deny, suspend, not renew or revoke an agent's license with prior ~~service~~ ~~of~~ notice and opportunity for hearing for one or more of the following causes:

- a) ~~Violation~~ ~~violation~~ of any of the provisions of the Act or this Part;
- b) ~~Failure~~ ~~failure~~ to meet or maintain the eligibility requirements for licensing as provided in the Act and this Part, and the Conditions of Licensing set forth in Section 1770.60 of this Part;
- c) ~~Fraud~~ ~~fraud~~, deceit, misrepresentation or other conduct prejudicial to public confidence in the Lottery;
- d) ~~The~~ ~~the~~ misrepresentation of, or failure to disclose, a material fact to the Board or the Superintendent on any report, record, application, form or questionnaire required to be submitted to the Board or the Superintendent, including, but not limited to, the misrepresentation of or failure to disclose a criminal record, taxpayer status with the State of Illinois or relevant information bearing on the financial status of the applicant;
- e) ~~Failure~~ ~~failure~~ to promptly produce for inspection, by a member of the Board, the Superintendent, or their authorized representatives, including law enforcement personnel, any book, record, account, document or item required by the Act or this Part;
- f) ~~Refusal~~ ~~refusal~~ to permit access to members of the Board, the Superintendent, or their authorized representatives, including law enforcement personnel, to any place where a licensed Lottery activity is conducted;
- g) ~~Failure~~ ~~failure~~ to file any returns or reports or to keep any records or reports as required by the Superintendent under the Act or this Part;
- h) ~~Failure~~ ~~failure~~ to account for Lottery tickets received or the proceeds from the sale of Lottery tickets, or to post a bond if so required by the Superintendent;
- i) ~~Failure~~ ~~failure~~ to maintain sales levels established by Department directive;
- j) ~~Failure~~ ~~failure~~ to comply with the instructions or directives of the Superintendent as to security procedures for the handling of Lottery tickets or the conduct of any Lottery game;

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- k) ~~Knowingly~~knowingly causing, aiding, abetting or conspiring with any other person to violate the Act or this Part;
- l) ~~Making~~making a misrepresentation of fact to the purchaser, or prospective purchaser, of a Lottery ticket, or to the general public, with respect to the conduct of any Lottery game;
- m) ~~Upon~~upon a determination by the Superintendent that the number of Lottery sales agents in agent's area of operation exceeds the number which can be efficiently supported by the Department's budget or personnel, or the public convenience in obtaining Lottery products is sufficiently served by other agent locations considering the total volume of sales in such area;
- n) ~~Failure~~failure to pay the Department any obligation when the obligation becomes due;
- o) ~~Upon~~upon a determination by the Superintendent that the licensed agent has become insolvent or unable or unwilling to pay his or her debts;
- p) ~~Failure~~failure to display Lottery point-of-sale material in a manner which can be readily seen by the public, or make hand-out materials readily available to the public;
- q) ~~Upon~~upon any change of business ownership, business organization or business location;
- r) ~~Selling~~selling a ticket, giving a ticket or paying a prize to a person under the age of 18. (Section 15 of the Act) For the purposes of this Section, an action by an employee of the agent shall constitute an action by the sales agent.

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

**Section 1770.60 Conditions of Licensing**

Lottery sales licenses are subject to the following conditions of licensing:

- a) The Lottery sales license issued by the Department shall be issued to a person, as defined by Section 1770.10, for a specified point of sale, as defined by Section

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1770.10, on the condition that the licensed sales agent maintains eligibility under the applicable criteria under which the license was granted by the Superintendent, as defined in Section 1770.20;

- b) Licensees shall, at all times during the term of their Lottery license~~license~~, comply with the Act and any rules or instructions of the Superintendent concerning the security of Lottery equipment, tickets or money and the proper conduct of Lottery promotions;
- c) Each licensed agent shall make available for sale to the public, during its normal business hours, ~~the those Illinois State Lottery ticket products that~~ which the agent has been licensed to sell; ~~No agent shall offer for sale any gambling or gaming tickets or chances other than those for which the agent is specifically licensed by the Department of the Lottery or other department, board or commission of the State of Illinois;~~
- d) No license issued pursuant to the Act shall be transferable or assignable;
- e) Lottery sales licenses and any placards or other point of sale materials stating game play odds for Lottery games shall be displayed in a conspicuous place on the business premises where the Lottery tickets are licensed to be sold;
- f) Lottery licensees shall actively promote the sale of Illinois State Lottery tickets;
- g) Licensees shall maintain authorized displays, drop boxes, equipment and properly display other promotional materials used in conjunction with sales in accordance with instructions issued by the Department.
- h) Each licensee will be held responsible for all instant game tickets accepted from the Department or its vendors and tickets generated by the agent from the Department's central gaming system~~distribution agents, by licensee, its agents or employees~~. All ~~unsold tickets and~~ receipts from sales, less commissions earned and prizes properly paid~~from such sales and less such sums as have been paid by licensees~~ to winners ~~of prizes in the manner prescribed by directives of the Department~~, shall be paid returned to the Department ~~or its distribution agents~~ by the stated settlement deadlines. Tickets not returned by settlement deadlines ~~dates~~ shall be considered to have been purchased by the agent;
- ih) Each agent shall maintain current and accurate records of all operations in

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conjunction with Lottery ticket sales in conformity with rules of the Department and make these records~~Such records shall be made~~ available to representatives of the Department and the Auditor General of Illinois upon request, during normal business hours;

- ji) No licensed retailer~~person~~ shall sell a ticket or share at a price greater or less than that established~~fixed~~ by rule of the Department's game rules~~Department~~, provided, the Department may authorize free ticket or discounted ticket~~enter into ticket couponing and ticket discount couponing~~ promotions in support of marketing activities. No retailer may add a "service charge", "handling fee" or other cost ~~shall be added by any person~~ to the established price of a Lottery ticket or share. No person shall charge a fee to redeem valid winning tickets ~~or shares~~;
- kj) No Lottery license ~~as an agent to sell Lottery tickets or shares~~ shall be issued to any person to engage in business exclusively as a Lottery sales agent;
- lk) No person other than a Lottery sales agent shall sell Lottery tickets;
- ml) Licensed agents shall sell Lottery tickets on a face-to-face or authorized dispensing machine basis only on the business premises designated in the license, and shall not conduct sales to off-premises customers by telephone, mail, parcel delivery service, or through an agent-sponsored vehicle such as a club, players' association, or similar entity;
- nm) *No Lottery ticket shall be sold or given to a person under the age of 18 years, or any prize paid to a person under the age of 18 years (Section 15 of the Act);*
- on) Each licensee shall hold the Department and the State of Illinois harmless with respect to any liability arising in connection with agent ticket sales activities;
- po) Each licensee shall immediately report to the Department the loss or theft of any Lottery tickets consigned to the licensee, with the ticket identification numbers;
- qp) Each licensee shall redeem all winning Lottery~~instant~~ game tickets with a face value of \$600 or less, as long as the licensee sells the type of ticket being redeemed~~presented to the licensee for monetary prizes of less than \$600. Each on-line agent shall redeem all winning tickets of any Lottery games presented to the licensee for monetary prizes of less than \$600.~~ No agent shall redeem a winning ticket with a face value greater than \$600~~for a prize of \$600 or more~~, but

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shall instead follow established prize claim procedures specified in Section 1770.190;

- re) No license shall be granted to any applicant whose prior Lottery license has been revoked ~~pursuant to this Part, when the effective date of revocation has been~~ less than two years prior to the date of the current application;
- sf) No licensed ~~retailer~~agent shall sell ~~lottery~~Lottery tickets or shares issued by any governmental entity, foreign or domestic, other than tickets and shares for games operated by the Illinois State Lottery. No licensed retailer shall sell any other type of gambling or gaming tickets or chances other than those for which the retailer is specifically licensed by a department, board or commission of the State of Illinois or a unit of local government;
- ts) All Lottery proceeds are funds of the State of Illinois, must be separately segregated from other business or personal funds, must be held in trust on behalf of the Illinois Lottery, and the agent must, under penalty of law, maintain a separate bank account exclusively for deposit and transfer of weekly Lottery fund settlements by means of an Electronic Fund Transfer system. The account must be designated on the bank's records as "Lottery Trust Fund Account-".

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

**Section 1770.70 License to be Displayed**

- a) Every licensed agent shall prominently display his or her license or a copy of the license in an area visible to the general public.
- b) ~~In addition, the "Authorized Lottery Agent" decal shall be mounted on a prominent public window of the agent's premises.~~
- be) Each Lottery sales agent shall maintain and display all promotional material in a prominent location, conveniently visible to the public.

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

**Section 1770.80 Change of Name, Ownership, or Form of Business Organization**

- a) Every change in the name, ownership or form of business organization of athe

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business ~~licensed to sell Illinois~~~~designated in the license as permitted to offer to the public~~ Lottery tickets; shall be reported by the licensed ~~retailer~~agent to the Superintendent at least 30 days prior to effective date of change. Reporting may be accomplished by completing a departmental form provided for such purpose or by mailing notice of the proposed change by certified mail, return receipt requested, postmarked on or before the 30<sup>th</sup> day prior to the effective date of change, and addressed to the Department as follows~~at the following address~~:

Department of the Lottery  
~~Lottery~~-Licensing Unit  
101 West Jefferson Street, MC5-940  
Springfield, Illinois 62794-9015  
800/752-9568

- b) "Change of name" means a change in the corporate or doing business as (DBA) name shown on the licensee's application to sell Lottery tickets~~name of the business designated in the license, by which name the business is intended to be known to the public.~~
- c) "Change of business organization" means a change from one form of organization and ownership of the business, ~~as permitted by the laws of the State,~~ to another, including, but not necessarily limited to, general partnerships, limited partnerships, corporations and proprietary ownership.
- d) "Change of ownership" means the transfer of more than 50% of the equity, management control, legal ownership, shares or stock of the business designated in the license.
- e) Each notification of change of name, ownership or form of business organization of a licensee communicated to the Superintendent shall include the following information:
- 1) ~~The~~the name, address and agent identification number of the licensed agent;
  - 2) ~~The~~the name of the business as it appears on the license application;
  - 3) ~~The~~the proposed new name of the business ~~designated in the license~~, if applicable;

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- 4) ~~The~~ current form of business organization;
  - 5) ~~The~~ proposed form of business organization, if applicable;
  - 6) ~~The~~ current owners, managers or shareholders of the business, as is indicated in the license application;
  - 7) ~~The~~ proposed changes of ownership, including the names and addresses of the proposed new owners, managers or shareholders, the percentage of proposed transfer of equity, management control, legal ownership, shares or stock; and
  - 8) ~~The~~ anticipated date of the proposed change in name, business organization or ownership.
- f) The Superintendent shall review the changes, considering current licensing standards, as provided in the Act and this Part.
- g) The Superintendent, upon approval of a change in name or a change in business structure which does not also involve a change in ownership, shall issue a replacement license reflecting the new name or business structure. The replacement license shall have an expiration date no later than the expiration date provided in the previous license.
- h) Except as provided in this subsection (h) below, any change of business ownership shall necessitate termination of the existing licensing agreement, as of the effective date of the change of ownership. The new owner must submit an application and fee as provided in Section 1770.20 ~~of this Part~~. If the existing agent has not provided the Department with required written notification of the change, the applicant may be required to furnish documentation evidencing the change in ownership, such as a sales contract. The current license number may be assigned to the new owner of a location in the following circumstances:
- 1) If a chain account location previously operated by a franchisee in the event of change of ownership of a corporate chain or franchise in which a business at a licensed location continues operation under the franchisor or chain corporate management, and upon corporate guarantee and assumption of the financial obligations of the licensee, a license may be

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~~assigned to the corporate sponsor and need not be terminated.~~

2) If ownership of the location is assumed by an immediate family member of the original licensee (parent, sibling, child or grandparent), and the following conditions are met:

A) The location is in good standing with the Lottery;

B) The family member assuming ownership was involved in the day-to-day operation of the business prior to transfer;

C) The family member assuming ownership is qualified to hold a Lottery license.

- i) In the event of the proven incapacity, death, receivership, bankruptcy or assignment for the benefit of creditors of any licensed agent ~~or business as designated in the license held by a licensed agent~~, and upon approval of the Superintendent, the license may continue under a court-approved or court-confirmed guardian, executor or administrator, receiver or trustee for the benefit of creditors, who may continue to operate the business designated under the license, subject to the provisions of the Act and this Part, including the requirements that:
- 1) ~~The~~ person to whom the license is transferred must be otherwise qualified to hold a license;
  - 2) ~~The~~ license following the transfer shall be void in the event the license transferee ceases to hold such court-appointed or court-confirmed position;
  - 3) ~~The~~ Superintendent may condition the transfer of any license under this Section upon the posting of a bond, or a guaranteed payment in the form of a cashier's check or money order, on such terms and under such conditions as the Superintendent may deem necessary to protect the financial interests of the State, provided that any such bond shall reflect the reasonably anticipated risk of transfer.
- j) Every change in the location of the business designated in the license shall be reported to the Superintendent no less than 30 days prior to the effective date of

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the change. If ~~thesueh~~ change results from severe damage to or destruction of the business premises specified in the license, as a result of fire, natural disaster or other cause beyond the control of the licensed sales agent, the licensed sales agent shall promptly notify the Superintendent of ~~thatsueh~~ destruction or damage to the business premises, and the consequent change of location, but in no case shall ~~thesueh~~ notification be later than three days after ~~thesueh~~ damage to or destruction of the premises or change of location. Upon ~~sueh~~ notification, the Superintendent shall consider the factors set forth in Section 1770.20 ~~of this Part~~ to determine whether the agent should be licensed to sell tickets at the new location. Upon the Superintendent's approval, a replacement license shall be issued having an expiration date no later than that of the agent's original license.

- k) If a sales agent fails to notify the Superintendent, in writing, of a change of ownership before ~~thesueh~~ change occurs, all owners, officers or other responsible persons named in the Application for Lottery Sales Agent's License shall remain liable to the Superintendent for all tickets issued to or generated by the agent location, and all proceeds from the sale of ~~thesueh~~ tickets (less prizes paid and/or commissions retained) to the date written notice is received by the Superintendent and a final settlement ~~is~~ conducted, or the date the ~~sales agent's~~ ~~Sales Agent's~~ license is revoked or otherwise terminated by the Superintendent, whichever ~~occurs first~~ ~~shall first occur~~.

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

**Section 1770.90 Delinquent Financial Obligations**

- a) It is the obligation of each Lottery sales agent to remain current on his or her financial obligations to the Department. Lottery accounts are due and owing, in full, ~~on each~~ Wednesday, unless the sales agent has been notified by the Department of an alternate settlement day due to a bank holiday or other business disruption. ~~settlement day designated by the Department. Settlement of on-line terminal agent ticket accounts will be on a weekly basis, and settlement of instant game ticket accounts will be as scheduled by the Department.~~ Accounts not settled on the designated settlement ~~day~~ days shall be deemed delinquent. ~~Serious or repeated delinquencies may result in the suspension or revocation of a Lottery sales agent's license or the deactivation of the Lottery sales agent's on-line terminal. In the event the Department determines that a delinquency exists as a result of failure of an agent to segregate Lottery funds from other funds or as a result of commingling of Lottery funds or other assets so that the funds and assets~~

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~~of the Department, held in trust by an agent, cannot be identified and surrendered upon demand by the Department or its authorized collection representative, the Department shall revoke the license without notice or prior hearing, as provided in Section 1770.40(a)(4) of this Part. Lesser delinquent financial obligations will be processed pursuant to the provisions of subsections (b) and (c) of this Section.~~

- b) ~~In the event an agent, authorized to sell only instant products, is delinquent with respect to settlement of his or her account, and the delinquency is the first or second such delinquency within the past twelve months, inclusive of the month of the current delinquency, the collector will establish an extended collection deadline of 4:00 p.m. on the next business day, for a morning delinquency, and 10:00 a.m. the second business day for an afternoon delinquency. A delinquent agent will be charged with each such delinquency. There will be no sanctions imposed with respect to the first two such delinquencies within a twelve-month period, unless both delinquencies occur within a 30-day period. Upon the third such delinquency, or the second of two delinquencies in a 30-day period, the Department or its collection agent shall notify the licensee that it will be under review by Department management for possible license revocation. During the period of review, no new instant tickets will be delivered to the agent. If the Department determines that the delinquencies, or any of them, were reasonably justified due to circumstances beyond control of the agent, the Department will reinstate the agent. Thereafter, any subsequent delinquency which, when taken with other delinquencies within the immediate past twelve calendar month period totals three delinquencies, or two delinquencies within a 30-day period, shall require additional review by the Department. If, upon any such review, the Department determines that the delinquencies are not reasonably justified by the agent, the Department may proceed with notification of termination in accordance with the procedures set forth in subsection (d) of this Section.~~

- be) The Department will apply sanctions with respect to delinquent ~~on-line~~ agent accounts, according to the following schedule of sanctions:

- 1) First delinquency: In the event an agent is delinquent in settlement of his or her Lottery account, and the delinquency is the first within the past 12~~twelve~~ months, ~~including~~inclusive of the month of delinquency, the agent will deliver correct payment to one of the Department's regional offices or wire transfer the funds to the Department's account by 4:00 p.m. the next business day, if the delinquency was reported before noon (12:00 p.m.), or; by 10:00 a.m. the second business day if the delinquency was

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reported after noon ~~(12:00 p.m.)~~. If the delinquent settlement amount~~current week's settlement that was due on settlement date~~ is paid by the extended settlement deadline, the agent will be charged with one delinquency but will receive no further sanction. However, if the settlement amount is not paid by the extended settlement deadline, the delinquent agent's Lottery sales terminal and any related terminals will be immediately deactivated and the account will be referred to the Lottery's accounts receivable staff~~Collections Office~~ or appropriate regional office for a follow-up report. The terminal or terminals will not be reactivated until the follow-up report is received and reviewed by the Department's Chief Financial Officer or designee~~finance staff~~;

- 2) Second delinquency: In the event an agent is delinquent in settlement of his or her Lottery account, and the delinquency is the second one in the past 12~~twelve~~ months, including~~inclusive of~~ the month of the delinquency, ~~the collector will promptly notify the Department of the delinquency, whereupon~~ the delinquent agent's Lottery sales terminal and any related terminals will be immediately deactivated and the agent will be charged with a second delinquency. When the delinquent settlement amount~~settlement of the current week's account which was due on settlement date~~ is paid to one of the Department's regional offices or wire transferred to the Department's~~its~~ account, the Lottery sales terminal or terminals~~terminal and related terminals~~ will be reactivated unless the second incident is within one month after the first, or the payment was made after the extended payment deadline. If this occurs, the sales terminal and any related terminals will be reactivated only after review and approval by the Department's Chief Financial Officer or designee~~finance staff~~. In determining whether to reactivate a terminal, Department staff may consider the agent's prior history of delinquencies, general financial status as disclosed by a current credit report, ability to provide a security deposit or bond to protect against future delinquencies, and such other relevant financial and administrative information as may be available to the Department;
- 3) Subsequent delinquencies: In the event an agent is delinquent in settlement of his or her Lottery account or any extended payment deadline, and the delinquency is the second within 30 days or the third or more in the past 12~~twelve~~ months, inclusive of the month of the delinquency, ~~the collector will promptly notify the Department of the delinquency,~~

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~~whereupon~~ the delinquent agent's Lottery sales terminal and any related terminals will be immediately deactivated and the agent will be charged with an additional delinquency. The terminals will be reactivated only after payment and after review and approval by the Department's Chief Financial Officer or designee~~finance staff~~. In determining whether to reactivate a terminal, Department staff may consider the agent's prior history of delinquencies, general financial status as disclosed by a current credit report, ability to provide a security deposit or bond to protect against future delinquencies, and such other relevant financial and administrative information as may be available to the Department.

- cd) The Department may suspend or~~upon written notification and with opportunity for hearing~~, revoke an agent's license after review of a delinquency, at any stage, if the Superintendent determines that suspension or termination is in the best interest of the Lottery. ~~Such termination may be initiated without prior notice and opportunity for hearing when the Department's funds are not segregated and available for surrender or when accounts receivable exceed allowable limits as provided in Section 1770.40 of this Part. An~~ Prior to making a determination to suspend or revoke, the Department will conduct an evaluation of the circumstances surrounding delinquency, including a review of a delinquent agent's past delinquency record, ~~in order will be conducted~~ to differentiate between incidental agent management error and lack of financial stability or responsibility.
- de) It is the responsibility of the licensed sales agent to insure that all payments due the Department are properly prepared. Failure to properly prepare and tender any payment due the Department shall not be an excuse for failure to fulfill obligations due the State Lottery.
- ef) The deactivation or removal of an on-line terminal, or the suspension or revocation of the license of a Lottery sales agent, shall not relieve the Lottery sales agent of liability for any obligation due the Department.

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

**Section 1770.100 Bonding of Agents**

The Department may require a surety bond or a security deposit~~guaranteed payment~~ in the form of a cashier's check or money order from any agent, at thesuch agent's expense, so as to avoid

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any monetary loss to the State because of an agent's activities in the sale of tickets. The Department may require a financial statement revealing the financial condition of any person or organization seeking to become or continue as an agent.

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

**Section 1770.120 Agent Financial Adjustments**

- a) Whenever instant tickets are lost, stolen or destroyed while in the possession of a Lottery agent ~~or distributor, or while in transit to, from or between the Department and the agent or distributor~~, the Department may provide for full or partial credit against the settlement due the Department from an agent for lost or destroyed non-winning tickets, mid-tier tickets authorized prior to the loss, and mid-tier tickets properly reported as lost or destroyed and therefore unable to be claimed or redeemed. Each ~~such~~ claim for credit shall be accompanied by an affidavit, an incident report and a police or fire report, as appropriate, and/or ~~such~~ other supplementary documentation as the Superintendent may deem necessary to proper validation of the loss.
- b) Whenever an agent pays a prize with a claimed value in excess of the amount permitted by Section 1770.190(b) ~~of this Part~~ and seeks reimbursement for the full amount paid, the agent must submit:
  - 1) ~~A~~ written explanation of the circumstances surrounding the prize payment;
  - 2) ~~The~~ winning ticket or, if the ticket has been destroyed, a written explanation of the circumstances surrounding the ticket's destruction;
  - 3) ~~A~~ claim form completed in the agent's name and taxpayer identification number; and
  - 4) ~~Any~~ ~~such~~ other documentation ~~as may be~~ requested by the Department's finance staff and General Counsel.
- c) The Department's finance staff and General Counsel will review the documentation provided in conjunction with Department records and, if satisfied that an honest error occurred, such an error is not likely to occur again, and that the original holder of the winning ticket was paid the full amount due for the

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winning ticket, may jointly recommend that the agent be reimbursed up to the full prize amount paid. If necessary in order to ensure that no other person has legal claim to the prize, the Department's finance staff and General Counsel may withhold reimbursement to the agent until the pertinent prize claim period has expired.

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

**Section 1770.130 Lost, Stolen, and Damaged Winning Tickets and other Discrepancies**

- a) Except as otherwise provided in subsections (b) and (c) of this Section, or Section ~~1770.145 or~~ 1770.160(d) ~~of this Part~~, no claim for a game prize with respect to any Lottery game shall be honored, and no prize shall be paid with respect to any such claim, unless the claim is accompanied by a valid winning ticket for the game and the prize. Each winning ticket must pass ~~such~~ validation and security tests as ~~described in the rules for the game being played~~ the Department may require to validate the ticket.
- b) Whenever a physical winning ticket is stolen, lost or destroyed after ~~the~~ such ticket has been placed in the hands of a Lottery agent or the Department, the Department may provide for payment of the prize to the winner.<sup>5</sup>
- 1) ~~If provided that~~ the purported winner furnishes a copy of his or her claim form and valid claim receipt with attached computer-generated claim ticket, and the claim ticket information matches the Department's validation records, the Chief Financial Officer and General Counsel of the Department, or their designees, may jointly authorize payment of the prize with respect to a claim filed with a Lottery agent, or the claim receipt only, with respect to a claim filed with a Department administrative or marketing office. For instant game prizes where there is no computer-generated claim ticket, a A written statement from the agent or the Department's prize center; confirming that the winning ticket was received ~~by such agent~~, may be required prior to payment authorization.
- 2) In the event a claim has been entered into the computer system but the claimant is unable to produce a claim receipt or, ~~when~~ where appropriate, claim ticket, no action will be taken with respect to the claim until the claim period for the game has expired. If the ticket and original claim form and claimant's copy of the claim form remain lost at the conclusion of the

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claim period for the game in question; and no other person has made a claim to the prize, the Department's Chief Financial Officer and General Counsel, or their designees, may jointly authorize payment to the person who originally made the claim.

- c) ~~within 30 calendar days from and after the final claim date, any claimant with respect to such a prize may request a hearing, as provided by the Hearing Rules of the Department at 11 Ill. Adm. Code 1700, for purposes of proving up the claim.~~

If multiple claims are filed with respect to the same prize, any claimant to the prize may request an administrative hearing as provided in the Department's hearing rules (11 Ill. Adm. Code 1700) and the such claims shall be heard in a consolidated hearing during which each claimant shall be permitted, in turn, to present evidence in support of his or her claim. No discovery of Department records relating to ticket procurement or ticket claims shall be allowed. At the conclusion of the offering of all proofs by all claimants for a prize, the Department shall offer such evidence as may be available from Department records that will tend to establish ~~the~~ that agent location at which the actual winning ticket was sold, together with the ticket identification numbers, and the date and time of sale. The Department's motion for dismissal prior to offering of proofs, accompanied by the Department's certification that no computer claim record exists with respect to a purported claim, shall constitute an absolute defense to any claim for a prize.

d) Lost or Stolen Mail-in Claims

- 1) Whenever a player submits a claim during the valid claim period for a game alleging that a properly purchased Illinois Lottery ticket was lost or stolen after being deposited in the U.S. Mail, if one year has elapsed since the date of the on-line drawing for which the ticket was purchased or one year has elapsed since the announced end of game for the instant game in question, and no prize has been paid to or claimed by another person, the Superintendent may declare the ticket to be a valid winning ticket and authorize payment of the associated prize to the claimant provided that the following conditions are met:

- A+) The claimant furnishes a copy of the ticket or other satisfactory evidence as to the date, time and location of the ticket purchase for on-line games; the game, location of purchase, and approximate date of purchase for instant tickets; or such other relevant

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information as could only be known by the original purchaser of the ticket;

- B2) The claimant establishes to the satisfaction of the Superintendent that the claimant took reasonable steps with respect to the security of the ticket and; actually deposited the ticket in the U.S. Mail properly addressed to the Illinois Lottery, and that the ticket was not lost or stolen due to the player's negligence or carelessness;
- C3) One and only one claimant meets the criteria outlined in subsections (d)(1)(A) and (B)(e)(1) and (2); and
- D4) The prize claimed is not a Lotto game grand prize~~Grand Prize~~, Lucky Day~~Little~~ Lotto game first prize~~First Prize~~, Mega Millions or Powerball grand prize~~The Big Game Grand Prize~~ or second prize~~Second Prize~~, or instant game prize in excess of \$10,000~~\$5,000~~.
- 2) Evidence regarding the date, time and place of purchase will not be considered satisfactory evidence of ticket purchase if that~~such~~ information has been generally released to the public by the Department.

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

**Section 1770.140 Sales by Department Directly**

- a) The Department may engage in direct sales of tickets at any selling points it establishes within the State. The Department may also sell its products by means of telephone, electronic transmission, parcel delivery services and, to the extent permitted by federal statutes, through the U.S. Mail and, subject to the provisions of Section 1770.145, via the internet.
- b) In any case in which~~where~~ the Department is engaged in the selling of tickets as a general promotion, nothing in this Part~~herein~~ shall be construed to prohibit the Department from compensating lottery agents who may be economically adversely affected by that~~such~~ promotion.

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

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**Section 1770.145 Internet Pilot Program**

- a) The Department shall implement a pilot program of not less than 36 months and no more than 48 months in duration for the sale of Illinois Lottery tickets and games via the internet. [20 ILCS 1605/7.12] The Department shall offer for sale via the internet only those games authorized by statute.
- b) Players who wish to purchase Lottery game tickets or subscriptions via the internet must register for an internet Lottery player account to ensure that they are eligible to purchase Lottery game tickets or subscriptions, claim prizes or otherwise receive winnings.
- 1) Players may be required to provide to the Department, the [Private Manager of the Illinois Lottery](#), or any other third parties responsible for administering internet Lottery player accounts information including, but not limited to, the following:
- A) Legal name;
- B) Valid street address (not a P.O. Box), which must be the internet player's legal residence in the State of Illinois;
- C) Date of birth;
- D) Social [Security Number](#);
- E) Debit card, credit card or bank account information; and
- F) Email address.
- 2) The Department may request additional information from internet players to verify eligibility to establish a Lottery internet account, make purchases of Lottery game tickets or subscriptions, claim prizes or otherwise receive winnings.
- c) The Department's gaming system shall capture the internet protocol (IP) address of the computer used for any internet purchase of Illinois Lottery game tickets or shares and verify the internet player's internet service provider (ISP) in order to

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determine with reasonable certainty that the starting point for the purchase transaction is within the geographical boundaries of the State of Illinois.

- d) The Department, the Private Manager of the Illinois Lottery and any third parties engaged by the Lottery or the Private Manager may utilize any combination of commercially available or custom identity verification software, geolocation software, geofiltering software, public databases, Department databases and financial entity "know your customer" (KYC) processes to confirm the accuracy of the information provided by internet players as required by subsections (b) and (c) in order to verify information, including but not limited to the following:
- 1) The player is at least 18 years old;
  - 2) The player is not an employee of the Department or the Private Manager of the Illinois Lottery, or any other person prohibited from claiming prizes or otherwise receiving winnings pursuant to the Act or this Part;
  - 3) The internet player has a valid street address (not a P.O. Box), which must be the internet's player's legal residence in the State of Illinois;
  - 4) The computer being utilized for the purchase of Lottery game tickets or subscription plans via the internet is located within the State of Illinois to adhere to the statutory requirement that *the sale of Lottery tickets on the internet is limited to transactions that are initiated and received or otherwise made exclusively within the State of Illinois* [20 ILCS 1605/7.15]. If the Department is unable to confirm with reasonable certainty the location of the computer initiating an internet purchase transaction for any reason, including, without limitation, the use of certain ISPs, dial-up connections, cellular gateways, regional and international proxies and other internet communication methodologies that do not allow computer location confirmation, the transaction will not be processed;
  - 5) The internet player is an authorized user of the financial instrument identified for payment of internet purchases;
  - 6) The confirming email address is valid and associated with the registered internet Lottery player.

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- e) Upon verification of the player's age, identity, eligibility and location, the Department will establish an internet Lottery player account protected by a password of the internet player's choosing. All future purchases of Lottery game tickets or subscription plans via the internet will be processed through this account. Ticket purchases made through the account will be limited to its currently available fund balance and may be monitored against maximum transaction limits established by the Department or lower limits established by the internet player, if any. The Department reserves the right to suspend an account when the maximum transaction limit is reached. The Department may reactivate a suspended account at the start of the next periodic monitoring cycle.
- f) Validated prizes up to \$600 won by an internet player as a result of an internet purchase will be posted automatically to the player's Lottery internet account, with no further action required by the internet player. Prizes in excess of \$600 will be submitted to the Department for verification and the Department may require the internet player to complete a claim form. Validated prizes between \$600.01 and \$25,000 won by an internet player as a result of an internet lottery purchase will be posted to the internet player's account after the Department completes its verification procedures, unless the internet player requests payment by check. All prizes in excess of \$25,000 will be paid by the State Comptroller.
- g) An internet player may access funds in his or her Lottery internet account by transferring funds between the account and a personal bank account or by utilizing the debit card the player received upon establishing an internet account. Players may also request that their Lottery internet account balance be paid to them by check.
- h) The Department shall market the internet pilot program to infrequent Lottery players through its Private Manager. [20 ILCS 1605/7.12]
- i) The voluntary self-exclusion program described in Section 1770.240 shall also apply to purchases of Illinois Lottery game tickets via the internet.
- j) The terms and conditions of use for the internet Lottery player account shall include a statement to the effect that access to and use of the account is limited to the registered internet Lottery player and that user names and passwords should not be shared. Internet players shall certify that they are the registered and authorized user of the applicable internet Lottery player account, are 18 years of age or older, and are completing a purchase from a location within the

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geographical boundaries of the State of Illinois. In the event a purchase is determined to have been placed by an individual under the age of 18, by someone other than the registered internet Lottery player, from a location outside the State of Illinois, or through any fraudulent or unlawful means, the prize will be forfeited and the funds deposited into the Common School Fund. If an investigation by Lottery security personnel reveals that the registered internet Lottery player actively participated in the fraudulent or unlawful activity, the internet Lottery player account may be canceled.

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

**Section 1770.150 Sales, Inspection, Compensation, and Ticket Purchases**

- a) Except as provided in SectionsSection 1770.140 and 1770.145 of this Part, tickets shall be sold only to purchasers physically present on the premises at the specific location named in the license.
- b) All ticket sales shall be final, and no agent is authorized to accept ticket returns except as otherwise provided in this Part or with the specific approval of the Superintendent.
- c) Authorized inspectors of the Department may inspect the business premises of any agent at any time during normal business hours. TheSuch inspections may be made without prior notice to the agent.
- d) An agent is entitled to a commission for tickets sold by the agent, as well as a bonus for winning tickets sold or redeemed by the agent, at thesueh rate or rates as are established by the Lottery's Private Manager and approved by the Superintendent. Each licensed agent shall be entitled to such bonus or bonuses to be awarded with respect to a winning ticket sold by the agent as may be established by the Superintendent with respect to each particular Lottery game.
- e) The Private Manager, with approval of the Superintendent, may award additional cash bonuses or other incentives from time to time to sales agents. Agents shall be notified of any such bonuses or incentives by means of an agent newsletter or such other similar agent circular as may be distributed by the Private Manager or via electronic messaging through the agent's Lottery sales terminalDepartment.
- f) Each agent shall deposit proceeds from Lottery ticket sales, minus the

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~~commissions and bonuses earned and money paid to winners of prizes (Lottery proceeds), to a Lottery Trust Fund Account in a bank or other financial institution, or otherwise return to the Department in the manner prescribed by directive, all monies received by the agent from the sale of tickets less the amount of commission and such sums of money paid out by the agent to winners of prizes (Lottery proceeds) which must be kept separate and apart from other business or personal funds and must be segregated as a trust fund on behalf of the Lottery [20 ILCS 1605/10.3]. The agent shall file with the Department, or its designated representatives, reports of receipts, sales, payment to winners and related transactions in such form and containing such information as the Department may require by directive. Any discrepancies in such receipts and transactions are to be resolved as provided in the reporting directives.~~

- g) All game tickets accepted by an agent remain the property of the Department until the tickets are sold and the proceeds remitted to the Department. Any unsold tickets not returned to the Department upon demand shall be considered purchased by the agent and the purchase price of the tickets, less appropriate deductions, shall be immediately due and payable to the Department. The agent is responsible for lost, stolen or missing tickets not returned, except as provided in Section 1770.120(a) ~~of this Part.~~

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

**Section 1770.160 Lottery Tickets**

- a) The Superintendent is authorized to prepare for sale to the public such Lottery tickets as may be appropriate for implementation of the Lottery games offered, from time to time, by the Department, or to offer Lottery tickets at no charge to consumers 18 years of age or older as a promotional tool.
- b) Each Lottery ticket shall contain the price of the ticket, the drawing date if appropriate, ~~and such~~ unique identification numbers or symbols and ~~such~~ other information ~~as~~ the Superintendent may deem appropriate for security and marketing purposes. If a Lottery ticket is being offered at no charge in connection with promotional activities of the Department, the ticket will be stamped with the words "not for sale" or words of similar import.
- c) Any unsigned Lottery ticket issued by the Superintendent is a bearer instrument and shall be treated as such until a name is imprinted or placed upon the rear

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portion of the Lottery ticket in an area designated for "Name". Once a name is placed on the rear of the ticket in the place designated for that purpose, the person whose name appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable to that ticket, subject to the provisions of subsection (d) ~~of this Section.~~

- d) In the event an otherwise valid ticket is submitted as a claim for payment, and the Department is put on notice prior to payment of the claim that ownership of the ticket is disputed by an adverse claimant alleging fraud, theft, loss, conversion or any other misappropriation of the ticket by the claimant of record, the Department may withhold payment of the claim for a period of ~~10ten~~ working days ~~from and~~ after the ~~dayworking days during which~~ the adverse claim was first communicated ~~by oral or written means~~ to the Department. If a civil action is initiated on behalf of the claimant or adverse claimant in a circuit court of the State of Illinois, or equivalent court of any sister state within ~~10ten~~ working days ~~from and~~ after the Department has received the notice of adverse claim, the Department shall continue to withhold payment of the prize, or any part of the prize, to the claimant or adverse claimant until an adjudication of the ownership has been rendered by the court, all statutory appeals have been exhausted and, in the case of a judgment entered by the courts of a sister state, the final order has been registered as a foreign judgment in an Illinois court, and all statutory appeals have been exhausted, whereupon the Department shall honor the claim of the prevailing party. During the course of any such litigation conducted in the courts of the State of Illinois, the Department may interplead and pay into court the prize or, in the case of an installment prize, such installment or installments as may fall due during the course of litigation. In the event the Department is not notified by written confirmation received by the Department before close of business on the ~~10<sup>th</sup>tenth~~ working day ~~from and~~ after receipt of the initial adverse claim by the Department, that a civil lawsuit has been filed as provided in this Section, the Department shall honor the claim as filed by the claimant who has presented the winning ticket, and will proceed to process the claim for payment without further reference to the adverse claim. If a violation of Illinois criminal law is indicated, the matter shall be referred by the Superintendent to the appropriate law enforcement authorities, and nothing in this Section will be construed to require the Department to take any action or pay any claim pending final disposition of any criminal investigation or proceedings. No interest shall be payable with respect to prize payments made by the Department, its contractor or other agencies authorized to make ~~thesesueh~~ payments by direction of the Department.

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- e) No claim shall be deemed complete, and no prize shall be awarded with respect to a claim, unless the claimant can and does produce a valid winning ticket to the game and prize claimed. Except as otherwise provided in subsection (d) of this Section or Section 1770.130 ~~of this Part, or, for tickets purchased through a subscription or via the internet,~~ claims not accompanied by a winning ticket will be rejected. Any claim received by an agent and unaccompanied by a ticket will be forwarded to the Department. Upon receipt of any such claim, the Department shall notify the claimant of the rejection, by certified mail, with notification to be deemed completed if returned undelivered; when mailed to the party's last known address; with proper postage prepaid. Notice of rejected claims will be mailed within ~~10~~<sup>ten</sup> working days after receipt of the claim by the Department, at its Lottery claims validation unit in the Department offices in Springfield, Illinois.

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

**Section 1770.170 Lottery Games**

- a) The Superintendent may authorize instant ticket games in which winners are determined by matching certain of the numbers, letters, characters, words or ~~symbols~~<sup>devices</sup> as provided by the rules of the game. Instant game rules may also provide for preliminary and grand prize drawings. ~~Preliminary drawings will be conducted at the Department's offices to determine semifinalists for Grand Prize drawings.~~ Preliminary drawings will be from those tickets ~~or shares~~ eligible for entry into the preliminary drawing and submitted to the Department ~~as part of the preliminary drawing pool in the such~~ manner and by ~~the such~~ deadline ~~as may be provided by the rules for the game~~<sup>departmental directive</sup>. ~~Preliminary drawings shall be open to the public and notice of such drawings shall be posted in the State of Illinois Center in the City of Chicago and the Department's offices in the City of Springfield, Illinois, at least five days prior to such drawing.~~ Grand prize drawings shall be conducted pursuant to the rules of the game, and copies of written procedures to be followed at ~~grand prize~~<sup>Grand Prize</sup> drawings will be furnished each finalist prior to a drawing.
- b) The Department may offer passive Lottery games ~~with pre-printed tickets bearing when tickets bear~~ pre-assigned numbers, ~~letters, characters,~~ words or symbols. Winners in ~~these such~~ games shall be determined either by the results of future events or by ~~the random selection of numbers, words or symbols at publicly held drawings, wherein randomly drawn numbers, words or symbols are selected and~~ ~~Tickets matching the tickets with~~ numbers, words or symbols ~~matching those~~

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drawn shall entitle the ticket holder to the prize indicated on the ticket, ~~and~~ in accordance with the prize structure established by the game rules.

- c) The Department may offer computer operated games ~~in which~~ where players are permitted to purchase tickets bearing player-selected numbers, letters, characters, words or ~~symbols~~ devices or computer selected numbers, letters, characters, words or ~~symbols~~ devices, as provided by the rules of the game, for drawings ~~that~~ which are regularly scheduled in accordance with game rules. With respect to ~~these~~ such games, the Superintendent shall conduct drawings using air-driven or gravity selection equipment (including but not limited to, devices utilizing air-driven ball selection, gravity mixing chamber ball selection, spinning wheel and ball selection or similar equipment, and utilizing either hollow or solid balls appropriate to the type of equipment utilized), or utilizing a computerized random selection program. In the case of drawings conducted using air-driven or gravity selection equipment, drawings shall be by random selection in the presence of a certified public accountant ~~or other independent party~~ who will monitor the integrity of the drawing procedure. For any game utilizing computerized random selection, the selection program will be subject to a software acceptance test by the Department prior to implementation.
- d) Players holding tickets with numbers, letters, characters, words or ~~symbols~~ devices corresponding to those drawn in ~~a game~~ the several games, or ~~that~~ which in combination with those drawn, meet the criteria for prize award set forth in game rules, shall be entitled to prizes in the amounts set forth in game rules ~~to be~~ established by the Superintendent.

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

**Section 1770.180 Drawings**

- a) All drawings utilizing a manual selection process or air-driven or gravity selection equipment shall be open to the public in a manner consistent with game security and facilities requirements ~~and shall utilize such mechanical devices and following such procedures as are established by this Part and the game rule issued by departmental directive.~~
- b) The Department may award prizes of cash or merchandise as incidental or participation prizes at drawings, at special events and in connection with promotions. Merchandise prizes of nominal value (e.g., water bottles, t-shirts or

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coffee mugs) may be distributed to all participants at a drawing, special event or promotional activity. However, cash prizes or merchandise prizes having a value in excess of \$25 per prize shall be awarded pursuant to a random selection process~~drawing~~, in accordance with written ~~drawing~~ procedures.

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

**Section 1770.190 Prize Payment, Claiming or Redeeming of Prizes and Transfers to Common School Fund**

- a) The prize structure may vary with each game and will be established at the beginning of the game by the Private Manager, subject to the approval of the Department Superintendent. The prize structure, odds of winning, the manner in which winners are determined, the claim period for the game and various procedural matters will be set forth in game rules and play instructions.
- b) A ~~monetary prize of less than \$600 may be redeemed by submitting the~~ winning Lottery ticket with a face value of \$600 or less may be redeemed by submitting the winning ticket to a Lottery agent location ~~that~~which sells the type of game won, and may be paid by the Lottery agent directly from Lottery ticket sales funds on hand after the agent follows verification procedures ~~that~~which establish that the ticket is a winning ticket, examines the ticket for alteration, verifies that the prize claim period has not expired, and requests proof of age from the claimant if appropriate. However, when a winning ticket is presented for payment at an agent location after the expiration of any agent claim period established in game rules, the winning ticket has a face value in excess of \$600~~monetary prize is \$600 or more~~, or the Department's verification procedures require, the agent shall follow the claim procedures set forth in subsection (c).
- c) Winning tickets with a face value of up to \$25,000 may be redeemed at Lottery prize centers, provided that the claimant is an individual or is a partnership or other legal entity receiving payment under a Federal Employer Identification Number and is not subject to offset of the prize due to amounts owed the State of Illinois. Payment of prizes at prize centers is~~Prizes of up to \$25,000, claimed by an individual or in the name and under the taxpayer identification number of a partnership or other artificial person, may be paid by the Department at designated offices~~, subject to established claim periods, procedures and validation tests.

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- d) All claims for prizes of more than \$25,000, as well as claims for lesser prizes not paid by the Department at a prize center designated Department office or by an agent pursuant to subsection (b) ~~of this Section~~, must be paid centrally by the Department. Claimants may obtain claim forms from any Lottery office, by mail or from the Lottery's website ticket sales agent, any departmental regional office, or the Department's administrative offices in Chicago or Springfield, Illinois. When initiating a claim in person at any of the aforesaid locations, a claimant shall complete the name and address area on the reverse of the ticket; and present proof of identification and the winning ticket. The ~~agent or~~ Department employee, ~~as applicable~~, will assist the claimant in filling out the claim form, which will be signed by the ~~agent or~~ employee and by the claimant or his or her authorized representative. The claimant or authorized representative will receive a copy of the claim form as a receipt. The winning ticket and a copy of the claim form will be sent to the Department's offices in Springfield, Illinois, for verification. When the ticket is verified as a winning ticket, the prize will be mailed to the claimant.
- e) Prizes in the amount of \$1,000,000 or more may be claimed only at the Department's prize centers or administrative offices in Springfield and Chicago, or an alternate site mutually agreed to by the Department and the claimant, and absent extenuating circumstances, only by appointment so that appropriate Department personnel are available to assist in the claim process. The Superintendent may require claimants of \$1,000,000 or more, or at the Department's discretion, the claimants' authorized representative, to participate in a press conference as part of the claim process, in order to assure the public that prizes are being awarded and maintain public trust in the Lottery. For purposes of press conference requirements, the claimants are the ultimate recipients of the prize, such as the beneficiaries of a trust, the partners in a partnership, or the members of a club or group.
- f) Prizes with a face value of ~~less than~~ \$600 or less, not redeemed at an agent location but instead claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, shall be claimed in the individual name of one of the partners or members of the group. Payment of any claim filed on behalf of ~~such~~ an individual group member shall be in the same manner as if filed on behalf of a single claimant.
- g) Prizes of over \$600 but less than ~~up to~~ \$1,000,000 claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, may be claimed in the individual name of one of the

## ILLINOIS DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

partners or members of the group. ~~Any claim filed on behalf of such an individual group member shall be filed in the same manner as if filed on behalf of a single claimant,~~ but must be accompanied by a form 5754 setting forth the names, addresses, social security numbers (SSNs) and prize shares of all other persons entitled to a share of the prize. The Department will process a voucher payable to each individual listed on the form 5754, dividing the winnings equally, ~~or as otherwise~~-designated on the form 5754. The Department will then process payment vouchers to the Office~~office~~ of the Comptroller for preparation of warrants and end of year income tax withholding documents. Claim and payment may be made in a partnership name only if the partnership furnishes a Federal Employer's Identification Number (FEIN).

hf) Prizes in the amount of \$1,000,000 or more claimed by multiple winners ~~playing as partners or as a group,~~ with common ownership of a winning ticket at the time of the prize drawing, must be claimed in the name of a partnership, ~~or group or other entity,~~ subject to the limitations set forth in this subsection (h) name.

1) If the prize claim is made in the name of a partnership, the claim must be supported by a copy of the partnership agreement signed by all partners, confirming that the partners had agreed to share any prize prior to purchasing the winning ticket and specifying each partner's share of the prize. Payment will be made out to ~~the~~ partnership as a single payee under the partnership's FEIN, or to each of the individual partners under their SSNs~~or group members,~~ as requested in writing by the partnership's authorized representative winners and provided that each individual's gross annual payment will equal or exceed \$5,000. ~~Partnership claims shall include the name, address and (if one check is requested) Federal Employer's Identification Number of the partnership, the~~ The ticket and claim form must be signed by one of the general partners on behalf of the partnership, and the claim form must be accompanied by a form 5754 setting forth the names, addresses, and SSNs~~social security numbers and prize shares~~ of each partner. ~~Prior to payment, the partnership must submit a written partnership agreement evidencing, at a minimum, that an oral agreement for group play existed prior to the purchase of the winning Lottery ticket.~~ The partnership agreement shall be subject to review by the Department's legal staff, and may not contain provisions contrary to law. ~~When~~Where separate checks have been requested, the partnership must additionally furnish payment instructions for each partner.

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- 2) ~~If the prize claim is made in the name of a group, the claim must be supported by a written document signed by all group members confirming that the members had agreed to share any prize prior to purchasing the winning ticket.~~ Group claims shall include a group name and the address and ~~SSN~~~~Social Security Number~~ of the representative signing the ticket and claim form, and shall be accompanied by a form 5754 setting forth the names, addresses, ~~SSNs~~~~Social Security Numbers~~ and prize shares of all group members. ~~A group play agreement may additionally be required.~~
- 3) Claims by other entities such as corporations or trusts must be in the name of the entity as established prior to ticket purchase, provide the taxpayer identification number of the entity and be signed by an authorized representative. Payment will be in the name and under the taxpayer identification number of the claiming entity.
- ig) Lottery clubs, charitable organizations, corporations, partnerships and other "artificial" persons shall be eligible to purchase Lottery tickets. However, with respect to awards of prizes for life, ~~that~~~~such~~ "artificial" persons shall be entitled to the minimum guaranteed prize.
- jh) Prizes claimed but unpaid at the time of a prize winner's death shall be treated as follows:
- 1) Any prize, or portion of a prize, remaining unpaid at the death of a winner, may be paid to the estate of ~~the~~~~such~~ deceased prize winner, or to the designated trustee under a revocable living trust established by the deceased prize winner, as settlor, provided that a copy of ~~the~~~~such~~ trust has been filed with the Department, along with a notarized letter of direction from the settlor, and no written notice of revocation has been received by the Department prior to the settlor's death. Following ~~such~~ a settlor's death and prior to any payment to ~~such~~ a successor trustee, the Superintendent shall obtain from the trustee and each trust beneficiary a written agreement to indemnify and hold the Department harmless with respect to any claims that may be asserted against the Department arising from payment to, or through, the trust.
- 2) ~~The payment of prize installments due with respect to a prize winner whose death occurs prior to payment of the final installment may be accelerated under certain circumstances.~~—At the election of the estate or

## ILLINOIS DEPARTMENT OF THE LOTTERY

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successor trustee of an individual prize claimant, the estate or trustee may have the option to request, within six months from the date of death, that the annuity or equivalent investment securities procured by the Department for purposes of generating annual installment prize payments be liquidated at current market value ~~and paid over to the personal representative of the estate or beneficiary successor trustee, as appropriate.~~

In the case of a prize claimed by a partnership or group, the right to request liquidation of the decedent's remaining prize may be available to the decedent's personal representative or successor trustee, but only if the decedent is entitled to receive one-third or more of the claimed prize. Upon receipt of ~~a written request~~ ~~notice of election~~ to liquidate the remaining prize, if the prize payment has been structured through purchase of an annuity and the annuity contract permits early liquidation, the Department shall promptly notify the annuity company and request that the annuity be liquidated and the commuted (check) value be paid to the personal representative or successor trustee. If the Department has procured investment securities to generate income for satisfaction of future prize installments, the Department, as soon as ~~practical~~ ~~practicable~~ after ~~receiving a request for prize liquidation~~ ~~such notification~~, and without jeopardy to the common investment position of ~~securities purchased in connection with payment of future installments to~~ other winners of ~~grand prizes~~ ~~Grand Prizes~~ from the same drawing date as ~~the~~ decedent, shall offer ~~the decedent's share of the~~ ~~such~~ securities for market sale and shall pay the personal representative or successor trustee the proceeds of sales attributable to ~~the~~ decedent's prize. Prior to ~~payments~~ ~~such distribution~~, the Department shall deduct from the proceeds of sales ~~any amount that~~ ~~such sum as~~ may be required to ~~absorb from the share of the party requesting liquidation, any penalties or losses incidental to sale, and to~~ restore the investment position of securities purchased ~~for~~ ~~with respect to any~~ other same-date winners to the position held prior to liquidation. The balance of the proceeds of sale attributable to ~~the~~ decedent's prize shall be distributed ~~to the personal representative of the estate or the successor trustee.~~ Prior to authorizing ~~accelerated~~ liquidation of any prize, the Department shall obtain, from each personal representative or successor trustee requesting ~~such~~ liquidation, a complete release of ~~any further~~ liability of the Department for further payment with respect to the decedent's prize, ~~upon liquidation as provided in this Section, and the Department in liquidating the investment vehicle for any such prize shall be discharged of any further liability with respect to such prize~~ beyond the amount actually

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realized through liquidation. Any election pursuant to this subsection (j)(2) must be in writing and shall be irrevocable.

- 3) ~~If No right to accelerate installment payments shall accrue to the estate of a prize for life winner passes away prior to receiving when the guaranteed minimum payment for the game and prize won, the personal representative of the winner's estate or the successor trustee under a properly filed revocable living trust shall have the option to request liquidation of the investment securities funding the remaining guaranteed prize, following the process outlined in subsection (j)(2). has not yet been paid. Rather, installment payments shall continue until the guaranteed minimum prize has been paid.~~

- ki) ~~Cash prizes must be claimed within a claim period set by Departmental directive and the game rules establishing claim periods for the respective games offered by the Department.~~ Unclaimed prize money shall be retained by the Superintendent for the person entitled to that prize money thereto, for the duration of the claim period for the game after the date of the drawing in which the prize is won, as established by game rule. Thereafter, the unclaimed prize funds will be managed as provided in statute.

- lj) Winning tickets that which provide entry into a preliminary grand prize Preliminary Grand Prize drawing for any instant game must be received by filed with the Department by the deadline established in the game rules. Entry tickets received filed after the preliminary grand prize Preliminary Grand Prize qualification drawing deadline for the game with respect to which the tickets were sold will be disqualified unless the game rules specifically provide that the entries will be carried over to a future drawing entered into the Preliminary Grand Prize Drawing pool for the next game drawing subsequent to filing of such tickets, provided that no such ticket will be eligible for entry into a subsequent drawing unless filed with the Department, within 120 days after the announced end of the game for which the ticket was originally sold, provided, however, that the Superintendent may establish lesser claim periods for specific games by directive and game rule.

- mk) For prizes in excess of \$10,000, a winner must identify his or her place of employment, if any, to ensure the winner is not prohibited from Lottery play by the Act or this Part. For partnership claims, each partner must furnish employment information.

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- n) The net revenues accruing from the sale of Lottery tickets shall be transferred to the Capital Projects Fund at the end of each fiscal year. Net revenues shall be determined by deducting from total revenues the payments of prizes to holders of winning tickets, payments of bonuses to Lottery retailers and payment of costs incurred in the operation and administration of the Department. Net revenue shall specifically:
- 1) Exclude sales proceeds, prize payments and expenses associated with the games conducted pursuant to Sections 21.2, 21.5, 21.6, 21.7 and 21.8 of the Act;
  - 2) Include expense reimbursement or bonus payments paid to the Lottery's Private Manager, as well as any penalty payments that may be received from the Private Manager;
  - 3) Exclude funds required to be transferred to the Common School Fund by Section 9.1 of the Act.
- o) The Department may transfer income in excess of current operating needs to the Common School Fund, provided that the monthly amount transferred to the Common School Fund shall be an amount that is equal to the proceeds transferred in the corresponding month of fiscal year 2009, as adjusted for inflation. [20 ILCS 1605/9.1(o)(3)]
- p) The rate of inflation to be utilized in calculating transfers to the Common School Fund shall be determined prior to the start of each fiscal year and utilized throughout the fiscal year by comparing the seasonally adjusted average Consumer Price Index for all urban consumers (CPI-U) for the first calendar quarter of 2009 to the average CPI-U for the first calendar quarter of the current year, after deducting energy costs from both indices (the Adjusted CPI-U). The formula to be used in calculating the inflation rate shall be:

$$\frac{(\text{Current average Q1 Adjusted CPI-U} - \text{Calendar 2009 average Q1 Adjusted CPI-U})}{\text{Calendar 2009 average Q1 Adjusted CPI-U}}$$

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

**Section 1770.200 Eligibility to Buy**

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- a) No ticket shall be purchased by, and no prize shall be paid to any of the following persons:
- 1a) Any member of the Board or any officer or other person employed by the Board or by the Department; ~~also~~
  - 2) ~~Any~~ employees of any TV station from which Lottery drawings originate who are directly involved in the production of drawing telecasts, including floor director, camera operators, stage hands, character generator operators, air control technicians, announcer and performer for each telecast;
  - 3) Employees of any firm overseeing the conduct of the Lottery's drawings, if those employees are directly involved in the drawing process, as well as the owners or principal officers of the firm;~~the~~
  - 4) ~~Employees~~employees of any advertising agency, public relations agency or any consultant employed by the Department, if the employees who are directly involved in ~~the~~ Lottery engagement; ~~and further those~~
  - 5) ~~Employees~~employees, of audit firms who are actually, performing on site contractual audit services with respect to the Department's operations; ~~In the event the Superintendent determines that purchases of tickets by employees of any vendor of goods or services to the Department or Board may jeopardize the security or integrity of the Lottery, the Superintendent will provide by rule or by contract with the vendor that no ticket shall be purchased by, and no prize shall be paid to, any officer or employee of the vendor, or certain officers or employees of the vendor, at the Superintendent's discretion;~~
  - 6b) Any ~~persons~~spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any person designated in subsection (a)(1) through (a)(5) of this Section;  
~~or~~
  - 7e) *Any person under the age of 18;* (Section 15 of the Act).
- b) If the Superintendent determines that the purchase of Lottery tickets by officers or employees of any other vendor of goods or services to the Department or Board

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may jeopardize the security or integrity of the Lottery, the Superintendent will provide by rule or by contract with the vendor that no ticket shall be purchased by, and no prize shall be paid to, any officer or employee of the vendor, or certain officers or employees of the vendor, or persons residing as members of the same households as the prohibited officers or employees.

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

**Section 1770.220 Priority of Rules**

Official game rules and promotion rules identified as published each January in the Illinois Register as required by specified in Section 7.1 of the Act Illinois Lottery Law shall be maintained on file in the Department's principal office in Springfield, Illinois or at the principal office of the Lottery's Private Manager, and shall be made available for public inspection and copying during normal business hours. In the event of any conflict, discrepancy, omission or apparent contradiction between the official rules on file and any summary, representation or other restatement of rules appearing in any advertisement, point of sale material, tickets or other media, the official rules on file at the Department's office shall govern.

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting
- 2) Code Citation: 17 Ill. Adm. Code 530
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
530.80	Amendment
530.85	Amendment
530.95	Amendment
530.110	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: update regulations for controlled permit hunting sites and youth pheasant hunting sites, raise the fees charged by public/private partnership area concessionaires, and update hunting dates and site-specific regulations at non-fee hunting sites.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

George Sisk, Legal Counsel

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Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 17: CONSERVATION

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER b: FISH AND WILDLIFE

## PART 530

COCK PHEASANT, HUNGARIAN PARTRIDGE,  
BOBWHITE QUAIL, AND RABBIT HUNTING

## Section

530.10	Statewide General Regulations
530.20	Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30	Statewide Hungarian Partridge Regulations (Repealed)
530.40	Statewide Bobwhite Quail Regulations (Repealed)
530.50	Statewide Rabbit Regulations (Repealed)
530.60	Statewide Crow Regulations (Repealed)
530.70	Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.80	Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.85	Youth Pheasant Hunting Permit Requirements
530.90	Illinois Youth Pheasant Hunting Sites Permit Requirements (Repealed)
530.95	Youth Pheasant Hunting Regulations
530.100	Illinois Youth Pheasant Hunting Regulations (Repealed)
530.105	Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites (Repealed)
530.110	Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115	Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120	Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective

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August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990, for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 14762, effective August 3, 1998; amended at 23 Ill. Reg. 9012, effective July 28, 1999; amended at 24 Ill. Reg. 12496, effective August 7, 2000; amended at 25 Ill. Reg. 11119, effective August 21, 2001; amended at 26 Ill. Reg. 16210, effective October 18, 2002; amended at 27 Ill. Reg. 15381, effective September 18, 2003; amended at 28 Ill. Reg. 12835, effective September 1, 2004; amended at 29 Ill. Reg. 13813, effective August 26, 2005; amended at 30 Ill. Reg. 14478, effective August 24, 2006; amended at 31 Ill. Reg. 9175, effective June 18, 2007; amended at 32 Ill. Reg. 17455, effective October 24, 2008; amended at 33 Ill. Reg. 13871, effective September 21, 2009; amended at 34 Ill. Reg. 16429, effective October 8, 2010; amended at 35 Ill. Reg. 15212, effective September 2, 2011; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 530.80 Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites**

- a) Hunting Seasons:
  - 1) The following controlled pheasant hunting areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season (except as provided in subsection (a)(4)) and on December 25.

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Chain O'Lakes State Park

Des Plaines State Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Horseshoe Lake State Park – Madison County

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Kankakee River State Park

Moraine View State Park

Ramsey Lake State Park

Sand Ridge State Forest

Silver Springs State Park

Wayne Fitzgerald State Park (Rend Lake)

- 2) The following controlled pheasant hunting areas are open to the Illinois Youth Pheasant Hunting Program only on the first Sunday of the site's controlled pheasant hunting season.

Chain O'Lakes State Park

Des Plaines State Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Iroquois County State Conservation Area

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Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Lee County State Conservation Area (Green River State Wildlife Area)

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park (Rend Lake)

- 3) The controlled hunting season on the Lee County State Conservation Area (Green River) is each Friday through Sunday beginning with the Friday before the opening of the statewide upland game season through the seventh Sunday following (closed during the November and December firearm deer seasons).
- 4) Controlled pheasant hunting seasons are listed below; exceptions are in parentheses; with written authorization from the Director, captive-reared game bird hunting may be scheduled during the season authorized by statute (see 520 ILCS 5/2.6) on the following DNR operated areas:

Chain O'Lakes State Park (closed during the November 3-day firearm deer season) – the Wednesday before the first Saturday in November through the seventh Sunday following

Des Plaines State Conservation Area (closed during the November 3-day firearm deer season), Iroquois County State Conservation Area (closed during the November 3-day firearm deer season) and Moraine View State Park – the Wednesday before the first Saturday of November through the ninth Sunday following

Eldon Hazlet State Park and Wayne Fitzgerald State Park – the Wednesday following the first Saturday of November through the ninth Sunday following

DEPARTMENT OF NATURAL RESOURCES

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Horseshoe Lake State Park – Madison County (closed New Year's Day) – the second Wednesday of December or the first hunting day after the close of the central zone duck season, whichever occurs first, through the next following January 31

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit (closed during the November and December firearm deer seasons), Johnson-Sauk Trail State Park (closed New Year's Day), Kankakee River State Park (closed New Year's Day), Ramsey Lake State Park (closed on Wednesdays, Thursdays and Fridays during the first and second weeks after the opening date of upland game season, Saturday and Sunday during the first firearm deer season, Wednesdays and Thursdays thereafter, and New Year's Day~~November 9, 10, 16, 17, 30, December 1, 7, 8, 14, 15, New Year's Day and January 4, 5, 11, 12~~), Sand Ridge State Forest – season dates are those specified in Section 530.20

Silver Springs State Park (closed New Year's Day) – the third Saturday of October through the next following January 8

- b) Hunting hours are listed below. On Thanksgiving Day, hunting hours are 9:00 a.m.-1:00 p.m. Hunters with reservations are required to check in at the check station on the following sites at the listed times. Hunters with reservations that check in after the required check-in time may not be allowed to hunt if the site hunter quota has been filled.

Site Name	Check-In Times	Hunting Hours
Chain O'Lakes State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Des Plaines State Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Eldon Hazlet State Park (Carlyle Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Horseshoe Lake State Park (Madison County)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.

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Iroquois County State Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Unit)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Johnson-Sauk Trail State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Kankakee River State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Lee County State Conservation Area (Green River State Wildlife Area)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Moraine View State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Ramsey Lake State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Sand Ridge State Forest	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Silver Springs State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Wayne Fitzgerald State Park (Rend Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.

- c) Except for Standing Vehicle Permittees with a Disabled Controlled Pheasant Hunting Permit, during the controlled pheasant hunting season when daily quotas are not filled, permits shall be issued by drawing held at the conclusion of check-in time and if daily quotas remain unfilled at the conclusion of the drawing, on a first come-first served basis until 12:00 noon unless an earlier time is posted at the site's hunter check station at the following sites:

Des Plaines State Conservation Area

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Eldon Hazlet State Park

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Johnson-Sauk Trail State Park

Lee County State Conservation Area (Green River)

Kankakee River State Park

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park

- d) Hunting licenses, daily "Public Hunting Grounds for Pheasants" fees and hunting permit fees collected by public/private partnership area concessionaire:
- 1) Depending on the availability of staff during the controlled pheasant hunting season, hunters may be required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card, they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
  - 2) Pursuant to 520 ILCS 5/1.13, at Lee County State Conservation Area (Green River), hunters must pay the following daily Public Hunting Grounds for Pheasants fee to the Department prior to hunting: ~~\$3025~~ residents; \$35 non-residents. On the Sunday following Thanksgiving Day, hunters under 16 are not required to pay the daily Public Hunting Grounds for Pheasants fee.
  - 3) Pursuant to 520 ILCS 5/1.13, at Des Plaines State Conservation Area, Iroquois County State Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit, Johnson-Sauk Trail State Park,

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Kankakee River State Park, Moraine View State Park, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerald State Park and Sand Ridge State Forest, hunters must pay the following daily Public Hunting Grounds for Pheasants fee to the Department prior to hunting: ~~\$3025~~ residents; \$35 non-residents. On the Sunday following Thanksgiving Day and the Friday between Christmas Day and New Year's Day, hunters under 16 are not required to pay the daily Public Hunting Grounds for Pheasants fee.

- 4) At Chain O'Lakes State Park, Horseshoe Lake State Park (Madison County), Ramsey Lake State Park and Silver Springs State Park, hunters must pay the following hunting permit fees to be collected by the public/private partnership area concessionaire under the terms of a Controlled Pheasant Hunting Agreement with the Department prior to hunting: 2 pheasant permit – ~~\$3028~~ residents and \$38 non-residents; 3 pheasant permit – ~~\$4039~~; 4 pheasant permit – ~~\$5049~~. On days requested by the concessionaire and authorized by the Department, hunters under 16 are not required to pay a hunting permit fee.
- e) During the controlled pheasant hunting season, hunters must wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in possession or in their vehicle must declare it with the person in charge of the area during check-in. All game found in a hunter's possession after hunting has started on the area shall be considered illegally taken if the hunter has not declared it prior to going afield.
- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or a non-toxic shot size ballistically equivalent to No. 5 lead or smaller may be used, except at Chain O' Lakes State Park, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River), Wayne Fitzgerald State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size ballistically equivalent to No. 5 lead or smaller may be used or in possession. Flu flu arrows only may be used or in possession by bow and arrow hunters.
- h) Non-hunters are not allowed in the field, except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field, and except for operators of Department conveyances and Standing Vehicle Permittees and a single dog handler for the Permittee.

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- i) Hunters under 16 years of age must be accompanied by an adult hunter.
- j) Daily limits – On the following areas, a permit authorizes the harvest of 2 pheasants of either sex per hunter; exceptions are in parentheses. With written authorization from the Director, the Department may issue more than one permit to a hunter and the limits provided for in 520 ILCS 5/3.28 shall apply:

Chain O'Lakes State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Des Plaines State Conservation Area

Eldon Hazlet State Park

Lee County State Conservation Area (2 cock pheasants per permit hunter)

Horseshoe Lake State Park-Madison County (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, first day only, 4 quail and 2 rabbits per hunter)

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area (additionally, 8 bobwhite quail opening day through the Sunday following Thanksgiving Day and 4 rabbits per hunter)

Johnson-Sauk Trail State Park (additionally, 8 bobwhite quail, 2 Hungarian partridge and 4 rabbits per hunter)

Kankakee River State Park (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Moraine View State Park

Ramsey Lake State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, 8 bobwhite quail and 4 rabbits per hunter)

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Sand Ridge State Forest (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Silver Springs State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Wayne Fitzgerald State Park

- k) Tagging of birds.  
During the controlled pheasant hunting season, all pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- l) During the controlled pheasant hunting season, hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.
- m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ~~10~~ten days after the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.
- n) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

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

**Section 530.85 Youth Pheasant Hunting Permit Requirements**

- a) Applicants must contact the Department of Natural Resources (Department or DNR) to obtain a permit reservation. Applications for reservations will be accepted on the first Monday of August until 24 hours before the hunt date established in Section 530.95. Methods for making reservations are available on the Department's Website at: [www.dnr.illinois.gov](http://www.dnr.illinois.gov), by email at:

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dnr.pheasant@illinois.gov or by writing to the Department's Division of Parks and Recreation. Only applications for reservations submitted by Illinois residents will be accepted during the first application period. Reservations will be confirmed. Providing false information on the application is a Class A misdemeanor (see 520 ILCS 5/2.38).

- b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.
- c) Methods for transferring permits will be provided on the Department's Website at: [www.dnr.illinois.gov](http://www.dnr.illinois.gov), by email at: [dnr.pheasant@illinois.gov](mailto:dnr.pheasant@illinois.gov) or by writing to:

Illinois Department of Natural Resources  
Division of Parks and Recreation – Youth Pheasant Hunt  
One Natural Resources Way  
Springfield IL 62702-1271

- d) Reservations for the Illinois Youth Pheasant Hunt permits will be issued for Chain O'Lakes State Park, Clinton Lake State Recreation Area, Des Plaines Conservation Area, Edward R. Madigan State Park, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River), Moraine View State Park, Wayne Fitzgerald (Rend Lake) State Park, Mackinaw River State Fish and Wildlife Area, Horseshoe Lake State Park (Madison County), [Pere Marquette State Park/Mississippi River Area – Pool 26 State Fish and Wildlife Area](#), Sand Ridge State Forest, Sangchris Lake State Park, Jim Edgar Panther Creek State Fish and Wildlife Area-Controlled Unit and the World Shooting and Recreational Complex.

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

**Section 530.95 Youth Pheasant Hunting Regulations**

- a) At the following sites, the Illinois Youth Pheasant Hunt will be held on:

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- 1) the Saturday preceding the opening of the statewide upland game season:

Clinton Lake State Recreation Area

Mackinaw River State Fish and Wildlife Area

- 2) the Sunday following the opening of the statewide upland game season:

Chain O'Lakes State Park

Des Plaines State Conservation Area

Edward R. Madigan State Park

Lee County State Conservation Area (Green River)

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Moraine View State Park

Sand Ridge State Forest

Sangchris Lake State Park

- 3) the second Sunday following the opening of the statewide upland game season:

Eldon Hazlet State Park (Carlyle Lake)

Horseshoe Lake State Park (Madison County)

Wayne Fitzgerald State Park (Rend Lake)

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- 4) the Saturday two weeks before the opening of the statewide upland game season:

World Shooting and Recreational Complex

- 5) specific date to be listed on the Department's Website at [www.dnr.illinois.gov](http://www.dnr.illinois.gov) and on the application:

Pere Marquette State Park/Mississippi River Area – Pool 26 State Fish and Wildlife Area

- b) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 11:00 a.m. to 4:00 p.m., and except at Pere Marquette State Park/Mississippi River Area – Pool 26 State Fish and Wildlife Area and the World Shooting and Recreational Complex hunting hours are from 1:00 p.m. to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 and 8:00 a.m. (between 10:00 and 10:30 a.m. at Sangchris Lake State Park).
- c) All hunters must be between the ages of 10-15 inclusive and have a youth hunting permit. Stand-by permits shall be issued by drawing held at the conclusion of check-in time when daily quotas are not filled~~will not be available except at Sangchris Lake, Mackinaw River State Fish and Wildlife Area and Edward R. Madigan State Park~~. Hunters under age 16 are not required to pay a daily fee.
- d) Depending on the availability of staff during the controlled pheasant hunting season, hunters may be required to deposit their hunting licenses in the check station while hunting. Each permit holder must be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) card, the supervisory adult is required to have a valid FOID card. Only one supervisory adult in a hunting party is required to have a valid FOID card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID card. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.

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- e) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must wear a back patch issued by the check station.
- f) Persons who have killed game previously and have it in their possession or in their vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after hunting has started on the area will be considered illegally taken if the hunter has not declared it prior to going afield.
- g) All hunting must be done with shotguns. Only shot shells with a shot size of #5 lead or a nontoxic shot size ballistically equivalent to No. 5 lead or smaller may be used, except at Chain O'Lakes State Park, Eldon Hazlet State Park, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River) and Wayne Fitzgerald State Park where only shot shells approved as nontoxic by the U.S. Fish and Wildlife Service with a shot size ballistically equivalent to No. 5 lead or smaller may be used.
- h) Daily Limit
  - 1) Two pheasants of either sex at Chain O'Lakes State Park, Des Plaines State Conservation Area, Eldon Hazlet State Park, Iroquois County State Conservation Area, Horseshoe Lake State Park (Madison County), Johnson-Sauk Trail State Park, Moraine View State Park, [Pere Marquette State Park/Mississippi River Area – Pool 26 State Fish and Wildlife Area](#), Sand Ridge State Forest, Wayne Fitzgerald State Park and the World Shooting and Recreational Complex.
  - 2) Two cock pheasants only at Clinton Lake State Recreation Area, Lee County State Conservation Area (Green River) and Mackinaw River State Fish and Wildlife Area.
  - 3) Statewide upland game limits at Sangchris Lake State Park and Edward R. Madigan State Park.
  - 4) Two pheasants of either sex, eight quail and four rabbits at Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit.

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- i) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- j) Violation of this Section is a petty offense (see 520 ILCS 5/2.6).

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

**Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites**

- a) General Site Regulations
  - 1) All regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping – apply in this Section, unless this Section is more restrictive.
  - 2) Only flu flu arrows may be used by bow and arrow hunters; broadheads are not allowed.
  - 3) On sites that are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
  - 4) On sites that are indicated by (2), only nontoxic shot approved by the U.S. Fish and Wildlife Service of size #3 steel or #5 bismuth shot or smaller may be used or possessed with a shot size of #3 steel or tin, #4 bismuth, #5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.
  - 5) Site specific rules or exceptions are noted in parentheses after each site.
- b) Site Specific Regulations
  - 1) Statewide regulations apply at the following sites:
    - Anderson Lake State Conservation Area (1)
    - Apple River Canyon State Park – Salem and Thompson Units (rabbits only; closed during firearm deer season) (1)
    - Argyle Lake State Park (closed during firearm deer season) (1)

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Banner Marsh State Fish and Wildlife Area (opens the day after the close of the central zone duck season) (1)

Big Bend State Fish and Wildlife Area (hunting for bobwhite quail will terminate at the close of legal shooting hours on December 14) (1)

Big River State Forest (closed during firearm deer season) (1)

Cache River State Natural Area (1)

Campbell Pond State Wildlife Management Area

Cape Bend State Fish and Wildlife Area (1)

Carlyle Lake State Lands and Waters (Corps of Engineers Managed Lands)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Crawford County State Conservation Area (1)

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dog Island State Wildlife Management Area (1)

Eagle Creek State Park (open only January 16-22)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch only) (1)

Ferne Clyffe State Park (1)

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Fort de Chartres State Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (1)

Fulton County State Goose Management Area (opens the day after the close of the Central Illinois Quota Zone goose season) (1)

Giant City State Park (1)

Hamilton County State Conservation Area (1)

Hanover Bluff State Natural Area (1)

Horseshoe Lake State Conservation Area (Alexander County) (Public Hunting Area) (1)

Horseshoe Lake State Conservation Area (Controlled Hunting Area; closed prior to and during the Canada goose season) (1)

Jubilee College State Park (hunting for pheasant and quail will terminate at sunset on the Sunday after Thanksgiving; closed during all site firearm deer seasons) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season; the defined Baldwin Lake Waterfowl Rest Area is closed) (1)

Kinkaid Lake State Fish and Wildlife Area (1)

Marseilles State Fish and Wildlife Area (closed during all site firearm deer seasons; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (1)

Marshall State Fish and Wildlife Area (closed during firearm deer season) (1)

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Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; the site is closed Mondays, Tuesdays, Christmas Day and New Year's Day) (1)

Mermet Lake State Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 21, 22, 24

Mt. Vernon Game Propagation Center (hunting from January 1 to the end of season; rabbits only) (1)

Nauvoo State Park (Max Rowe Unit only)

Oakford State Conservation Area

Peabody River King State Fish and Wildlife Area (West and North Subunits only) (1)

Rall Woods State Natural Area (1)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and quail only may be hunted on Mondays and Tuesdays during the fee pheasant season) (1)

Randolph County State Conservation Area (1)

Ray Norbut State Fish and Wildlife Area (1)

Red Hills State Park (1)

Rend Lake Project Lands and Waters

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Sahara Woods State Fish and Wildlife Area (1)

Saline County State Conservation Area (1)

Sam Dale Lake State Conservation Area (8:00 a.m. to 4:00 p.m.)  
(1)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County State Conservation Area

Shawnee National Forest, Oakwood Bottoms (2)

Sielbeck Forest State Natural Area (1)

Skinner Farm State Habitat Area (1)

Snakeden Hollow State Fish and Wildlife Area (opens the day after  
the close of the Central Illinois Quota zone goose season) (1) (2)

Spoon River State Forest (1)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)

Tapley Woods State Natural Area (closed during firearm and  
muzzleloading rifle deer seasons) (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County State Conservation Area (Firing Line Management  
Area only) (1) (2)

Washington County State Conservation Area (1)

Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

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Weinberg-King State Park (Scripps Unit) (1)

Weinberg-King State Park (Spunky Bottoms Unit) (1)

Weldon Springs/Piatt County Unit (closed during first and second firearm deer seasons) (1)

Wildcat Hollow State Forest

Winston Tunnel State Natural Area (1)

Wise Ridge State Natural Area

Witkowsky State Wildlife Area (rabbit only; opens after second firearm deer season) (1)

Wolf Creek State Park (open only January 16-22)

- 2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:

Chauncey Marsh State Natural Area (obtain permit at Red Hills State Park headquarters)

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (4:00 p.m. daily closing; closed during firearm deer season)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit

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Jim Edgar Panther Creek State Fish and Wildlife Area (Open Unit)

Jim Edgar Panther Creek State Fish and Wildlife Area –  
Controlled Unit (rabbit hunting only open Monday following the  
close of the controlled pheasant hunting season through the next  
following January 22)

Kickapoo State Park (4:00 p.m. daily closing; closed during  
firearm deer season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife  
Management Area (4:00 p.m. daily closing)

Meeker State Habitat Area (obtain permit at Sam Parr State Park  
headquarters)

Middle Fork State Fish and Wildlife Area (4:00 p.m. daily closing;  
closed during firearm deer season)

Moraine View State Park (rabbit hunting permitted Mondays and  
Tuesdays during the site controlled hunting season; hunting hours  
are 8 a.m. to 4 p.m. only)

Newton Lake State Fish and Wildlife Area (closed during firearm  
deer season)

Pyramid State Park

Pyramid State Park – Galum Unit

Sanganois State Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area (nontoxic shot only  
on posted waterfowl rest areas)

- 3) Hunting is permitted on the following areas only on the dates listed in parentheses; or on sites indicated by (3), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November, and on each Thursday

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and Sunday in December, through December 24. On sites indicated by (4), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November and on each Thursday and Sunday in December, through December 24, except closed during the firearm deer seasons and open December 27 and 29. Daily hunting permits filled by drawing through DNR Permit Office. Procedures for application and drawings will be publicly announced. Illinois residents will have preference. Only one permit per person will be issued. Each permit authorizes the holder to bring the number of additional hunting partners listed in parentheses for the day's hunt. The permit must be returned and harvest reported by February 15 or permit holders will forfeit hunting privileges at the sites covered in this Section for the following year:

Birkbeck Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Bradford Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Clifton Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Coffeen Lake State Fish and Wildlife Area – Upland Management Area (open every Wednesday during the upland season; daily limit of bobwhite quail is 4; rabbit hunting only after the close of the pheasant and quail season; each permit authorizes the holder to bring 2 hunting partners)

Dublin Highlands Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Eagle Creek State Park (each permit authorizes the holder to bring 3 hunting partners) (3)

Edward R. Madigan State Park (open on Mondays from the opening of upland game season until Christmas Day; each permit authorizes the holder to bring 3 hunting partners; check in required before hunting)

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Finfrock State Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Freeman Mine Habitat Area (open every Wednesday in November and December starting with opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 8 a.m. to 4 p.m.; daily bag limit is 2 cock pheasants, 4 quail, and 2 rabbits)

Franklin Creek State Natural Area – Nachusa Prairie Sand Farm (each permit authorizes the holder to bring 3 hunting partners) (3)

Gifford Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Green River State Wildlife Area (open every Monday, Wednesday and Thursday in November and December beginning with the Monday after the opening of the statewide upland season through the seventh Monday following; closed during the November and December firearm deer season only November 7, 9, 10, 14, 16, 23, 28, 30 and December 7, 8, 12, 14, 15, 19; each permit authorizes the holder to bring 5 hunting partners) (1) (2)

Hallsville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Harry "Babe" Woodyard State Natural Area (each permit authorizes the holder to bring 3 hunting partners; 8 a.m. to 4 p.m. hunting hours) (4)

Herschel Workman Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Hindsboro Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Hurricane Creek State Habitat Area (each permit authorizes the

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holder to bring 3 hunting partners) (4)

Ilo Dillin State Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (2)(3)

Jim Edgar Panther Creek State Fish and Wildlife Area (Upland Game Management Area) (open every Tuesday and Saturday in November, December and January starting with opening day of upland game season except during firearm deer season and December 24 and 25; rabbit hunting only after the close of pheasant and quail season; each permit authorizes holder to bring 3 hunting partners)

Little Rock Creek Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Loda Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Mackinaw State Fish and Wildlife Area (each permit authorizes the holder to bring 3 hunting partners) (4)

Manito Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Maytown Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Milks Grove Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Perdueville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Pyramid State Park – Captain Unit (open every Saturday and Wednesday starting with opening day through the close of statewide quail season (South Zone); closed during firearm, muzzleloader and late winter deer seasons and any day that conflicts with a scheduled field trial; specific dates to be listed on

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~~application only November 6, 9, 12, 16, 23, 26; December 7, 10, 14, 17, 21, 24; and January 4, 7, 11; each permit authorizes the holder to bring 2 hunting partners)~~

Pyramid State Park – Denmark Unit (open every Saturday and Wednesday starting with opening day through the close of statewide quail season (South Zone); closed during firearm, muzzleloader and late winter deer seasons and any day that conflicts with a scheduled field trial; specific dates to be listed on application only November 5, 16, 23, 26, 30; December 7, 10, 14, 18, 21, 24, 28; and January 4, 8, 11; each permit authorizes the holder to bring 2 hunting partners)

Pyramid State Park – East Conant Unit (open every Saturday and Wednesday starting with opening day through the close of statewide quail season (South Zone); closed during firearm, muzzleloader and late winter deer seasons and any day that conflicts with a scheduled field trial; specific dates to be listed on application only November 5, 9, 12, 16, 23, 26; December 7, 14, 17, 21, 24, 28; and January 4, 7, 11; each permit authorizes the holder to bring 2 hunting partners)

Sand Prairie Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Sand Ridge State Forest (Sparks Pond Land and Water Reserve Area) (open on Saturdays and Tuesdays from the opening of the upland game season through the end of December except during firearm deer season; each permit authorizes holder to bring 3 hunting partners)

Sangchris Lake State Park (open every Wednesday and Saturday in November and December after the opening day of upland game season except the Saturday of the second firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 11:00 a.m. to sunset; check in required before hunting)

Saybrook Pheasant Habitat Area (each permit authorizes the

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holder to bring 5 hunting partners) (3)

Sibley Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Siloam Springs State Park – Buckhorn Unit (open only the first and third days of firearm deer season and every Tuesday and Saturday thereafter until close of the statewide quail season; each permit authorizes the holder to bring 3 hunting partners)

Steward Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Victoria Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Whitefield Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Willow Creek State Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Wolf Creek State Park (each permit authorizes the holder to bring 3 hunting partners) (4)

- 4) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season; pheasants of either sex may be taken; all hen pheasants must be tagged by DNR before leaving sites; hunting hours are 8:00 a.m.-4:00 p.m.; hunting dates are noted in parentheses:

Chain O'Lakes State Park (open Wednesday through Friday following permit pheasant season) (1)

Des Plaines State Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesdays and Christmas) (1)

Eldon Hazlet State Park (no quail or rabbit hunting; controlled

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pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County State Wildlife Management Area (open Wednesday through Sunday following permit pheasant season, excluding Christmas) (1)

Kankakee River State Park (no quail hunting)

Moraine View State Park (open Monday following the close of the controlled pheasant hunting season through the close of the North Zone~~northern zone~~ season) (1)

Silver Springs State Park (dates are 5 days following the close of the site's permit pheasant season, excluding Mondays and Tuesdays) (1)

- c) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping
- 2) Code Citation: 17 Ill. Adm. Code 570
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
570.20	Amendment
570.30	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: establish a season for trapping river otter by adding regulations pertaining to statewide season dates and hours, possession limits, permit and tagging requirements and to add an extended spring season for trapping muskrat and mink.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFE

## PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,  
RED FOX, GRAY FOX, COYOTE, BADGER, RIVER OTTER, BEAVER AND  
WOODCHUCK (GROUNDHOG) TRAPPING

## Section

570.10	Statewide Zones
570.20	Statewide Season Dates
570.30	Statewide Hours, Daily Limit and Possession Limit, <u>Permit and Tagging Requirements</u>
570.35	Use of .22 Rimfire Rifles by Trappers During Deer Gun Season
570.40	Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. 9070, effective June 26, 1997; amended at 22 Ill. Reg. 14809, effective August 3, 1998; amended at 23 Ill. Reg. 9055, effective July 28, 1999; amended at 24 Ill. Reg. 8929, effective June 19, 2000; amended at 25 Ill. Reg. 9887, effective July 17, 2001; amended at 26 Ill. Reg. 13809, effective September 5, 2002; amended at 27 Ill. Reg. 749, effective January 6, 2003; amended at 28 Ill. Reg. 11883, effective July 27, 2004; amended at 29 Ill. Reg. 9643, effective June 27, 2005; amended at 30 Ill. Reg. 12143, effective June 28, 2006; amended at 31 Ill. Reg. 13117, effective August 30, 2007; amended at 32 Ill. Reg.

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10104, effective June 30, 2008; amended at 33 Ill. Reg. 9691, effective June 26, 2009; amended at 34 Ill. Reg. 12820, effective August 20, 2010; amended at 35 Ill. Reg. 13149, effective July 26, 2011; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 570.20 Statewide Season Dates**

- a) Muskrat, mink, raccoon, opossum, striped skunk, red fox, gray fox, coyote, badger and weasel
  - 1) Northern Zone: November 5 through the next following January 20.
  - 2) Southern Zone: November 10 through the next following January 25.
- b) Beaver and River Otter
  - 1) Northern Zone: November 5 through the next following March 31.
  - 2) Southern Zone: November 10 through the next following March 31.
- c) Woodchuck (Groundhog)  
Northern and Southern Zones: June 1 through the next following September 30.
- d) Muskrat and Mink (Extended Spring Season)
  - 1) Northern Zone: January 20 through the next following February 15.
  - 2) Southern Zone: January 25 through the next following February 15.
- e)4) Trapping outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).

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

**Section 570.30 Statewide Hours, Daily Limit and Possession Limit, Permit and Tagging Requirements**

- a) Muskrat, mink, raccoon, opossum, striped skunk, red fox, gray fox, coyote and weasel

## DEPARTMENT OF NATURAL RESOURCES

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- 1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for trapping at sunrise; January 20 in the Northern Zone and January 25 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.
- 2) Daily and possession limit: None
- b) Beaver and River Otter
  - 1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for trapping at sunrise; March 31 closed for trapping after sunset; otherwise, hours are unrestricted.
  - 2) Daily and possession limit: None for beaver; not to exceed 5 river otters per person, per season. Possession limit for river otter does not apply to fur buyers, fur tanners, taxidermists or manufacturers as defined by 520 ILCS 5/3.11, 3.12, 3.15, 3.16, 3.16a, 3.18 and 3.21. River otters salvaged from roadways under authority of 520 ILCS 5/2.30 become part of the person's season limit of 5 river otters and are subject to permit and tagging requirements. Having more river otter than allowed is a Class B misdemeanor (see 520 ILCS 5/2.30).
  - 3) Permit Requirement
    - A) Trappers must purchase a River Otter Registration Permit within 48 hours after taking each otter that becomes part of their daily limit.
    - B) The cost of a River Otter Registration Permit is \$5.
    - C) Failure to purchase a River Otter Registration Permit or failure to do so within the specified time limit is a Class B misdemeanor (see 520 ILCS 5/2.30).
  - 4) Tagging Requirement
    - A) A United States Convention on International Trade in Endangered Species (U.S. CITES) pelt tag issued by the Department must be

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permanently affixed to the green hide of each river otter and sealed before the green hide is exported from the United States or transferred to a fur buyer, fur tanner, taxidermist or manufacturer.

B) It is unlawful to possess more unsealed U.S. CITES tags issued by the Department than green hides of river otters in possession.

C) Failure to permanently affix and seal a U.S. CITES tag issued by the Department to the green hide of a river otter before transferring it to a fur buyer, fur tanner, taxidermist or manufacturer is a Class B misdemeanor (see 520 ILCS 5/2.30b). Possessing more unsealed U.S. CITES tags issued by the Department than green hides of river otter is a Class B misdemeanor (see 520 ILCS 5/2.30b). Unless an alternative method has been approved, each fur skin to be exported or re-exported must have a U.S. CITES tag permanently attached (50 CFR 23.69) (August 23, 2007) (no incorporation in this Part includes later amendments or editions).

c) Woodchuck (Groundhog)

- 1) Trapping hours: June 1 open for trapping at sunrise; September 30 closed for trapping after sunset; otherwise hours are unrestricted.
- 2) Daily and possession limit: None

d) Badger

- 1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for trapping at sunrise; January 20 in the Northern Zone and January 25 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.
- 2) Daily and possession limit: not to exceed two badgers per season in the northern zone and one badger per season in the ~~Southern Zones~~southern zone. Having more badger than allowed is a Class B misdemeanor (see 520 ILCS 5/2.30).

e) Muskrat and Mink (Extended Spring Season)

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Trapping hours: January 20 in the Northern Zone and January 25 in the Southern Zone open for trapping at sunset; February 15 closed for trapping after sunset; otherwise, hours are unrestricted.

f)e) Trapping before specified hours~~sunrise~~ on opening day or after specified  
hours~~sunset~~ on closing day is a Class B misdemeanor (see 520 ILCS 5/2.30).

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



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government.

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

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

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not listed on either of the two most Regulatory Agendas because we were not aware amendments would be necessary.

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

## DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER f: ADMINISTRATIVE SERVICESPART 2510  
ILLINOIS RESIDENT ARMED FORCES FEE EXEMPTIONS  
AND ILLINOIS RESIDENT VETERAN FEE REDUCTIONS

Section	
2510.10	Purpose
2510.20	Definitions
2510.30	Fee Exemptions and Fee Reductions
2510.40	Application
2510.50	Violations

AUTHORITY: Implementing and authorized by Section 805-305 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305], Sections 20-45 and 20-47 of the Fish and Aquatic Life Code [515 ILCS 5/20-45 and 20-47] and by Sections 3.1-4 and 3.2 of the Wildlife Code [520 ILCS 5/3.1-4 and 3.2].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 14396, effective September 9, 2005, for a maximum of 150 days; adopted at 30 Ill. Reg. 461, effective January 3, 2006; amended at 35 Ill. Reg. 10779, effective June 23, 2011; amended at 36 Ill. Reg. 3902, effective February 24, 2012; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2510.30 Fee Exemptions and Fee Reductions**

- a) Illinois resident military members who have served abroad, or guard or reserve members who were mobilized, are eligible for the following without fee:
  - 1) Camping, with no camping fee except:
    - A) camper is responsible for applicable utility fees; and
    - B) camper is responsible for applicable rent-a-tent fees and cabin fees.
  - 2) Sport fishing and hunting:

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- A) Members will be issued a current Combined Sportsman's License and Habitat Stamp.
  - B) If requested by the member, one statewide archery deer permit will be issued upon verification if currently available. One free firearm deer permit for the county of choice (and the archery deer permit if not available at time of verification) will be mailed to the applicant when available.
- b) Illinois resident veterans of the United States Armed Forces who have served abroad, or guard or reserve members who were mobilized by the President of the United States, are eligible to purchase licenses at one-half the fee charged for the following:
- 1) fishing license (see 515 ILCS 5/20-45(a));
  - 2) sportsmen's combination license (see 515 ILCS 5/20-45(c)); and
  - 3) hunting license (see 520 ILCS 5/20-3.2).
- c) Non-resident military members are not eligible for no-fee hunting, fishing or camping.
- d) Non-resident veterans are not eligible for reduced fee hunting or fishing licenses.

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

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) 

<u>Section Number:</u>	<u>Proposed Action:</u>
1030.22	Amendment
1030.80	Amendment
1030.94	Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104; 625 ILCS 5/6-109; 625 ILCS 5/6-521
- 5) A Complete Description of the Subjects and Issues Involved: Current rule limits the written test for the issuance of a driver's license to 35 questions, which includes testing the applicant's ability to read and understand official traffic control devices and knowledge of safe driving practices and the traffic laws of this State. This rulemaking will remove the maximum limitation and instead set a minimum of 35 questions. This rulemaking also clarifies the questions on the driver's license application that need to be answered when applying for a duplicate or corrected driver's license, as well as removes redundant language regarding the issuance of a duplicate driver's license. This rulemaking also clarifies the procedure to be used when a CDL driver submits an acceptable medical examiner's certificate after his or her CDL was cancelled for failure to submit such a report.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: 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](http://www.sos.il.us/departments/index/home) as part of the *Illinois Register*. Interested

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persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Jennifer Egizii  
Office of the Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield, Illinois 62723

217/557-4462

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

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

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate – CDL Holders
1030.25	Safe Driver License Renewals
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License

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- 1030.91 Disabled Person Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Endorsement or Instruction Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at

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15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective

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April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1030.22 Medical Examiner's Certificate – CDL Holders**

- a) Every person who holds a CDL on or after January 30, 2012 must meet the requirements set forth in 49 CFR 383.71(a)(2) through (a)(9) and (h) (2011) and self-certify with the Department prior to January 30, 2014 as one of the following:
- 1) Non-excepted interstate (NI) – Operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 CFR 391 (2011), and is required to obtain a medical examiner's certificate by 49 CFR 391.45 (2011);
  - 2) Excepted interstate (EI) – Operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.68 or 398.3 (2011) from all or parts of the qualification requirements of 49 CFR 391 (2011), and is therefore not required to obtain a medical examiner's certificate by 49 CFR 391.45 (2011);
  - 3) Non-excepted intrastate (NA) – Operates only in intrastate commerce and is subject to State driver qualification requirements and is therefore not required to obtain a medical examiner's certificate by 49 CFR 391.45 (2011); or

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- 4) Excepted intrastate (EA) – Operates in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the State driver qualification requirements and is therefore not required to obtain a medical examiner's certificate by 49 CFR 391.45 (2011).
- b) Effective January 30, 2012, every applicant for a CDL or CDL permit, including a renewal, ~~duplicate, corrected~~ and upgraded CDL or CDL permit, must self-certify as set forth in subsection (a).
- c) Failure, by a current CDL holder, to self-certify with the Department by January 30, 2014 will result in the cancellation of the CDL privileges.
- d) Pursuant to 49 CFR 383.73(a)(5) (2011), the Department shall require a CDL holder to submit a medical examiner's certificate when the driver self-certifies to non-excepted interstate (NI) driving operations.
- e) The medical examiner's certificate must be submitted on a form approved by the Department and contain the following information:
  - 1) Signature of medical examiner;
  - 2) Medical examiner's telephone number;
  - 3) Date of issuance of the medical examiner's certificate;
  - 4) Medical examiner's full name;
  - 5) Medical examiner's specialty;
  - 6) Medical examiner's license/certificate number and issuing state;
  - 7) Driver's signature;
  - 8) Driver's license number and issuing state;
  - 9) Driver's residence address;
  - 10) Expiration date of the medical examiner's certificate;

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- 11) If the driver changes self-certification status after the original certification, the medical examiner's certificate must also contain the following information:
  - A) Self-certification of driver;
  - B) Driver's signature and date of self-certification;
- f) The Department shall require a CDL holder to submit a medical variance when the medical examiner's certificate indicates a medical variance is required.
- g) Within 10 calendar days after the receipt of a medical examiner's certificate, medical variance or notification from FMCSA that a medical variance was removed or rescinded, the Department shall update the CDLIS driver record.
- h) If the Department receives notification that a CDL holder has been granted a medical variance and the most recent medical certificate on file with the Department does not contain a medical variance, the CDL holder shall be required to submit a current medical examiner's certificate reflecting the variance and to appear at a CDL facility to have a corrected CDL issued. If, within 20 days after notification by the Department, the CDL holder fails to submit an updated medical examiner's certificate or to have a corrected CDL issued, the driver's CDL privileges will be cancelled pursuant to IVC Section 6-201(a)(12).
- i) All CDL holders who have certified to non-excepted interstate (NI) driving must maintain on file with the Department a current medical examiner's certificate and, if applicable, a medical variance.
  - 1) The Department shall notify the driver in writing at least 90 days prior to the expiration of his or her medical examiner's certificate and/or medical variance that a new certificate and/or variance must be filed with the Department. The notice may include a blank medical examiner's certificate.
  - 2) The Department shall, within 10 days after the expiration of the driver's medical examiner's certificate and/or medical variance, update the medical certification status to "not certified".
  - 3) Failure of the CDL holder to submit a new medical examiner's certificate and/or medical variance within 30 days after the expiration date of the

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most recent medical examiner's certificate and/or medical variance on file will result in the cancellation of the CDL privileges pursuant to IVC Section 6-201(a)(12).

- A) The cancellation shall take effect on the 31<sup>st</sup> day after the expiration of the medical examiner's certificate and/or medical variance.
- B) The cancellation order shall remain in effect until the driver:
  - i) Provides a current and completed medical examiner's certificate and, if applicable, a medical variance; or
  - ii) Appears at a CDL facility, downgrades to a non-CDL license and has a corrected driver's license issued; or
  - iii) Changes the self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.
- 4) If the commercial driving privileges are cancelled and a current and completed medical examiner's certificate and/or medical variance is subsequently received, the cancellation shall be ~~rescinded~~cleared.
- j) If the Department receives notification from FMCSA that it has removed or rescinded a medical variance, the Department shall change the medical certification status to "not certified" on the CDLIS driving record and immediately cancel the CDL privileges.
  - 1) The Department shall notify the driver that one of the following requirements must be met in order to clear the cancellation:
    - A) Provide a current and completed medical examiner's certificate that indicates a variance is no longer necessary; or
    - B) Appear at a CDL facility, downgrade to a non-CDL license and have a corrected driver's license issued; or
    - C) Change self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.

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- 2) If the commercial driving privileges are cancelled and a current and completed medical examiner's certificate and medical variance is subsequently received, the cancellation shall be ~~rescinded~~cleared.
- k) If the Department receives notification from FMCSA that it has removed or rescinded a medical examiner's certificate, the Department shall change the medical certification status to "not certified" on the CDLIS driving record and immediately cancel the CDL privileges.
- 1) The Department shall notify the driver that one of the following requirements must be met in order to clear the cancellation:
    - A) Provide a current and completed medical examiner's certificate; or
    - B) Appear at a CDL facility, downgrade to a non-CDL license and have a corrected driver's license issued; or
    - C) Change self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.
  - 2) If the commercial driving privileges are cancelled and a current and completed medical examiner's certificate and, if applicable, medical variance is subsequently received, the cancellation shall be ~~rescinded~~cleared.
- l) The Department shall not accept an incomplete medical examiner's certificate. If a driver submits an incomplete medical examiner's certificate, the Department shall ~~require the driver to provide a completed medical examiner's certificate~~notify the driver, in writing, that the submitted medical examiner's certificate was incomplete and direct the driver to provide a completed medical examiner's certificate. Failure of the CDL holder to submit a completed medical examiner's certificate to the Department within 30 days will result in the cancellation of the CDL privileges pursuant to IVC Section 6-201(a)(12). The cancellation order shall take effect on the 31<sup>st</sup> day and shall remain in effect until the driver:
- 1) Provides a current and completed medical examiner's certificate and, if applicable, a medical variance; or

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- 2) [Appears at a CDL facility, downgrades to a non-CDL license and has a corrected driver's license issued; or](#)
  - 3) [Changes the self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.](#)
- m) The Department shall require a CDL holder to obtain a corrected driver's license with a restriction if the CDL holder submits a medical examiner's certificate that indicates the driver is medically approved to operate a CMV conditioned upon a restriction.
- 1) Failure to appear at a CDL Facility within 20 days to add the proper restriction to the CDL and pay the appropriate fee for a corrected driver's license will result in the cancellation of CDL privileges pursuant to IVC Section 6-201(a)(11).
  - 2) If the CDL privileges are canceled and the driver subsequently appears at a CDL facility, has the restriction added to the driver's license and has a corrected CDL issued, the cancellation shall be cleared.

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

**Section 1030.80 Driver's License Testing/Written Test**

Any applicant for an initial or renewal driver's license who is required to take a written test pursuant to IVC Section 6-109 shall comply with the following provisions:

- a) Classification of licenses is established in Sections 1030.30 through 1030.40.
- b) An applicant for a Class D license shall be required to take a written test consisting of [a minimum of](#)~~not more than~~ 35 questions, of which 80% percent must be answered correctly in order to be eligible for a Class D license.
- c) An applicant for a Class C, B, A or L-M license shall be required to take the written test as set forth in subsection (b). The applicant shall also take a written test established by the Secretary of State for the classifications and/or endorsements applied for. The number of questions required to be answered is dependent upon the classifications and/or endorsements applied for. Each written classification and/or endorsement test shall consist of [a minimum of](#)~~not more than~~ 35 questions, of which 80% percent must be answered correctly in order for the

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applicant to be eligible for the classifications and/or endorsements applied for.

- d) The written tests set forth in subsections (b) and (c) shall be in the English language, and may be in any other languages deemed necessary by the Secretary of State, based upon an identifiable demand.
- e) An applicant who is illiterate may be given the written test orally.
- f) An applicant who cannot read or write in the English language, or other available foreign language, shall be eligible to take the written test. The Driver Services Facility supervisor or designee may provide or recommend use of an interpreter for the applicant's language if an interpreter is readily available. If an interpreter is not readily available, it will be the responsibility of the applicant to obtain the services of an interpreter. The CDL knowledge test shall be administered only in the English language. An interpreter shall not be used when the applicant is attempting to complete the CDL knowledge tests.
- g) An applicant shall demonstrate the ability to read and understand official traffic control devices.
- h) Any licensee who wants to change a classification and/or endorsements prior to renewal of a license shall be required to take the written test for the classification or classifications and/or endorsements the applicant wants to obtain.
- i) Prior to obtaining a commercial driver instruction permit, an applicant must successfully complete the appropriate CDL knowledge tests specific to the instruction permit classification.
- j) An applicant for a permit to operate a school bus must have in his/her possession an application for Illinois School Bus Driver's Permit Letter of Intent or its superseding form. The applicant shall be given a special test consisting of not more than 24 questions, of which 22 or 90% must be answered correctly in order to be eligible for a permit.
- k) Any person found cheating on any portion of a written test will be deemed to have failed that portion of the test. In addition, that person will be prohibited from retaking the written test for a period of 30 days. For purposes of this subsection, "cheating" shall be defined as receiving or using unauthorized assistance in the taking of any portion of a test. This includes, but is not limited to, the use of any notes, books or written information.

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- l) All persons with a valid out-of-state CDL applying for an Illinois CDL shall be required to successfully complete the written tests set forth in subsections (b) and (c), pursuant to IVC Section 6-508(a)(1).

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

**Section 1030.94 Duplicate or Corrected Driver's License or Instruction Permit**

- a) A duplicate driver's license or instruction permit shall be issued by the Department when a driver's license or instruction permit has been lost, stolen, or mutilated.
- b) Upon an applicant's request or the Department's determination that an error was made or the license or permit was mutilated, a corrected driver's license or instruction permit shall be issued by the Department if a change of information is necessary on a driver's license or instruction permit that is being surrendered. The license or permit shall indicate that it has been corrected by displaying "COR" as the type of license.
- c) When there is no driver's license or instruction permit to be surrendered to the Department, the license or permit issued shall be a duplicate. This shall be indicated on the license or permit by displaying "DUP" as the type of license.
- d) The applicant shall pay a fee in accordance with IVC Section 6-118 for a duplicate driver's license, corrected driver's license or instruction permit. For a six month period after the issuance of a driver's license or permit, there shall be no fee charged to correct an error made by personnel at the Driver Services Facility. There shall be no fee charged for a duplicate if the license or permit was lost by the Department. If a license or permit is lost by a state, local or federal law enforcement agency or state or federal court, there shall be no fee charged for a duplicate upon written notification from that agency or court. ~~Pursuant to IVC Section 6-118(a), there shall be no fee charged for a duplicate license or permit issued to any person age 60 or older who presents the Department with a police report showing that the license was stolen.~~
- e) In order to obtain a duplicate or corrected license or permit, an application form provided by the Department as described in IVC Section 6-106(b) shall be completed by a Driver Services Facility employee. The Non-CDL applicant shall answer the first ~~3~~<sup>two</sup> questions on the application and the CDL applicant shall

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| [answer the first 3 questions, in addition to questions 8, 9 and 10 on the application](#)  
(see Appendix A). After the form has been completed and the fee paid, the  
applicant, if necessary, shall have a photograph taken as provided in Section  
1030.90.

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

## DEPARTMENT OF VETERANS' AFFAIRS

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Rules Governing Payment from the Disabled Veterans Property Tax Relief Fund
- 2) Code Citation: 95 Ill. Adm. Code 130
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
130.10	New Section
130.20	New Section
130.30	New Section
130.40	New Section
130.50	New Section
- 4) Statutory Authority: State Finance Act [30 ILCS 105/6z-83]
- 5) A Complete Description of the Subjects and Issues Involved: Sets out rules governing payments from the Disabled Veterans Property Tax Relief Fund.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

James Robideau, General Counsel  
Department of Veterans' Affairs  
100 W. Randolph St., Ste. 5-570  
Chicago, IL 60601-3219

## DEPARTMENT OF VETERANS' AFFAIRS

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312/814-5391

- 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: 2012

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

## DEPARTMENT OF VETERANS' AFFAIRS

## NOTICE OF PROPOSED RULES

TITLE 95: VETERANS AND MILITARY AFFAIRS  
CHAPTER I: DEPARTMENT OF VETERANS' AFFAIRSPART 130  
RULES GOVERNING PAYMENT FROM THE  
DISABLED VETERANS PROPERTY TAX RELIEF FUND

## Section

130.10	General Purposes
130.20	Definitions
130.30	Eligibility
130.40	Disqualification
130.50	Process

AUTHORITY: Implementing Section 6z-83 of the State Finance Act [30 ILCS 105].

SOURCE: Adopted at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 130.10 General Purpose**

The intent and purpose of this Part is to implement Public Act 96-1424, which created Section 6z-83 of the State Finance Act [30 ILCS 105/6z-83] that established the Disabled Veterans Property Tax Relief Fund and authorized the Department to adopt rules to establish standards and procedures for making disbursements out of the Disabled Veterans Property Tax Relief Fund.

**Section 130.20 Definitions**

"Act" means the State Finance Act [30 ILCS 105].

"Armed Forces of the United States" means the United States Army, Navy, Air Force, Marines, Coast Guard and the Reserve Forces, or the Illinois National Guard. Service in the Merchant Marine or civilian service is not service in the Armed Forces for the purposes of this Part.

"Department" means the Illinois Department of Veterans' Affairs.

"Disabled Veteran" means a veteran of the Armed Forces of the United States who, by reason of service connected disability, is rated as 100% disabled by the

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U.S. Department of Veterans Affairs (VA), and for whom the Department has received Notice of Approval from the VA as being approved for the Special Adapted Housing Grant and for whom the Department has received annual notice that the veteran is receiving the Tax Exemption for Specially Adapted Housing.

"Resident of this State" means a person who is domiciled in Illinois as shown by documentation such as an Illinois driver's license or voter registration.

"Tax Exempt Disabled Veteran List" means the annually verified list maintained by the Department of veterans who are rated as 100% service connected disabled by the VA, and for whom the Department has received a Notice of Approval from the VA as being approved for the Special Adapted Housing Grant, and for whom the Department has received annual notice that the veteran is receiving the Tax Exemption for Specially Adapted Housing.

**Section 130.30 Eligibility**

It is the intent of the Department to distribute payments from the Disabled Veterans Property Tax Relief Fund to severely disabled veterans who are Illinois residents. Every 100% permanent and totally disabled veteran is eligible for a distribution payment from the Disabled Veterans Property Tax Relief Fund if the disabled veteran meets the following criteria:

- a) the veteran is a current resident of this State; and
- b) the Department has received Notice of Approval from the VA that the veteran has been approved for the Special Adapted Housing Grant; and
- c) the Department has received annual notice that the veteran is receiving the Tax Exemption for Specially Adapted Housing.

**Section 130.40 Disqualification**

No payment from the Disabled Veterans Property Tax Relief Fund shall be made to any person who meets any of the following criteria:

- a) is not an Illinois resident; or
- b) the Department has not received Notice of Approval from the VA that the veteran has been approved for the Special Adapted Housing Grant; or

## DEPARTMENT OF VETERANS' AFFAIRS

## NOTICE OF PROPOSED RULES

- c) has not been certified with the Department that the veteran is receiving the Tax Exemption for Specially Adaptive Housing.

**Section 130.50 Process**

- a) On September 30, 2012, and on every succeeding September 30, the Department shall verify the list of eligible disabled veterans from the annual certifications received from disabled veterans on the Tax Exempt Disabled Veteran List.
- b) On October 1, 2012, and on every succeeding October 1, the Department shall verify the balance in the Disabled Veterans Property Tax Relief Fund. The Department shall then divide the balance in the Disabled Veterans Property Tax Relief Fund by the number of currently verified and eligible disabled veterans on the Tax Exempt Disabled Veteran List and disburse to each eligible disabled veteran the appropriate portion of the Fund, rounded down to the nearest cent.

## AUDITOR GENERAL

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Code of Rules
- 2) Code Citation: 74 Ill. Adm. Code 440
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
440.910	New Section
440.920	New Section
440.930	New Section
440.940	New Section
- 4) Statutory Authority: 30 ILCS 5/2-15
- 5) Effective Date of Rule: May 18, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted amendments is on file at the Auditor General's Springfield Office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 6, 2012; 36 Ill. Reg. 3
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Web site address updated in Section 440.910 (b)(2)
- 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: Public Act 97-261, effective August 5, 2011, requires the Auditor General to establish a toll-free telephone hot line for the public to report allegations of fraud in the executive branch of State government. PA 97-261

AUDITOR GENERAL

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specifically requires the Auditor General to adopt rules for the implementation of the toll-free telephone hot line.

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

Rebecca Patton  
Office of the Auditor General  
740 E. Ash Street  
Springfield, IL 62703

Phone: 217/782-6698  
TTY: 888/261-2887  
Facsimile: 217/785-8222

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

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 74: PUBLIC FINANCE  
CHAPTER III: AUDITOR GENERAL

PART 440  
CODE OF RULES

SUBPART A: STANDARDS OF CONSTRUCTION FOR RULES

Section	
440.10	Introduction
440.20	General Provisions

SUBPART B: DEFINITIONS

Section	
440.110	Introduction
440.120	General Provisions
440.130	Abbreviations
440.140	Specific Definitions

SUBPART C: CLARIFICATIONS CONCERNING THE DEFINITION OF  
FINANCIAL AUDIT OR COMPLIANCE AUDIT

Section	
440.210	Introduction
440.220	Clarification

SUBPART D: PUBLIC PETITIONS REQUESTING RULEMAKING ACTIONS  
BY THE OFFICE OF THE AUDITOR GENERAL

Section	
440.310	Introduction
440.320	General Provisions
440.330	Procedures

SUBPART E: CONTRACTUAL PERSONAL SERVICES

Section	
440.410	Introduction

## AUDITOR GENERAL

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440.420 General Provisions

## SUBPART F: OATHS

## Section

440.510 Introduction

440.520 General Provisions

## SUBPART G: SUBPOENAS

## Section

440.610 Introduction

440.620 General Provisions

## SUBPART H: DEPOSITIONS

## Section

440.710 Introduction

440.720 General Provisions

440.730 Procedure

SUBPART I: FINANCIAL ADMINISTRATION OF THE  
STATE AUDIT ADVISORY BOARD

## Section

440.810 Introduction (Repealed)

440.820 Financial Provisions (Repealed)

SUBPART J: FRAUD REPORTINGSection

440.910 [Methods of Receiving Fraud Allegations](#)

440.920 [Definition of Fraud](#)

440.930 [Review of Allegations](#)

440.940 [Availability of Information](#)

AUTHORITY: Subparts A and B implementing and authorized by Section 2-12(a) of the Illinois State Auditing Act [30 ILCS 5/2-12(a)]; Subpart C implementing and authorized by Section 2-12 of the Illinois State Auditing Act [30 ILCS 5/2-12]; Subpart D implementing and authorized by

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Section 2-12 of the Illinois State Auditing Act [30 ILCS 5/2-12] and Section 5-145 of the Illinois Administrative Procedure Act [5 ILCS 100/5-145]; Subpart E implementing and authorized by Section 2-12(c)(2) of the Illinois State Auditing Act [30 ILCS 5/2-12(c)(2)]; Subpart F implementing and authorized by Section 2-12(c)(3) of the Illinois State Auditing Act [30 ILCS 5/2-12(c)(3)]; Subpart G implementing and authorized by Section 2-12(c)(4) of the Illinois State Auditing Act [30 ILCS 5/2-12(c)(4)]; Subpart H implementing and authorized by Sections 2-12(c)(1) and (3) of the Illinois State Auditing Act [30 ILCS 5/2-12(c)(1) and (3)]; Subpart J implementing and authorized by Section 2-15 of the Illinois State Auditing Act [30 ILCS 5/2-15].

SOURCE: Rules and Regulations of the Auditor General filed and effective February 1, 1976; amended at 2 Ill. Reg. 46, p. 17, effective November 17, 1978; amended at 3 Ill. Reg. 5, p. 860, effective February 2, 1979; amended at 3 Ill. Reg. 50, p. 195, effective December 13, 1979; amended at 4 Ill. Reg. 49, p. 91, effective November 21, 1980; codified at 5 Ill. Reg. 10584; amended at 6 Ill. Reg. 12253, effective September 24, 1982; amended at 20 Ill. Reg. 730, effective January 31, 1996; amended at 24 Ill. Reg. 2321, effective February 7, 2000; amended at 30 Ill. Reg. 2280, effective February 20, 2006; amended at 36 Ill. Reg. 8246, effective May 18, 2012.

SUBPART J: FRAUD REPORTINGSection 440.910 Methods of Receiving Fraud Allegations

- a) *The Office of the Auditor General shall operate a toll-free telephone hot line for the public to report allegations of fraud in the executive branch of State government [30 ILCS 5/2-15].*
- b) Fraud allegations should be reported:
  - 1) by toll free telephone to the Auditor General's Hotline at 855-217-1895 or (TTY) at 888-261-2887; or
  - 2) by submitting the on-line form on the Auditor General's website at [www.auditor.illinois.gov](http://www.auditor.illinois.gov).
- c) Fraud allegations may also be reported by U.S. Mail to Fraud Hotline, Auditor General's Office, 740 E. Ash St., Springfield, Illinois 62703.

(Source: Added at 36 Ill. Reg. 8246, effective May 18, 2012)

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**Section 440.920 Definition of Fraud**

"Fraud" is generally defined as an intentional misrepresentation of a material existing fact made by one person to another with knowledge of its falsity and for the purpose of inducing the other person to act, and upon which the other person relies with resulting injury or damage. Fraud may also be made by an omission or purposeful failure to state material facts, when nondisclosure makes other statements misleading.

(Source: Added at 36 Ill. Reg. 8246, effective May 18, 2012)

**Section 440.930 Review of Allegations**

- a) Allegations will be reviewed to determine whether they:
  - 1) are sufficiently detailed and supported to enable follow-up;
  - 2) appear to involve fraud; and
  - 3) relate to agencies in the Executive branch of State government.
- b) Persons making allegations may remain anonymous.
- c) The Office may conduct audits concerning alleged fraud and, in appropriate circumstances, may refer allegations of fraud to law enforcement authorities or other governmental entities with jurisdiction over the alleged fraud [30 ILCS 5/2-15].

(Source: Added at 36 Ill. Reg. 8246, effective May 18, 2012)

**Section 440.940 Availability of Information**

Information received by the Auditor General through fraud allegations that would reveal the identity of a complainant, subject, informant or witness is not subject to disclosure to the public but may be forwarded to other governmental entities, law enforcement and investigatory agencies for possible follow-up. A summary record of fraud allegations received will be maintained for a minimum period of two years from the date of receipt.

(Source: Added at 36 Ill. Reg. 8246, effective May 18, 2012)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Collateral Recovery
- 2) Code Citation: 92 Ill. Adm. Code 1480
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1480.10	New Section
1480.20	New Section
1480.30	New Section
1480.40	New Section
1480.50	New Section
1480.60	New Section
1480.70	New Section
1480.80	New Section
1480.90	New Section
1480.100	New Section
1480.110	New Section
1480.120	New Section
1480.130	New Section
1480.140	New Section
1480.145	New Section
1480.146	New Section
1480.150	New Section
1480.160	New Section
1480.170	New Section
1480.180	New Section
1480.190	New Section
1480.200	New Section
1480.210	New Section
1480.220	New Section
1480.230	New Section
1480.240	New Section
1480.250	New Section
1480.260	New Section
1480.270	New Section
1480.280	New Section
1480.290	New Section
1480.300	New Section
1480.310	New Section
1480.320	New Section

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

1480.330	New Section
1480.340	New Section
1480.350	New Section
1480.370	New Section
1480.380	New Section
1480.390	New Section
1480.400	New Section
1480.410	New Section
1480.415	New Section
1480.416	New Section
1480.417	New Section
1480.420	New Section
1480.430	New Section
1480.440	New Section
1480.450	New Section
1480.460	New Section
1480.470	New Section
1480.480	New Section
1480.490	New Section
1480.500	New Section
1480.510	New Section
1480.520	New Section
1480.530	New Section
1480.540	New Section

- 4) Statutory Authority: Implementing and authorized by Sections 15, 20, 37, 45, 50, 80 and 135 of the Collateral Recovery Act [225 ILCS 422]
- 5) Effective Date of Rules: June 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rulemaking is on file and available for public inspection at:

Illinois Commerce Commission  
Transportation Division  
527 East Capitol Avenue

## ILLINOIS COMMERCE COMMISSION

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Springfield, Illinois 62701

- 9) Notice of Proposal Published in Illinois Register: December 23, 2011; 35 Ill. Reg. 19995
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

Multiple changes were made to the proposed rules. In Section 1480.10, several definitions were revised, new definitions were added, as well as, some language was deleted. In Section 1480.20(c)(3), new language was added elaborating on the financial statement. Section 1480.30(b), discussing the transfer of a repossession agency license, was revised. In Section 1480.30(d), the phrase "repossession agency" was added before licensure. Minor changes were made in Section 1480.40(c)(3), which deals with the recovery manager certification program. In Section 1480.60, subsection (d) was added which discusses renewal of the Class "EE" recovery permit. In Section 1480.100, subsection (d) was inserted to clarify restoration fees listed in Subpart V. In Section 1480.110(a), the words "or suspended" were added before the word license. New Sections 1480.145 and 1480.146, dealing with extension of the repossession agency license, were added in Subpart E. Several substantive changes were made in Section 1480.150(d) dealing with registration of personnel. In Section 1480.190(b), a more recent version of the Generally Accepted Accounting Principles was incorporated, as well as, contact information for the Financial Accounting Standards Board was included.

In Section 1480.240, the proposed language was revised and reorganized, as well as, new language was added elaborating on when a notification to debtor pursuant to Section 110 of the Act is not required. In Section 1480.250(a), the requirement of identifying remote storage locations with signs was eliminated. Section 1480.360, requiring that remote storage locations be identified with signs, was deleted in its entirety. In Section 1480.310(g) and Section 1480.380(g), the subsections were altered with the following phrase "Method of protection from". In Section 1480.400(a), new language was added that explains which vehicles are subject to or exempt from the identification requirement. New Subpart R: Notification To Law Enforcement was inserted and the subsequent Subparts were renamed accordingly.

In Section 1480.20(d), 30(e), 40(d), 50(c), the following language has been revised to read as follows: "convicted of any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession [225 ILCS

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422/80],” In Section 1480.20(a), 30(a), 40(a), 50(a), 60(a), 70(a), 90(a), 100(a), 110(a), 120(a), 130(a), 140(a), 150(a), 160(a), 170(a), 210, 320, 390(a), 390(k) the word “may” was changed to the word "shall". In Section 1480.440(b), a specific citation to Section 80 of the Act was added. A minor wording change was made in Section 1480.510(c), which deals with conditions of probation. In addition, minor grammatical and wording changes have been made to the rules at the suggestion of JCAR staff.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Rules: These rules implement the Collateral Recovery Act (Act) (PA 97-576) which vests in the Commission state-wide authority to regulate individuals and entities engaged in the business of collateral recovery for the protection of the public. The Commission has never before regulated the collateral recovery practices and is assuming for the first time jurisdiction over collateral recovery. The Collateral Recovery Act requires Commission to promulgate administrative rules relating to the licensing and registration of individuals and entities engaged in collateral recovery activities. In addition, the Act authorizes the creation of administrative rules necessary to enforce and administer the provisions of the Act. As a result, this regulation requires that individuals and entities engaged in collateral recovery (i.e., repossession) activities comply with specified procedures to obtain licenses, registrations, and permits from the Commission. The administrative rules also set forth procedures for administrative hearings before the Commission and contain provisions relating to proof of insurance, leasing, annual reporting and recordkeeping requirements. The effective date for the Commission to assume regulatory responsibility over collateral recovery is July 1, 2012.
- 16) Information and questions regarding this rulemaking shall be directed to:  
  
Katie Kowalska  
Office of Transportation Counsel  
Transportation Division  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

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217/524-4227

kkowalska@icc.illinois.gov

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

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CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: MOTOR CARRIERS OF PROPERTY

PART 1480  
COLLATERAL RECOVERY

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1480.10 Definitions

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1480.30 Repossession Agency License Transfer  
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- 1480.140 License Extension upon the Death or Disassociation of Partner
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- Section
- 1480.150 Registration Procedures

SUBPART G: APPROVAL OF CERTIFICATION PROGRAMS

- Section
- 1480.160 Applications for Commission Approval of Recovery Manager Certification Programs
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SUBPART H: RECOVERY TICKETS

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SUBPART I: BOOKS AND RECORDS

- Section
- 1480.190 Accounting and Maintenance of Books and Records
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SUBPART J: INSURANCE

- Section
- 1480.220 Licenses Conditioned upon Compliance with Insurance Requirements
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1480.240 Notification to the Debtor

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1480.250 Posting Requirements

SUBPART M: REPOSSESSION AGENCY MAIN OFFICE  
AND BRANCH OFFICES WITH SECURED STORAGE FACILITIES

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1480.260 Security of Secured Storage Facilities

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AUTHORITY: Implementing and authorized by Sections 15, 20, 37, 45, 50, 80 and 135 of the Collateral Recovery Act [225 ILCS 422].

SOURCE: Adopted at 36 Ill. Reg. 8252, effective June 1, 2012.

## SUBPART A: MISCELLANEOUS PROVISIONS

**Section 1480.10 Definitions**

"Act": the Collateral Recovery Act [225 ILCS 422].

"Administrative Law Judge": a Hearing Examiner or a Hearing Officer of the Illinois Commerce Commission's Transportation Division.

"Agent": when used in the Act or this Part, means a person or entity that is authorized to act for or in place of another, and is not a towing company or a person or entity acting on behalf of a towing company, a repossession agency or a person or entity acting on behalf of a repossession agency.

"Applicant": a person or entity applying for a license, recovery permit or approval of a certification program under the Act and this Part.

"Application": the form and process of applying for licensure, a recovery permit or approval of a certification program under the Act and this Part.

*"Assignment": a written authorization by a legal owner, lien holder, lessor, lessee, or licensed repossession agency authorized by a legal owner, lien holder, lessor or lessee to locate or repossess, involuntarily or voluntarily, any collateral, including, but not limited to, collateral registered under the Illinois Vehicle Code that is subject to a security agreement that contains a repossession clause or is the subject of a rental or lease agreement. "Assignment" also means a written authorization by an employer to recover any collateral entrusted to an employee or former employee if the possessor is wrongfully in the possession of the collateral. A photocopy, facsimile copy, or electronic copy of an assignment shall have the same force and effect as an original written assignment. [225 ILCS 422/10]*

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*"Branch Office": each additional office and secured storage facility location of a repossession agency located in and conducting business within the State of Illinois and operating under the same name as the repossession agency where business is actively conducted or is engaged in the business authorized by the licensure. Each branch office must be individually licensed. [225 ILCS 422/10]*

"Class "E" Recovery Permit": a permit issued to an individual whose duties include the actual repossession of collateral for a Class "R" recovery agency or a Class "RR" branch office and who has met the required criteria for obtaining the permit in accordance with the Act and this Part.

"Class "EE" Recovery Permit": a permit issued to an intern whose duties include the actual repossession of collateral under the direction and control of a designated, sponsoring Class "E" recovery permit or a designated, sponsoring Class "MR" license and who has met the required criteria for obtaining the permit in accordance with the Act and this Part.

"Class "MR" License": a license issued to any individual who performs the services of a recovery manager for a Class "R" recovery agency or a Class "RR" branch office and who has met the required criteria for licensure in accordance with the Act and this Part.

"Class "R" License": a license issued to any person, firm, company, partnership or corporation that engages in business as a recovery agency and has met the required criteria for licensure in accordance with the Act and this Part. A Class "R" license is valid only for a repossession agency's main office.

"Class "RR" License": a license issued to each branch office of a Class "R" repossession agency that has met the required criteria for licensure in accordance with the Act and this Part.

*"Collateral": any vehicle, boat, recreational vehicle, motor home, motorcycle or other property that is subject to a security, lease or rental agreement. [225 ILCS 422/10]*

"Commission": the Illinois Commerce Commission.

*"Debtor": any person or entity obligated under a lease, rental, or security agreement. [225 ILCS 422/10]*

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"Deceive": the result from actions prohibited by Section 2 of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2].

"Defraud": the result of making a reckless or knowing misrepresentation of truth or concealment of fact to induce another to act to his or her detriment.

"Dishonorable": not in conformity with the Act or this Part.

*"Financial Institution": a bank, a licensee under the Consumer Installment Loan Act [205 ILCS 670], savings bank, savings and loan association, or credit union organized and operating under the laws of this or any other state or of the United States, and any subsidiary or affiliate thereof. [225 ILCS 422/10]*

"Harm": adverse effect, injury, loss, damage or detriment.

"Immediate Family": includes the person's spouse, parents, children, siblings and partner in a civil union pursuant to the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75].

*"Legal Owner": a person holding a security interest in any collateral that is subject to a security agreement, a lien against any collateral, or an interest in any collateral that is subject to a lease or rental agreement. [225 ILCS 422/10]*

*"Licensure": the approval of the required criteria that has been submitted for review in accordance with the provisions of the Act [225 ILCS 422/10]*  
for the purpose of licensing a recovery manager, repossession agency and branch office of a repossession agency.

"Main Office": primary facility of a licensed repossession agency located in the State of Illinois.

*"Personal Effects": any property contained within or on repossessed collateral, or property that is not permanently affixed to the collateral, that is not the property of the legal owner. [225 ILCS 422/10]*

*"Recovery Manager": a person who possesses a valid license in accordance with the provisions of the Act and is in control or management of a repossession agency.[225 ILCS 422/10]*

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*"Recovery Permit": a permit issued by the Commission to a repossession agency employee who has met all the requirements under the Act. [225 ILCS 422/10]*

*"Recovery Ticket": a serialized record obtained from the Commission for any repossessed vehicle or collateral evidencing that any person, business, financial institution, automotive dealership, or repossession agency who shows a recovery ticket has paid the recovery ticket fee to the Commission. [225 ILCS 422/10]*

*"Remote Storage Location": a secured storage facility of a licensed repossession agency designated for the storage of collateral that is a secure building or has a perimeter that is secured with a fencing construction that makes the area not accessible to the public. A remote storage location shall not transact business with the public and shall provide evidence of applicable insurance to the Commission that specifies the licensed repossession agency as the primary policy holder. A remote storage location shall be located in a commercially zoned area physically located in Illinois. [225 ILCS 422/10]*

*"Repossession Agency": any person or entity conducting business within the State of Illinois, that, for any type of consideration, engages in the business of, accepts employment to furnish, or agrees to provide or provides property locating services, property recovery, recovered property transportation, recovered property storage, or all services relevant to any of the following:*

*The location, disposition, or recovery of property as authorized by the self-help provisions of the Uniform Commercial Code;*

*The location, disposition, or recovery of lost or stolen property;*

*Securing evidence concerning repossession and recovery to be used before any court, board, office, or investigating committee;*

*Inventory of property contained in or on the collateral or recovered property;*

*The possession of collateral;*

*The prevention of the misappropriation or concealment of chattel, vehicles, goods, objects, documents, or paper;.*

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*"Repossession Agency" does not include any of the following:*

*An attorney at law who is performing his or her duties as an attorney at law.*

*The legal owner of collateral that is subject to a security agreement;*

*An officer or employee of the United States of America or of this State or a political subdivision of this State while the officer or employee is engaged in the performance of his or her official duties;*

*A qualified license or recovery permit holder when performing services for, or on behalf of, a licensed repossession agency;*

*A collection agency licensed under the Collection Agency Act [225 ILCS 425] when its activities are limited to assisting an owner in the recovery of property that is not collateral, as defined in this Act. [225 ILCS 422/10]*

*"Repossession Agency Employee": any person or self-employed independent contractor who is hired by a repossession agency. [225 ILCS 422/10]*

*"Secured Storage Facility": an area located on the same premises as a repossession agency office or branch office that is designated for the storage of collateral and is a secure building or has a perimeter that is secured with a fencing construction that makes the area not accessible to the public. Each repossession agency office or branch office must maintain a secured storage facility. [225 ILCS 422/10]*

*"Security Agreement": an obligation, pledge, mortgage, chattel mortgage, lease agreement, rental agreement, deposit, or lien, given by a debtor as security for payment or performance of his or her debt by furnishing the creditor with a recourse to be used in case of failure in the principal obligation. "Security agreement" includes a bailment where an employer-employee relationship exists or existed between the bailor and the bailee. [ 225 ILCS 422/10]*

*"Unethical": not in conformity with the Act or this Part.*

*"Unprofessional": not in conformity with the Act or this Part.*

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## SUBPART B: LICENSES AND RECOVERY PERMITS

**Section 1480.20 Repossession Agency Licensure**

- a) Applications for repossession agency licensure shall be filed on forms and contain the information prescribed by the Commission. Incomplete or incorrect applications for repossession agency licensure shall be refused or rejected by the Commission.
- b) Applicants for repossession agency licensure shall submit, along with their applications:
  - 1) Copies of government-issued photo identification such as a driver's license, state identification card, or passport for all persons required to submit personal photo identification under the Act; and
  - 2) Copies of registration cards to all vehicles owned or leased that shall be utilized under the repossession agency license.
- c) Applicants for repossession agency licensure shall disclose on their applications:
  - 1) Any civil judgments entered in the 5 years preceding the date of application by any legal forum other than the Commission arising from conduct while performing repossessions against the applicant or any individual required by Section 60 of the Act to submit to a criminal background check as part of the licensure process;
  - 2) Make, model, year, plate number and VIN of vehicles that the applicant intends to utilize under the repossession agency license; and
  - 3) Financial condition of the applicant as represented by the completed financial statement included with the application. The financial statement shall consist of a balance sheet and a projected income statement for a period of one year. A professionally prepared financial statement or profit/loss report may be substituted for the financial statement included in the application if it contains information substantially similar to that requested by the Commission and is certified by an appropriately licensed accountant or accounting firm.

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- d) The Commission shall review applications for repossession agency licensure to determine whether the applicant has satisfied the fitness criteria contained in the Act and this Part. If, upon review of an application, the Commission discovers that the applicant or any individual required to submit to a criminal background check as part of the licensure process has been *convicted of any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession* [225 ILCS 422/80], the matter shall be set for an administrative hearing before an Administrative Law Judge to assist the Commission in determining whether the applicant is unfit by reason of conviction.
- e) At the hearing, the applicant shall have the burden of proving fitness by clear and convincing evidence.

**Section 1480.30 Repossession Agency License Transfer**

- a) Applications for the transfer of a repossession agency license shall be filed on forms and contain the information prescribed by the Commission. Incomplete or incorrect applications for the transfer of a license shall be refused or rejected by the Commission. Applications shall be accompanied by the appropriate fee listed in Section 1480.540.
- b) The following shall constitute a transfer of a repossession agency license:
  - 1) Change in the ownership interest of the license;
  - 2) Change in the ownership interest of the license holder.
- c) Transferees-applicants for the transfer of a license shall disclose on transfer applications any civil judgments entered in the 5 years preceding the date of application by any legal forum other than the Commission arising from conduct while performing repossessions against the transferee-applicant or any individual required to submit to a criminal background check as part of the licensure process.
- d) Unless otherwise specifically provided for in the Act or in this Part, transferees-applicants will be held to the same fitness standards and will be required to comply with the same application procedures as initial applicants for repossession agency licensure.

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- e) The Commission shall review applications for the transfer of a license to determine whether the applicant has satisfied the fitness criteria contained in the Act and this Part. If, upon review of an application for the transfer of a license, the Commission discovers that the applicant or any individual required to submit to a criminal background check as part of the licensure process has been *convicted of any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession* [225 ILCS 422/80], the matter shall be set for an administrative hearing before an Administrative Law Judge to assist the Commission in determining whether the applicant is unfit by reason of conviction.
- f) At the hearing, the applicant shall have the burden of proving fitness by clear and convincing evidence.

**Section 1480.40 Recovery Manager Licensure**

- a) Applications for recovery manager licensure shall be made on forms and contain the information prescribed by the Commission. Incomplete or incorrect applications for recovery manager licensure shall be refused or rejected by the Commission.
- b) Applicants for recovery manager licensure shall disclose on their applications any civil judgments entered against them in the 5 years preceding the date of application by any legal forum other than the Commission arising from their conduct while performing repossessions.
- c) Applicants for recovery manager licensure shall submit the following as part of the application:
  - 1) A sworn statement from the applicant attesting he or she has completed no less than 2,500 hours of actual compensated collateral recovery work as an employee of a repossession agency, a financial institution or a vehicle dealer within the 5 years immediately preceding the filing of his or her application;
  - 2) Copies of paycheck stubs, W2s or 1099s from the manager's employment. If the applicant is unable to provide copies of paycheck stubs, W2s or

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1099s supporting the actual compensated collateral recovery experience in the 5 years immediately preceding the filing of the application, the applicant shall provide a separate written statement explaining the unavailability of paycheck stubs, W2s or 1099s, as well as a sworn statement from each repossession agency, financial institution or vehicle dealer for which the applicant performed actual collateral recovery work for compensation during the 5 years immediately preceding the application;

- 3) Proof of completion of a recovery manager certification program approved by the Commission under Section 1480.160; and
  - 4) A copy of a government-issued photo identification issued to the applicant, such as a driver's license, state identification card, or passport.
- d) The Commission shall review applications for recovery manager licensure to determine whether the applicant has satisfied the fitness criteria contained in the Act and this Part. If, upon review of an application for a recovery manager license, the Commission discovers the applicant has been *convicted of any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession* [225 ILCS 422/80], the matter shall be set for an administrative hearing before an Administrative Law Judge to assist the Commission in determining whether the applicant is unfit by reason of conviction.

**Section 1480.50 Recovery Permits**

- a) Applications for initial recovery permits Class "E" and Class "EE" shall be filed on forms and contain information prescribed by the Commission. Incomplete or incorrect applications for recovery permits shall be refused or rejected by the Commission.
- b) Applicants for recovery permits Class "E" and Class "EE" shall disclose on their applications any civil judgments entered against them in the 5 years preceding the date of application by any legal forum other than the Commission arising from their conduct while performing repossessions.

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- c) The Commission shall review applications for recovery permits Class "E" and Class "EE" to determine whether the applicant has satisfied the fitness criteria contained in the Act. If, upon review of an application for recovery permit, the Commission discovers the applicant has been *convicted of any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession* [225 ILCS 422/80], the matter shall be set for an administrative hearing before an Administrative Law Judge to assist the Commission in determining whether the applicant is unfit by reason of conviction.
- d) At hearing, the applicant shall have the burden of proving fitness by clear and convincing evidence.
- e) Applicants shall submit as part of their recovery permit Class "E" and Class "EE" applications copies of government-issued photo identification issued to the applicant, such as a driver's license, state identification card, or passport.
- f) Applicants for Class "EE" recovery permits shall fulfill the same fitness standards that are required of Class "E" recovery permit applicants except Class "EE" applicants shall not have to demonstrate completion of an approved recovery agency employee certification program.

**Section 1480.60 Conversion of Class "EE" Recovery Permit to Class "E" Recovery Permit**

Upon completion of an approved recovery agency employee certification program under Section 1480.160, a holder of a Class "EE" recovery permit in good standing may file an application for conversion of his or her Class "EE" recovery permit to a Class "E" recovery permit.

- a) Applications for conversion of a Class "EE" recovery permit to a Class "E" recovery permit shall be filed on forms and contain the information prescribed by the Commission. Incomplete or incorrect applications for conversion of a Class "EE" recovery permit to a Class "E" recovery permit shall be refused or rejected by the Commission.
- b) Applicants for conversion of a Class "EE" recovery permit to a Class "E" recovery permit shall not be required to pay a conversion application fee.

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- c) Applications for conversion of a Class "EE" recovery permit to a Class "E" recovery permit shall contain proof of the Applicant's completion of an approved recovery agency employee certification program.
- d) A Class "EE" recovery permit can only be renewed once and shall expire permanently at the end of the renewal period.

**Section 1480.70 Replacement or Revision of a License or Recovery Permit**

Applications for replacement or revision of any license or recovery permit issued under the Act or this Part shall be filed on forms and contain the information prescribed by the Commission. Incomplete or incorrect applications for replacement or revision of a license or recovery permit shall be refused or rejected by the Commission.

**Section 1480.80 Return of Revoked or Suspended Licenses and Recovery Permits**

Upon receipt of a notice of suspension or revocation from the Commission, the license holder or permit holder shall, within 3 days, return the license or recovery permit to the Commission via United States mail or hand delivery at the following address:

Illinois Commerce Commission  
Transportation Division  
527 East Capitol Avenue  
Springfield, Illinois 62701

## SUBPART C: RENEWAL, RESTORATION, REINSTATEMENT

**Section 1480.90 Renewal of Licenses and Recovery Permits**

- a) Applications to renew a license or recovery permit shall be filed on forms and contain the information prescribed by the Commission. Incomplete or incorrect applications for renewal of licenses or recovery permits shall be refused or rejected by the Commission.
- b) Applicants for the renewal of a license shall fulfill the same fitness standards that are required of initial applicants for a respective license. Applicants for the renewal of a recovery permit shall fulfill the same fitness standards that are required of initial applicants for a respective recovery permit.

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**Section 1480.100 Restoration of Licenses and Recovery Permits**

- a) Applications to restore an expired license or recovery permit shall be filed on forms and contain the information prescribed by the Commission. Incomplete or incorrect applications for restoration of licenses or recovery permits shall be refused or rejected by the Commission.
- b) Any person in military service whose license has expired as provided in Section 75(g) of the Act and who is requesting a waiver of the restoration fee must submit supporting documents with the application, including but not limited to, official written military orders.
- c) Applicants for the restoration of a license shall fulfill the same fitness standards that are required of initial applicants for a respective license. Applicants for the restoration of a recovery permit shall fulfill the same fitness standards that are required of initial applicants for a respective recovery permit.
- d) The restoration fee for a license or recovery permit listed in Subpart V shall be in addition to a renewal fee for that respective license or recovery permit.

**Section 1480.110 Reinstatement of Licenses and Recovery Permits**

- a) Applications to reinstate a revoked or suspended license or recovery permit shall be filed on forms and contain the information prescribed by the Commission. Incomplete or incorrect applications for reinstatement of licenses or recovery permits shall be refused or rejected by the Commission.
- b) An applicant for the reinstatement of a license shall fulfill the same fitness standards required of an initial applicant for a respective license. An applicant for the reinstatement of a recovery permit shall fulfill the same fitness standards required of an initial applicant for a respective recovery permit.

## SUBPART D: RESUMING ACTIVE STATUS

**Section 1480.120 Resuming an Inactive License or Recovery Permit to Active Status**

- a) Any person or entity requesting that a license or recovery permit be changed from inactive to active status shall submit a written notice on a form containing the information prescribed by the Commission or in the form of a letter to the

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Commission. Incomplete or incorrect written notices shall be refused or rejected by the Commission. If a person or entity submits the written notice in the form of a letter, the letter must provide, at minimum, the following information:

- 1) Full legal name of the person or entity;
  - 2) Address of the person or entity;
  - 3) Phone number of the person or entity;
  - 4) Identifying number of the license or recovery permit;
  - 5) Brief statement requesting active status; and
  - 6) Signature of person authorized to sign on behalf of the person or entity.
- b) Any person or entity requesting to resume a license to active status shall fulfill the same fitness standards that are required of an initial applicant for a respective license. Any person requesting to resume a recovery permit to active status shall fulfill the same fitness standards that are required of an initial applicant for a respective recovery permit. Active status will not be resumed until the person or entity has demonstrated full compliance with the Act and this Part.

## SUBPART E: LICENSE EXTENSIONS

**Section 1480.130 License Extension upon the Death of a Person Licensed Individually**

- a) An immediate family member shall submit written notice on a form containing the information prescribed by the Commission or in a form of the letter to the Commission. Incomplete or incorrect written notices shall be refused or rejected by the Commission. If the immediate family member submits the written notice in the form of a letter, the letter shall provide, at minimum, the following information:
- 1) Full legal name of the deceased license holder;
  - 2) Identifying number of the license;
  - 3) Full legal name of the immediate family member;

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- 4) Address of the immediate family member;
  - 5) Telephone number of the immediate family member;
  - 6) Relationship of the immediate family member to the license holder;
  - 7) Date of death of the license holder;
  - 8) Brief statement requesting a license extension; and
  - 9) Notarized signature of the immediate family member.
- b) An immediate family member shall submit, along with the written notice, the death certificate of the deceased license holder and:
- 1) If the immediate family member is a child or a parent of the deceased license holder, the immediate family member's birth or adoption certificate; or
  - 2) If the immediate family member is a sibling of the deceased license holder, the immediate family member's birth or adoption certificate; or
  - 3) If the immediate family member is a spouse of the deceased license holder, a marriage or civil union certificate issued to the deceased license holder and surviving spouse.

**Section 1480.140 License Extension upon the Death or Disassociation of Partner**

- a) A partnership shall submit written notice on a form containing the information prescribed by the Commission or in the form of a letter to the Commission. Incomplete or incorrect written notices shall be refused or rejected by the Commission. If the partnership submits the written notice in the form of a letter, the letter shall provide, at minimum, the following information:
- 1) Full legal name of the partnership;
  - 2) Business address of the partnership;

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- 3) Business telephone of the partnership;
  - 4) Identifying number of the license;
  - 5) Full legal name of the deceased or disassociated partner;
  - 6) Full legal name of every partner;
  - 7) Address of every partner;
  - 8) Telephone number of every partner;
  - 9) Date of death of the deceased partner or date of disassociation of the disassociated partner;
  - 10) Brief statement requesting extension; and
  - 11) Notarized signature of the notifying partner.
- b) In case of death of a partner, the partnership shall submit, along with the written notice, a copy of the deceased partner's death certificate.

**Section 1480.145 License Extension upon Death of a Shareholder of a Corporation or a Member of a Limited Liability Company**

- a) In the case of the death of a shareholder of a corporation licensed as a repossession agency, the corporation shall notify the Commission, in writing, within 30 days from the death of a shareholder. If the corporation fails to notify the Commission within the 30-day period, the license shall automatically be revoked at the end of that period. If proper notice is given, the license shall remain in force for 90 days following the date of death of a shareholder. At the end of the 90-day period, the license shall automatically be revoked.
- b) In the case of the death of a member of a limited liability company licensed as a repossession agency, the company shall notify the Commission, in writing, within 30 days from the death of a member. If the company fails to notify the Commission within the 30-day period, the license shall automatically be revoked at the end of that period. If proper notice is given, the license shall remain in

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force for 90 days following the date of death of a member. At the end of the 90-day period, the license shall automatically be revoked.

- c) The corporation or limited liability company shall submit written notice on a form containing the information prescribed by the Commission or in the form of a letter to the Commission. Incomplete or incorrect written notices shall be refused or rejected by the Commission. If the corporation or limited liability company submits the written notice in form of a letter, the letter shall provide, at minimum, the following information:
- 1) Full legal name of the corporation or limited liability company;
  - 2) Business address of the corporation or limited liability company;
  - 3) Business telephone of the corporation or limited liability company;
  - 4) Identifying number of the license;
  - 5) Full legal name of the deceased shareholder or member;
  - 6) Full legal name of every shareholder or member;
  - 7) Address of every shareholder or member;
  - 8) Telephone number of every shareholder or member;
  - 9) Date of death of the shareholder or member;
  - 10) Brief statement requesting extension; and
  - 11) Notarized signature of the notifying shareholder or member.
- d) The corporation or limited liability company shall submit, along with the written notice, a copy of the deceased shareholder's or member's death certificate.

**Section 1480.146 Exception to Revocation of an Extended License**

In case of death of a person licensed individually, the license will not automatically be revoked at the end of the 120-day period if the immediate family member of the person licensed

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individually applies for a transfer of the repossession agency license in accordance with the Act and this Part within the 120-day period. For partnerships, corporations and limited liability companies, the license will not automatically be revoked at the end of the 90-day period if the partnership, corporation or limited liability company applies for a transfer of the repossession agency license in accordance with the Act and this Part within the 90-day period. The corporation, limited liability company, immediate family member of the person individually licensed or partnership may continue to operate under the repossession agency license pending a final decision granting or denying the transfer.

## SUBPART F: REGISTRATION OF PERSONNEL

**Section 1480.150 Registration Procedures**

- a) Repossession agencies shall register all persons engaged in actual repossession with the Commission. Registration shall be completed on forms and contain the information prescribed by the Commission. Incomplete or incorrect registration forms shall be refused or rejected by the Commission.
- b) Registrations shall not be effective until accepted by the Commission.
- c) No repossession agency shall issue an employee identification card until a registration for that person has been accepted by the Commission.
- d) Registrations shall indicate whether the person being registered shall drive away, or use a tow truck to tow away, collateral on behalf of the licensed repossession agency, or both, and whether the person being registered holds a valid state driver's license or restricted driving permit. The Commission shall not accept a registration when the registration indicates the person being registered may drive away, or drive a tow truck to tow away, collateral without a valid state driver's license or restricted driving permit.
- e) Once a person is registered with the Commission, the registration shall be updated by filing a form containing the information prescribed by the Commission to effect any changes to the registration.
- f) If a registered person's recovery permit is summarily suspended, the Commission shall notify the permit holder and any repossession agency with which that person is registered.

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## SUBPART G: APPROVAL OF CERTIFICATION PROGRAMS

**Section 1480.160 Applications for Commission Approval of Recovery Manager Certification Programs**

- a) Applications for Commission approval of a recovery manager certification program shall be filed on forms and contain information prescribed by the Commission. Incomplete or incorrect applications shall be refused or rejected by the Commission.
- b) Applications for Commission approval of a recovery manager certification program shall be accompanied by an application fee.
- c) The Commission shall approve by resolution any recovery manager certification program it deems consistent with the purposes of the Act.
- d) At a minimum, the certification program shall include training in the following areas:
  - 1) The Act;
  - 2) This Part;
  - 3) Illinois criminal law relating to crimes against persons or property;
  - 4) Recovery of collateral;
  - 5) Recordkeeping; and
  - 6) Ethical and professional conduct.
- e) The certification program shall be updated to reflect changes in the areas of law listed in subsection (d). Failure to update the certification program with current changes in the law may cause the approval to be withdrawn by the Commission.

**Section 1480.170 Applications for Commission Approval of Repossession Agency Employee Certification Programs**

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- a) Applications for Commission approval of a repossession agency employee certification program shall be filed on forms and contain the information prescribed by the Commission. Incomplete or incorrect applications shall be refused or rejected by the Commission.
- b) Applications for Commission approval of a repossession agency employee certification program shall be accompanied by an application fee.
- c) The Commission shall approve by resolution any repossession agency employee certification program it deems consistent with the purposes of the Act.
- d) At a minimum, the certification program shall include training in the following areas:
  - 1) The Act;
  - 2) This Part;
  - 3) Illinois criminal law relating to crimes against persons or property;
  - 4) Recovery of collateral;
  - 5) Recordkeeping; and
  - 6) Ethical and professional conduct.
- e) The certification program shall be updated to reflect changes in the areas of law listed in subsection (d). Failure to update the certification program with current changes in the law may cause the approval to be withdrawn by the Commission.

## SUBPART H: RECOVERY TICKETS

**Section 1480.180 Generally**

- a) Recovery tickets shall be completed on forms and contain the information prescribed by the Commission.
- b) Recovery tickets shall remain attached to the repossessed collateral until any of the following occur:

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- 1) Collateral is returned to the debtor;
  - 2) Collateral is returned to the lien holder; or
  - 3) Collateral is sold.
- c) Unused recovery tickets shall be returned to the Commission via United States mail or hand delivery at the following address:

Illinois Commerce Commission  
Transportation Division  
527 East Capitol Avenue  
Springfield, Illinois 62701

## SUBPART I: BOOKS AND RECORDS

**Section 1480.190 Accounting and Maintenance of Books and Records**

- a) Each repossession agency shall comply with generally accepted accounting principles for use in the keeping and recording of their accounts and bookkeeping records.
- b) As generally accepted accounting standards, the Commission incorporates by reference "Generally Accepted Accounting Principles" of the Financial Accounting Standards Board (July 1, 2009, no later amendments or editions included).

Financial Accounting Standards Board  
401 Merritt 7  
P.O. Box 5116  
Norwalk, Connecticut 06856-5116

Telephone: 203-847-0700

- c) The books referred to in this Subpart include not only books of account in a limited technical sense but all other correspondence, memoranda, etc., that will be useful in developing the history of or facts regarding any transaction.

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- d) Each repossession agency shall preserve the books, accounts, records or memoranda for a period of at least 3 years.

**Section 1480.200 Audit and Inspection of Books and Records**

- a) Each repossession agency shall permit Commission staff to inspect or audit its books and records, on request, at any time during the repossession agency's regular business hours.
- b) Commission staff shall have the power, at any and all times, to examine, audit or demand production of all accounts, books, records, memoranda and other papers in the possession or control of any other person to determine whether provisions of the Act or this Part have been violated.

**Section 1480.210 Annual Report Filing**

Each repossession agency shall complete and file with the Commission not later than May 15 of each calendar year an annual report for the preceding calendar year. The annual report shall be made on forms and contain the information prescribed by the Commission. Incomplete or incorrect annual reports shall be refused or rejected by the Commission.

## SUBPART J: INSURANCE

**Section 1480.220 Licenses Conditioned upon Compliance with Insurance Requirements**

A license or registration issued to a repossession agency, branch office or remote storage location by the Commission has force and effect only while the license holder is in compliance with the requirements for the filing of proof of insurance.

**Section 1480.230 Proof of Insurance**

Proof of insurance or cancellation shall be filed on forms containing the information prescribed by the Commission. The filing of proof of insurance shall constitute acceptance of the minimum terms required by Section 90 of the Act. The coverage shall remain in effect until a cancellation form is filed with the Commission or the coverage is superseded by filing a subsequent certificate of insurance. The Commission shall receive notice of cancellation no later than the effective date of cancellation of the policy.

## SUBPART K: INVENTORY OF PROPERTY

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**Section 1480.240 Notification to the Debtor**

- a) *Within 5 working days after repossession, a licensed repossession agency must give written notice to the debtor of the whereabouts of personal effects or property not covered by a security agreement inventoried pursuant to Section 110 of the Act [225 ILCS 422/110], on a form containing the information prescribed by the Commission or in the form of a letter. Each notification form shall be approved by a licensed recovery manager authorized to work for the licensed repossession agency. If the licensed repossession agency submits the written notice in the form of a letter, the letter shall provide, at minimum, the following information:*
- 1) The full legal name of the licensed repossession agency as it appears on its repossession agency license issued by the Commission or, if applicable, an authorized trade name as it appears on its repossession agency license;
  - 2) The licensed repossession agency's license number;
  - 3) Date of the repossession;
  - 4) Date of the notice;
  - 5) Description of the collateral repossessed;
  - 6) The address and phone number of the location where the debtor can come to claim any personal property in the licensed repossession agency's possession;
  - 7) The signature of a licensed recovery manager; and
  - 8) The signing licensed recovery manager's license number.
- b) If the debtor, or an authorized individual with a notarized release from the debtor, retrieves personal effects or property not covered by a security agreement from the repossessed collateral prior to the time when written notice to the debtor is due pursuant to Section 110 of the Act, the licensed repossession agency is not required to send written notice as prescribed in Section 110 of the Act. A personal property receipt, signed by the debtor or an authorized individual

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pursuant to the notarized release from the debtor, must be placed in the licensed repossession agency's records for a minimum of three years and made available for inspection upon request by the Commission.

## SUBPART L: POSTING OF SIGNS

**Section 1480.250 Posting Requirements**

- a) Signs meeting specifications listed in this Section shall be posted on each repossession agency's main office and branch office.
- b) Each sign must contain the repossession agency's:
  - 1) Full legal name as it appears on the repossession agency's license;
  - 2) Business address;
  - 3) Business phone number; and
  - 4) Hours of operation.
- c) Characters must be at least 3 inches in height and in colors contrasting with the background of the sign.
- d) Signs must be free of any natural or man-made interference and visible both during the day and night.

SUBPART M: REPOSSESSION AGENCY MAIN OFFICE  
AND BRANCH OFFICES WITH SECURED STORAGE FACILITIES**Section 1480.260 Security of Secured Storage Facilities**

- a) Each secured storage facility shall be a secure building or have a perimeter that is secured by a fence with locking gates that make the area not accessible to the public and prevent unauthorized access to repossessed collateral or personal property. All gates shall remain locked at all times but may be temporarily opened to allow for authorized access.

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- b) Only the following individuals shall have access to repossessed collateral and personal property while it is being stored by the repossession agency:
- 1) Persons employed by the repossession agency and agents of the repossession agency;
  - 2) Other persons lawfully entitled to access to repossessed collateral or to the secured storage facility; and
  - 3) Collateral owners or agents of collateral owners while either:
    - A) Accompanied by an employee or agent of the repossession agency; or
    - B) Under electronic surveillance by an employee or agent of the repossession agency.

**Section 1480.270 Ownership**

The licensed repossession agency must own, or have exclusive possession of under a written lease with a term of at least 1 year, a main office and, if applicable, branch offices, with secured storage facilities. At the time of filing an application for registration, the following shall be provided:

- a) If the property is owned, proof of ownership of the property, including but not limited to mortgage documents, tax bill or a deed; or
- b) If the property is leased, a copy of a valid written lease with a term of 1 year.

**Section 1480.280 Identification of Offices and Secured Storage Facilities**

A repossession agency's main office and each branch office with a secured storage facility shall be identified as a property of the repossession agency by one or more signs meeting the specifications of Section 1480.250.

**Section 1480.290 Maintenance of Records**

Records of all repossessed collateral and personal effects or other property not covered by a security agreement in the possession of a repossession agency as a result of a repossession shall

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be kept and maintained at a repossession agency office located on the same premises as the secured storage facility where the collateral or personal effects or other property not covered by a security agreement is stored. Records must be made available for inspection by Commission staff.

**Section 1480.300 Storage of Non-Collateral Property**

Any personal effects or other property not covered by a security agreement in possession of a repossession agency as a result of a repossession shall be stored in a secure manner at a main office or a branch office with a secured storage facility.

**Section 1480.310 Compliance Inspection**

A compliance inspection shall be conducted by Commission staff prior to issuance of a license. The inspection shall include, but not be limited to, a review of:

- a) Physical characteristics of the secured storage facility, including but not limited to the size, location and overall condition of the facility;
- b) Types of repossessed collateral and personal property stored;
- c) Proper storage of repossessed collateral and personal property;
- d) Proper posting of signs;
- e) Method of protection from fire;
- f) Method of protection from theft or burglary;
- g) Method of protection from potential damage to the stored repossessed collateral and personal property by vermin, insects or water;
- h) Proper documentation of the repossessed collateral being stored; and
- i) Proper inventory of personal property removed from repossessed collateral.

## SUBPART N: REMOTE STORAGE LOCATIONS

**Section 1480.320 Registering Remote Storage Locations**

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A repossession agency shall register as part of its initial application for license any remote storage locations. In the event that the agency acquires additional remote storage locations after the filing of an initial application, it shall register any additional storage locations on forms containing the information prescribed by the Commission. Incomplete or incorrect forms shall be refused or rejected by the Commission.

**Section 1480.330 Security of the Remote Storage Locations**

- a) Each remote storage location shall be a secure building or have a perimeter that is secured by a fence with locking gates that make the area not accessible to the public and prevent unauthorized access to repossessed collateral. All gates shall remain locked at all times but may be temporarily opened to allow for authorized access.
- b) Only the following individuals shall have access to repossessed collateral while it is being stored by the repossession agency:
  - 1) Persons employed by the repossession agency and agents of the repossession agency;
  - 2) Other persons lawfully entitled to access to repossessed collateral or to the remote storage location; and
  - 3) Collateral owners or agents of collateral owners while either:
    - A) Accompanied by an employee or agent of the repossession agency;  
or
    - B) Under electronic surveillance by an employee or agent of the repossession agency.

**Section 1480.340 Ownership of the Remote Storage Locations**

The licensed repossession agency must own, or have exclusive possession of under a written lease with a term of at least 1 year, a remote storage location. At the time of filing an application for registration, the following shall be provided:

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- a) If the property is owned, proof of ownership of the property, including but not limited to mortgage documents, tax bill or a deed; or
- b) If the property is leased, a copy of a valid written lease with a term of at least 1 year.

**Section 1480.350 Location and Purpose**

- a) Each remote storage location shall be located in a commercially zoned area physically located in Illinois.
- b) Each remote storage location shall be utilized solely to store repossessed collateral.

**Section 1480.370 Maintenance of Records**

Records of all repossessed collateral located at remote storage locations must be kept and maintained at the nearest branch office or main office and made available for inspection by authorized Commission staff.

**Section 1480.380 Compliance Inspection**

A compliance inspection shall be conducted by the Commission staff prior to issuance of a registration. The inspection shall include, but not be limited to, a review of:

- a) Physical characteristics of the remote storage location, including but not limited to the size, location and overall condition of the remote storage;
- b) Types of repossessed collateral stored;
- c) Proper storage of repossessed collateral;
- d) Proper posting of signs;
- e) Method of protection from fire;
- f) Method of protection from theft or burglary;

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- g) Method of protection from potential damage to the stored repossessed collateral by vermin, insects or water; and
- h) Proper documentation of the repossessed collateral being stored.

## SUBPART O: LEASING

**Section 1480.390 Leasing Requirements**

Licensed repossession agencies may perform repossession with equipment they do not own only in accordance with the provisions of this Subpart.

- a) A lease must be executed on the lease form provided by the Commission. Incomplete or incorrect lease forms shall be refused or rejected by the Commission.
- b) A lease must be between the owner of the equipment (the lessor) and the repossession agency to which the equipment is leased (the lessee). The lease must be signed by each party or its authorized representative.
- c) The original and 2 copies of each completed lease to which this Part applies must be filed, along with the appropriate fee listed in Section 1480.540. Leases shall be filed with the Commission's Transportation Division at the following address:  

Illinois Commerce Commission  
Transportation Division  
527 East Capitol Avenue  
Springfield, Illinois 62701
- d) No operations shall be conducted using equipment to which this Subpart applies until a copy of the completed lease has been filed with the Commission at the address specified in subsection (c).
- e) When the lessee takes or relinquishes possession of the equipment, the repossession agency shall give the owner of the equipment a receipt stating the date and time of day possession is transferred.

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- f) During the period of the lease, the lessee shall identify the equipment by attaching a placard with the identification of the lessee. A copy of the approved executed lease shall be carried in each piece of equipment covered by the lease.
- g) A copy of the completed written lease shall be retained as part of the lessee's records.
- h) The term of the lease shall not exceed 3 years. In the event that a repossession agency wishes to cancel a lease prior to the expiration date, the repossession agency may file a notice of cancellation with the Commission at the address in subsection (c). Otherwise, the lease shall remain in effect until the expiration date stated in the lease or at the end of 3 years, whichever occurs first.
- i) In the event that the license held by the lessee is revoked, the lease shall no longer be valid.
- j) In the event that a transfer of a repossession agency's license occurs:
  - 1) The lease shall remain in effect and shall bind the transferee if the name of the license holder is not changed by the transfer; or
  - 2) The lease shall be void from the date the transfer is granted if the name of the license holder is changed by the transfer, unless the transferee files an amendment to the lease showing the change and showing that it has assumed the obligations of the transferor under the lease.
- k) In the event that the lessee undergoes a name change, the lease shall be void from the date of the name change unless the lessee files on forms containing the information prescribed by the Commission an amendment to the lease showing the changes. Incomplete or incorrect forms shall be refused or rejected by the Commission.
- l) Leased equipment and drivers must be within the exclusive control of the repossession agency when operated under authority of the repossession agency's license.

## SUBPART P: VEHICLE IDENTIFICATION

**Section 1480.400 Vehicle Identification Requirement**

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- a) Each vehicle utilized to perform actual repossession under the authority of a repossession agency's license must have painted or affixed to both sides of the cab or power unit the legal name of the repossession agency and the license number as both appear on the license. Vehicles used solely for the purpose of locating collateral are not required to comply with the identification requirements of this Section.
- b) Letters and other characters used to comply with subsection (a) must be at least 2 inches high and  $\frac{1}{2}$  inch wide. The characters must be in a color contrasting with the background color of the vehicle so as to be distinguishable during daylight at a distance of 50 feet while the vehicle is not in motion.
- c) Letters and other characters for vehicles under 9,000 pounds gross vehicle weight must be at least  $\frac{1}{2}$  inch high and  $\frac{1}{8}$  inch wide. The characters must be in a color contrasting with the background color of the vehicle so as to be distinguishable during daylight at a distance of 25 feet while the vehicle is not in motion.
- d) It is a violation of this Part to display more than one identifier on the power unit of a vehicle.
- e) The license number as it appears on the sides of the vehicle must be preceded by "ILL.C.C."
- f) A licensed repossession agency shall carry in any vehicle utilized under its license a copy of its repossession agency license.

## SUBPART Q: LIABILITY OF REPOSSESSION AGENCY

**Section 1480.410 Responsibility and Liability**

- a) The repossession agency shall be responsible and liable for all operations under the authority of its license and for supervision and control of all equipment and personnel used in its operations.
- b) The repossession agency shall be responsible and liable for all operations under the authority of its license, regardless of whether the equipment is owned or leased by the repossession agency.

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- c) The repossession agency shall be responsible and liable for acts of its personnel under the authority of its license, regardless of the employee or independent contractor classifications.

## SUBPART R: NOTIFICATION TO LAW ENFORCEMENT

**Section 1480.415 Notification Prior to Repossession**

- a) *Prior to a repossession, the licensed repossession agency or repossession agency employee shall notify the appropriate law enforcement agency located in the jurisdiction in which the licensed repossession agency or repossession agency employee plans to perform the repossession. [225 ILCS 422/105]*
- b) The following information shall be provided as part of the notification:
- 1) Name of the repossession agency;
  - 2) License number of the repossession agency;
  - 3) Color, make, model, vehicle identification number (VIN) if applicable, serial number if applicable, and a general description of collateral to be repossessed.

**Section 1480.416 Notification Following Repossession**

- a) *Within 30 minutes after the completion of the repossession, the licensed repossession agency or repossession agency employee must notify the appropriate law enforcement agency that the repossession has occurred within its jurisdiction. [225 ILCS 422/105]*
- b) The following information shall be provided as part of the notification:
- 1) Name of the repossession agency;
  - 2) License number of the repossession agency;
  - 3) Color, make, model, vehicle identification number (VIN) if applicable, serial number if applicable, and a general description of collateral repossessed;

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- 4) Date and time the repossession was completed.

**Section 1480.417 Record of Notifications**

- a) Repossession agencies must maintain records documenting the notifications made.
- b) The records shall include:
  - 1) Date and time of each notification;
  - 2) Law enforcement agency notified;
  - 3) All of the information required to be provided pursuant to Sections 1480.15 and 1480.16.

## SUBPART S: ENFORCEMENT

**Section 1480.420 Enforcement of the Act**

The enforcement provisions in Section 80 of the Act shall govern the enforcement of the Act and this Part. Provisions of Section 18c-1704(4) and Section 18c-1705 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1704(4) and 18c-1705] shall likewise govern the enforcement of the Act.

**Section 1480.430 Enforcement Proceedings and Imposition of Sanctions**

When the Commission has reason to believe a person has committed a violation of the Act or this Part, it may conduct an operating practices proceeding to impose sanctions including, but not limited to, the suspension or revocation of the respondent's license, the assessment of civil penalties, or a combination of sanctions. In deciding whether to conduct an operating practices proceeding, the Commission will consider, among other factors, the severity of the offense, the probability of guilt, and possible effects of sudden suspension or revocation of the repossession agency's customers.

**Section 1480.440 Informal Settlement in Lieu of Formal Proceeding**

Prior to the institution of formal enforcement proceedings by the Commission staff before the

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Commission, a respondent shall be given the opportunity to settle, at an informal staff level, any controversy regarding the respondent's alleged illegal activity under the Act or this Part.

- a) The Notice of Alleged Violation and Opportunity to Settle (NAVOS) setting forth the alleged violations of the Act or this Part shall be served on the respondent and shall specify the procedure for the respondent to exercise his or her option to settle. Included will be instructions to telephone or write to the specific Commission staff member assigned to the case to request and schedule a settlement conference if the respondent chooses to exercise the settlement option. The respondent shall have 20 days from the date of service to exercise his or her option to settle.
- b) Monetary settlements specified in the NAVOS shall be based upon the minimum \$100 and maximum amounts set forth in Section 80 of the Act [225 ILCS 422/80].
- c) An amount less than the minimum established in the NAVOS may be agreed upon between the staff of the Commission and the respondent during informal settlement discussions. This lesser amount shall be incorporated in a stipulated settlement agreement presented to the Commission for approval or rejection pursuant to the provisions of Section 18c-1705 of the Illinois Commercial Transportation Law.
- d) Settlement amounts shall be determined upon consideration of the respondent's past compliance history, cooperation with authorities in the resolution of the dispute, willingness to comply with the Act and this Part, the type of violation, the amount of revenue realized from the unlawful activities, and the number of violations.
- e) If a settlement agreement is not reached, the matter will be set for hearing pursuant to the Commission's Rules of Practice (83 Ill. Adm. Code 200) before an Administrative Law Judge.
- f) The respondent's right to a hearing and his or her position at hearing will not be prejudiced in any way if settlement is not reached.

**Section 1480.450 Initiation of Operating Practices Proceeding**

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- a) An operating practices proceeding shall be initiated by Commission staff through the issuance of a Complaint that shall set forth the alleged violations of the Act. The Complaint shall be served on the respondent by certified mail, return receipt requested, at the last address known to the Commission, or by personal service if the respondent is not licensed by the Commission and service by mail cannot be accomplished.
- b) The respondent shall have 20 days from the date of service of the Complaint to file a responsive pleading with the Commission. Failure to respond within the specified time shall result in the matter being set for hearing. Notice of the time, date and place for the hearing shall be mailed to the respondent.
- c) All matters set for hearing as a result of this Section shall be conducted in accordance with the Commission's Rules of Practice (83 Ill. Adm. Code 200).

**Section 1480.460 Failure to Appear at Hearing**

Respondent's failure to appear at the hearing set for the alleged violations in issue shall constitute a waiver of respondent's right to appear to contest the alleged violations. The Administrative Law Judge shall find a respondent that fails to appear at hearing in default.

**Section 1480.470 Service of Order**

Service of orders shall be made by certified mail, return receipt requested.

**Section 1480.480 Standards for the Assessment of Civil Penalties**

- a) In determining whether to assess civil penalties, the Commission shall consider the following factors:
  - 1) The lack of mitigating circumstances, including:
    - A) Whether the violation's occurrence was attributable to causes beyond the respondent's control, rather than to respondent's fault or intent; and
    - B) Whether the violation's occurrence was attributable to action by the Commission that precluded compliance;

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- 2) The lack of good faith or intent, including:
    - A) The past compliance history of the respondent; and
    - B) Whether a violation is the result of willful conduct or comes about through mistake, inadvertence or negligence;
  - 3) The financial ability of the respondent to pay the penalties assessed;
  - 4) The degree to which the violative conduct was harmful to the public; and
  - 5) The financial benefit accruing to the respondent as a result of its illegal activities.
- b) The Commission's consideration shall be limited to only those violations for which evidence exists. It shall be the burden of the respondent to establish a compelling reason why the civil penalty should be mitigated.

**Section 1480.490 Payment of Civil Penalties**

Whenever the Commission assesses a civil penalty under this Part:

- a) Payment of the civil penalty shall be made by certified or cashier's check, money order, or in installments by the foregoing means after execution of a promissory note containing an agreement for judgment;
- b) All remittances shall be made payable to the Illinois Commerce Commission/TRF and sent to:

Illinois Commerce Commission  
Transportation Division  
527 East Capitol Avenue  
Springfield, Illinois 62701

## SUBPART T: PROBATION

**Section 1480.500 Standards**

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In deciding whether to place a license or permit holder on probation, the Commission shall consider the following factors:

- a) Lack of good faith or intent, including:
  - 1) Past compliance history of the license or permit holder; and
  - 2) Whether a violation is the result of willful conduct or comes about through mistake, inadvertence or negligence;
- b) Degree to which the violative conduct was harmful to the public;
- c) Financial benefit accruing to the respondent as a result of its illegal activities;
- d) Mitigating circumstances, including:
  - 1) Whether the violation's occurrence was attributable to causes beyond the respondent's control rather than to respondent's fault or intent; and
  - 2) Whether the violation's occurrence was attributable to action by the Commission that precluded compliance;
- e) Whether probation would deprecate the seriousness of the license or permit holder's conduct; and
- f) Any other factors the Commission deems appropriate

**Section 1480.510 Time and Conditions of Probation**

When a license or permit holder is placed on probation, the Commission shall impose a period and shall specify the conditions of probation. Conditions of probation shall be that the license or permit holder:

- a) Not violate any criminal statute of any jurisdiction;
- b) Not violate the Act or this Part;
- c) If in violation of the Act or this Part, comply with the Act or this Part and cease and desist from further or any future violations of the Act or this Part;

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- d) If engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, cease and desist from that conduct in the future;
- e) If convicted of any crime under the laws of the United States or any U.S. state or territory that is a felony, misdemeanor with an essential element of dishonesty, or crime that is related to the practice of the profession, comply with all the terms of the sentence, probation, conditional discharge, etc.;
- f) If in violation of any court order regarding payment of child support or noncompliance with certain processes relating to paternity or support proceedings, comply with the court order or the certain processes and cease and desist from further or future violations of the court order;
- g) If practicing or attempting to practice under a name other than the full name shown on the license or recovery permit or any other legally authorized name, cease and desist from further or future such practices and comply with all the applicable laws and regulations;
- h) If soliciting professional services by using false or misleading advertising, cease and desist from further or future false or misleading advertising and comply with all the applicable laws and regulations;
- i) The Commission may, in addition, impose other reasonable conditions relating to the nature of the offense or the rehabilitation of the license or recovery permit holder.

**Section 1480.520 Termination of Probation**

- a) The Commission may terminate probation upon violation of a condition of probation or if warranted by the conduct of the license or permit holder. The Commission shall conduct a hearing of the alleged violation or conduct and shall notify the license or permit holder of the date, time and place of termination of the probation hearing.
- b) The Commission may, after termination of probation, refuse to issue or renew or may revoke any license or recovery permit or may suspend, fine or take any disciplinary action that the Commission may deem proper.

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## SUBPART U: ADMINISTRATIVE CITATIONS

**Section 1480.530 Administrative Citations**

- a) Violations of the Act and this Part shall be enforceable by administrative citations under this Subpart or as otherwise provided by in the Act or this Part.
- b) Upon issuance of an administrative citation for a violation of the Act or this Part, Commission staff shall serve, on the date of the violation or anytime thereafter, the administrative citation upon the person or entity or the person's or entity's authorized agent for service of process and shall include, at minimum, the following information:
  - 1) Contact information of the alleged violator;
  - 2) Location, time and date of the offense cited;
  - 3) Statement specifying the provision of which the person was in violation;
  - 4) Monetary penalty;
  - 5) Signature of the Enforcement Officer or Investigator issuing the citation;
  - 6) Signature of the person receiving the citation; and
  - 7) Instructions for settling the citation or appearing at hearing.
- c) Any person served with an administrative citation shall have 30 days from the date of service of the administrative citation to settle the matter for the minimum monetary penalty indicated for the offense cited on the administrative citation.
- d) If a person served an administrative citation does not settle within 30 days from the service date of the administrative citation, the administrative citation shall constitute a complaint for civil penalties and this matter shall be set for a formal oral hearing before an Administrative Law Judge at a date, time and location to be specified by the Commission.

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- e) Respondent's failure to appear at the hearing set for the alleged violations at issue, shall constitute a waiver of respondent's right to appear to contest the alleged violations. The Administrative Law Judge shall rule on the alleged violations without further process.
- f) Any party of record to the administrative citation hearing seeking appeal of the Administrative Law Judge's ruling shall file a motion to reopen and reconsider.
  - 1) The motion must be filed via United States mail at the following address:

Illinois Commerce Commission  
Processing Department  
527 East Capitol Avenue  
Springfield, Illinois 62701
  - 2) The motion must set forth:
    - A) Specific grounds and reasons for the motion;
    - B) Specific issues for which the motion is sought;
    - C) Brief statement of proposed additional evidence, if any, and an explanation why the evidence was not previously adduced; and
    - D) Relief sought.
  - 3) A motion alleging new facts shall be verified.
  - 4) The Administrative Law Judge shall grant or deny the motion, in whole or in part. If Administrative Law Judge grants the motion in whole or in part, the matter shall be set for hearing at a time and date specified by the Commission.
- g) Any party of record to the administrative citation hearing seeking appeal of the Administrative Law Judge's ruling on a motion to reopen and reconsider shall file a motion for rehearing pursuant to Section 160 of the Act, which shall constitute a final remedy in administrative citation matters before the Commission.
  - 1) The motion must set forth:

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- A) Specific grounds and reasons for the motion;
  - B) Specific issues for which rehearing is sought;
  - C) Brief statement of proposed additional evidence, if any, and an explanation why the evidence was not previously adduced; and
  - D) Relief sought.
- 2) A motion alleging new facts shall be verified.
  - 3) The Commission shall grant or deny the motion, in whole or in part.

## SUBPART V: FEES

**Section 1480.540 Fees**

The following fees shall apply:

a)	Form to register a remote storage facility	\$300
b)	Replacement of a license or permit	\$25
c)	Revision of a license or permit	\$25
d)	Insufficient funds	\$25
e)	Equipment Lease Form	\$15
f)	Application to transfer a repossession agency license	\$825
g)	Application for a license	
1)	Class "R" (recovery agency)	\$825
2)	Class "RR" (branch office)	\$425
3)	Class "MR" (recovery agency manager)	\$325
h)	Application for a recovery permit	
1)	Class "E" (employee)	\$75

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2)	Class "EE" (recovery agent intern)	\$75
i)	Application to renew a recovery permit	
1)	Class "E" (employee)	\$75
2)	Class "EE" (recovery agent intern)	\$75
j)	Application to renew a license	
1)	Class "R" (recovery agency)	\$825
2)	Class "RR" (branch office)	\$425
3)	Class "MR" (recovery agency manager)	\$325
k)	Application to reinstate a revoked recovery permit	
1)	Class "E" (employee)	\$75
2)	Class "EE" (recovery agent intern)	\$75
l)	Application to reinstate a revoked license	
1)	Class "R" (recovery agency)	\$825
2)	Class "RR" (branch office)	\$425
3)	Class "MR" (recovery agency manager)	\$325
m)	Application to reinstate a suspended repossession agency's license	
1)	Class "R" (recovery agency)	\$200
2)	Class "RR" (branch office)	\$100
n)	Application to restore an expired recovery permit	
1)	Class "E" (employee)	\$25
2)	Class "EE" (recovery agent intern)	\$25
o)	Application to restore an expired license	
1)	Class "R" (recovery agency)	\$200
2)	Class "RR" (branch office)	\$100

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3)	Class "MR" (recovery agency manager)	\$50
p)	Application to resume active status of recovery permit	
1)	Class "E" (employee)	\$75
2)	Class "EE" (recovery agent intern)	\$75
q)	Application to resume active status of a license	
1)	Class "R" (recovery agency)	\$825
2)	Class "RR" (branch office)	\$425
3)	Class "MR" (recovery agency manager)	\$325
r)	Application for approval of recovery manager certification program	\$250
s)	Application for approval of repossession agency employee certification program	\$250
t)	Criminal history records check	the actual cost of conducting the records check incurred by the Commission

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- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1.420	Amendment
1.APPENDIX D	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Amendments: May 21, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? Yes; see Section 1.420(s).
- 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: October 28, 2011; 35 Ill. Reg. 17338
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 1.420(h)(3), the implementation dates have been delayed for the administration of the Illinois Kindergarten Individual Development Survey (KIDS) (i.e., until 2015-16) and for the pilot testing and limited statewide implementation (i.e., until 2014-15). Additionally, the penalty for school districts' refusal to participate in the pilot testing or limited statewide implementation has been removed.  
  
Due to an intervening rulemaking (36 Ill. Reg. 5580; April 6, 2012), changes have been made in Sections 1.420(f)(3)(C), 1.420(f)(5)(D), 1.420(k), 1.420(s) and 1.420(t).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No

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- 15) Summary and Purpose of Amendments: This rulemaking resulted from the State Board of Education's application for funding under the American Recovery and Reinvestment Act of 2009 (ARRA) for a Race to the Top-Early Learning Challenge (RTT-ELC) grant to design and implement early learning and development systems that are comprehensive in scope and coordinated among the various state agencies charged with administering the programs. As set forth in RTT-ELC, the goals of the federal grant program were to increase the number and percentage of low-income and disadvantaged children enrolled in high-quality early learning programs; design and implement an integrated system of high-quality early learning programs and services; and ensure the use of certain nationally recommended assessments.

As a support to the RTT-ELC application, the State Board in October considered a rulemaking to require school districts to administer a kindergarten readiness survey, starting in school year 2014-15. Funding from the federal grant was for the design and implementation of a survey that would be used to gauge a student's progress during the school year. Unfortunately, Illinois was not successful in its effort to win a RTT-ELC grant.

The lack of federal funding now available for the Illinois Kindergarten Individual Development Survey, or KIDS, initiative has resulted in staff's recommendation that the implementation date for school districts to begin administering the kindergarten survey be delayed until the 2015-16 school year, provided that State funding is available to pay the cost of the survey's administration. It is anticipated that the limited statewide implementation of the KIDS be conducted during two school years – 2013-14 and 2014-15 – rather than one, and the proposed rule is being modified to note the second year.

Additionally, the agency removed a requirement for school districts to participate either in a pilot of the survey or a limited statewide implementation. This change aligns with a modification to 23 Ill. Adm. Code 235 (Early Childhood Block Grant), effective April 18, 2012.

Finally, the amendments also acknowledge that the Illinois Learning Standards, set forth in Section 1.Appendix D (State Goals for Learning) of the rules, apply to kindergarten. This Section lists the goals and standards for all students, including the common core standards that are for kindergarten through grade 12 in English language arts and math. The remaining State-developed goals and standards are the same for kindergarten as they are for other grade levels, with the benchmarks (which are not stated in the rules) specific to the kindergarten level.

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

Cindy Zumwalt, Division Administrator  
Division of Early Childhood  
Illinois State Board of Education  
100 N. First Street, E-225  
Springfield, Illinois 62777

217/524-4835

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

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## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

## PART 1

## PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

## SUBPART A: RECOGNITION REQUIREMENTS

## Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 State Assessment
- 1.40 Adequate Yearly Progress
- 1.50 Calculation of Participation Rate
- 1.60 Subgroups of Students; Inclusion of Relevant Scores
- 1.70 Additional Indicators for Adequate Yearly Progress
- 1.75 Student Information System
- 1.77 Educator Certification System
- 1.80 Academic Early Warning and Watch Status
- 1.85 School and District Improvement Plans; Restructuring Plans
- 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency Under Title III
- 1.90 System of Rewards and Recognition – The Illinois Honor Roll
- 1.95 Appeals Procedure
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates
- 1.110 Appeal Process Under Section 22-60 of the School Code

## SUBPART B: SCHOOL GOVERNANCE

## Section

- 1.210 Approval of Providers of Training for School Board Members
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students
- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
- 1.245 Waiver of School Fees

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- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
- 1.270 Book and Material Selection (Repealed)
- 1.280 Discipline
- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

## SUBPART C: SCHOOL DISTRICT ADMINISTRATION

## Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Certified Staff in Contractual Continued Service
- 1.330 Hazardous Materials Training

## SUBPART D: THE INSTRUCTIONAL PROGRAM

## Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.445 Required Course Substitute
- 1.450 Special Programs (Repealed)
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
- 1.465 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

## SUBPART E: SUPPORT SERVICES

## Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 School Food Services (Repealed)
- 1.530 Health Services
- 1.540 Pupil Personnel Services (Repealed)

## SUBPART F: STAFF CERTIFICATION REQUIREMENTS

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## Section

- 1.610 Personnel Required to be Qualified
- 1.620 Accreditation of Staff (Repealed)
- 1.630 Noncertificated Personnel
- 1.640 Requirements for Different Certificates (Repealed)
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

## SUBPART G: STAFF QUALIFICATIONS

## Section

- 1.705 Requirements for Supervisory and Administrative Staff
  - 1.710 Requirements for Elementary Teachers
  - 1.720 Requirements for Teachers of Middle Grades
  - 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004
  - 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
  - 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
  - 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
  - 1.740 Standards for Reading through June 30, 2004
  - 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
  - 1.750 Standards for Media Services through June 30, 2004
  - 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
  - 1.760 Standards for Pupil Personnel Services
  - 1.762 Supervision of Speech-Language Pathology Assistants
  - 1.770 Standards for Special Education Personnel
  - 1.780 Standards for Teachers in Bilingual Education Programs
  - 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
  - 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
  - 1.783 Requirements for Administrators of Bilingual Education Programs
  - 1.790 Substitute Teacher
- 
- 1.APPENDIX A Professional Staff Certification
  - 1.APPENDIX B Certification Quick Reference Chart (Repealed)

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- 1.APPENDIX C Glossary of Terms (Repealed)  
1.APPENDIX D State Goals for Learning  
1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)  
1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)  
1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 27-23.8 and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448,

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effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012.

## SUBPART D: THE INSTRUCTIONAL PROGRAM

**Section 1.420 Basic Standards**

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, on line, or from other external sources, that can be disseminated to other schools within the State.
- c) Every school district shall:
  - 1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.
  - 2) Include in its instructional program concepts designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.
- d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.
- e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.

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- f) Sections 10-19, 18-8.05, 18-12, and 18-12.5 of the School Code [105 ILCS 5/10-19, 18-8.05, 18-12, and 18-12.5] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.
- 1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that, due to a condition beyond the control of the district, the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that, due to a condition beyond the control of the district, its facilities are inadequate to house a program offering five clock-hours daily to all students.
- A) The district superintendent's request to the State Superintendent shall be accompanied by an assurance that the local school board has approved the plan for multiple sessions, including the date of the meeting at which this occurred, and evidence of the approval of the responsible regional superintendent.
- B) Each request shall include a description of the circumstances that resulted in the need for multiple sessions; information on the buildings and grades affected; the intended beginning and ending dates for the multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.
- C) Approval for multiple sessions shall be granted for the school year to which the request pertains. Each request for renewed approval shall conform to the requirements of subsections (f)(1)(A) and (B) of this Section.
- D) Students who are in attendance for at least 150 minutes of school work but fewer than 240 minutes may be counted for a half day of attendance. Students in attendance for fewer than 150 minutes of school work shall not be counted for purposes of calculating

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average daily attendance.

- 2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count such students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.
- 3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.
  - A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
  - B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
  - C) All teachers hold certificates that are registered with the Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject areas of instruction is held by all teachers.
- 4) Sections 18-12 and 18-12.5 of the School Code set forth requirements for a school district to claim General State Aid in certain circumstances when one or more, but not all, of the district's school buildings are closed either for a full or partial day. A school district shall certify the reasons for the closure in an electronic format specified by the State Superintendent within 30 days from the date of the incident. In addition, the certification submitted for reasons of a public health emergency under Section 18-12.5 of the School Code shall be accompanied by a signed statement from the local health department to the State Superintendent that includes:
  - A) the name of the building that is being recommended for closure;

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- B) the specific public health emergency that warrants the closure; and
  - C) the anticipated building closure dates recommended by the health department.
- 5) Attendance for General State Aid Purposes
- A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance. Students in attendance for fewer than two hours of school work shall not be counted for purposes of calculating average daily attendance.
  - B) For purposes of determining average daily attendance on the district's General State Aid claim, students enrolled full time in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance. Students in attendance for fewer than two and one-half hours of school work shall not be counted for purposes of calculating average daily attendance.
  - C) For purposes of determining average daily attendance for General State Aid received under Sections 18-12 and 18-12.5 of the School Code, "immediately preceding school day" shall include school days in the previous school year in instances in which the building closure occurs before three or more days of instruction have been provided in the school year for which attendance is being counted.
  - D) For the purposes of determining average daily attendance for General State Aid under Section 10-29 of the School Code [105 ILCS 5/10-29], a school district operating a remote educational program shall document the clock hours of instruction for each

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student, and make available to the State Superintendent of Education or his or her designee upon request, a written or online record of instructional time for each student enrolled in the program that provides sufficient evidence of the student's active participation in the program (e.g., log in and log off process, electronic monitoring, adult supervision, two-way interaction between teacher and student, video cam). "Clock hours of instruction" shall be calculated in accordance with Section 18-8.05(F)(2)(j) of the School Code [105 ILCS 5/18-8.05(F)(2)(j)].

- g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code (see Section 10-19 of the School Code).
- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (see Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).
  - 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
  - 2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, those students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.
    - A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
    - B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the

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district regardless of the amount of time they attend school.

- C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.

3) Each school district offering a kindergarten program, whether full-day or half-day, shall administer the Illinois Kindergarten Individual Development Survey (KIDS) annually, beginning in the 2015-16 school year. A school district is not obligated to administer KIDS in any school year in which the State does not provide funding sufficient for the cost of the test administration and establishment of a professional development system for teachers and administrators.

A) A school district may be asked to participate in a pilot of the KIDS in the 2012-13 school year or a limited statewide implementation in the 2013-14 school year and/or the 2014-15 school year, provided that the cost of participating in the pilot is paid by the State. Selection of school districts will be made to ensure a representative sample and will be based upon factors such as demographics, economics and geographic location. The State Superintendent of Education shall notify each school district selected to participate in the pilot no later than July 1, 2012, and not later than July 1, 2013 or July 1, 2014, respectively, for the limited statewide implementation.

B) Within 15 calendar days after receiving the notification required under subsection (h)(3)(A) of this Section, a school district may petition the State Superintendent to be excused from participating in the pilot or limited statewide implementation. The written petition shall state the reasons why the school district believes it lacks the capacity to administer the KIDS. The State Superintendent shall notify the school district of his or her acceptance or rejection of the petition no later than 15 days after it is received.

i) Career Education

1) The educational system shall provide students with opportunities to

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prepare themselves for entry into the world of work.

- 2) Every district shall initiate a Career Awareness and Exploration Program that should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.

j) Co-Curricular Activities

- 1) Programs for extra classroom activities shall provide opportunities for all students.
- 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.

k) Consumer Education and Protection

- 1) A program in consumer education shall include at least the topics required by Section 27-12.1 of the School Code [105 ILCS 5/27-12.1].
- 2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education prior to the completion of grade 12. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.
- 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.
- 4) Teachers instructing in consumer education courses shall hold certification valid for the grade levels taught and have completed at least three semester hours in consumer education courses.

l) Conservation of Natural Resources

Each district shall provide instruction on *current problems and needs in the*

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*conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals* (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).

- m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.
- n) Health Education
  - 1) Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].
    - A) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.
    - B) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.
    - C) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.
    - D) If health education is offered in conjunction with another course on a "block of time" basis in a middle school, a junior high school, or a high school, instruction may be offered in any combination of the grade levels in the school, provided that the total time devoted to health education is the equivalent of one full semester's work.
  - 2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of the School Code [105 ILCS 5/27-9.1 and 27-9.2].
- o) Library Media Programs  
Each school district shall provide a program of library media services for the

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students in each of its schools. Each district's program shall meet the requirements of this subsection (o).

- 1) **General**

The program shall include an organized collection of resources that circulate to students and staff in order to supplement classroom instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served. No later than the beginning of the 2014-15 school year, a district that relies solely upon the collection of a local public library shall maintain evidence that students receive instruction, direction, or assistance in locating and using resources that are applicable to these purposes from an individual who is qualified under Section 1.755 of this Part and who is acting on behalf of the school district.
- 2) **Financial Resources**

Each district's annual budget shall include an identifiable allocation for resources and supplies for the program, except that a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students may demonstrate that it is meeting its students' needs through alternate means that the district has determined are adequate in light of local circumstances.
- 3) **Facilities**

If there is no single location within a particular attendance center that is specifically devoted to a library media center, such as where classroom collections have been established instead, the district shall ensure that equitable access to library media resources is made available to students in all the grade levels served. If students' only access to library media resources is achieved by visiting a location outside their attendance center, the district shall maintain records demonstrating that all students' regular schedules include time for this purpose.
- 4) **Staff**

Nothing in this subsection (o)(4) shall be construed as prohibiting districts or schools from sharing the services of individuals qualified under Section 1.755 of this Part, and nothing in this subsection (o) shall be construed as permitting an individual who is not qualified as a library information specialist to assume that role. No later than the beginning of the 2009-10

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school year, each district shall assign responsibility for overall direction of its program of library media services to an employee who holds an elementary, a secondary, a special K-12, a special preschool-age 21, an early childhood, or an administrative certificate. Except as otherwise provided in subsection (o)(4)(A) of this Section, the individual to whom this responsibility is assigned shall meet the requirements of Section 1.755 of this Part, and the individual to whom this responsibility is assigned shall not provide the services described in Section 1.755 of this Part unless he or she meets the requirements of that Section.

- A) In the event that no employee of the district holds any of the qualifications enumerated in Section 1.755 of this Part, the individual to whom direction of the program is assigned shall be required to participate annually in professional development consisting of:
- i) undergraduate or graduate coursework in library science offered by a regionally accredited institution of higher education; or
  - ii) one or more workshops, seminars, conferences, institutes, symposia, or other similar training events that are offered by the Illinois State Library, a regional library system, or another professional librarians' organization; or
  - iii) one or more "library academies" if these are made available by or at the direction of the State Superintendent of Education.
- B) A district that is otherwise unable to fulfill the requirements of this subsection (o)(4) shall ensure that the overall direction of the library media program (e.g., selection and organization of materials, provision of instruction in information and technology literacy, structuring the work of library paraprofessionals) is accomplished with the advice of an individual who is qualified pursuant to Section 1.755 of this Part.

- p) Physical Education

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- 1) Appropriate activity related to physical education shall be required of all students each day unless otherwise permitted by Section 27-6 of the School Code [105 ILCS 5/27-6]. The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.
- 2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
- 3) If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
- 4) *The physical education and training course offered in grades 5 through 10 may include health education (Section 27-5 of the School Code [105 ILCS 5/27-5]).*
- 5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act [225 ILCS 60], prevents their participation in the courses provided for normal children (Section 27-6 of the School Code).*
- 6) Pursuant to Section 27-6 of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 shall be excused from participation in physical education. Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem "appropriate" for this purpose, which shall include, but need not be limited to, reliance upon religious prohibitions. A board shall, however, have no authority to honor parental excuses based upon students' participation in athletic training, activities, or competitions conducted outside the auspices of the school district. For each type of excuse that will be considered "appropriate", the school board shall identify in its policy any evidence or support it will require. For example, a board may

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require a signed statement from a member of the clergy corroborating the religious basis of a request.

- 7) In addition, pursuant to Section 27-6(b) of the School Code, each school board that chooses to excuse pupils enrolled in grades 9 through 12 from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have the policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.
- q) Pupil Personnel Services  
To assure provision of Pupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:
- 1) Guidance and Counseling Needs;
  - 2) Psychological Needs;
  - 3) Social Work Needs;
  - 4) Health Needs.
- r) Social Sciences and History  
Each school system shall provide history and social sciences courses that do the following:
- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (see Section 27-21 of the School Code [105 ILCS 5/27-21]);
  - 2) *include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State* (Section 27-21 of the School Code);

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- 3) *include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system* (Section 27-21 of the School Code);
  - 4) *include the study of that period in world history known as the Holocaust* (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
  - 5) *include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles* (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]);
  - 6) *include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment* (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]); and
  - 7) *include the study of the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression* (Section 27-21 of the School Code).
- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. ~~TheSuch~~ eye protective devices shall meet the nationally accepted standards set forth in "American National Standard Practice for Occupational and Educational Personal Eye and Face Protection Devices", ANSI Z87.1-2010, issued by the American National Standards Institute, Inc., 1899 L Street, NW, 11<sup>th</sup> Floor, Washington, D.C. 20036. No later additions or amendments to these standards are incorporated by this Part.
- t) Each school district shall provide instruction as required by Sections 27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4 and 27-23.8 of the School Code [105 ILCS 5/27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4 and 27-23.8].

(Source: Amended at 36 Ill. Reg. 8303, effective May 21, 2012)

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**Section 1. APPENDIX D State Goals for Learning**

The State Goals for Learning are broad statements of what students in kindergarten through grade 12 should know and be able to do as a result of their public education. The Illinois Learning Standards provide more specific definition of the essential knowledge and skills desired of Illinois students. The State Assessmentstate-assessment and the Illinois Kindergarten Individual Development Survey areis designed to measure students' mastery of the Illinois Learning Standards, so that a clear connection will emerge between students' learning and the goals and standards of the State of Illinois.

ENGLISH LANGUAGE ARTS AND LITERACY IN HISTORY/SOCIAL STUDIES,  
SCIENCE, AND TECHNICAL SUBJECTS

There are no State Goals for Learning in this area. The applicable standards shall be the "Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects" (2010) published by the Common Core State Standards Initiative and posted at <http://www.corestandards.org/the-standards/english-language-arts-standards>. No later amendments to or editions of these standards are incorporated by this Section.

## MATHEMATICS

There are no State Goals for Learning in this area. The applicable standards shall be the "Common Core State Standards for Mathematics" (2010) published by the Common Core State Standards Initiative and posted at <http://www.corestandards.org/the-standards/mathematics>. No later amendments to or editions of these standards are incorporated by this Section.

## SCIENCE

State Goal 11: Understand the processes of scientific inquiry and technological design to investigate questions, conduct experiments and solve problems.

## Standards:

Know and apply the concepts, principles and processes of scientific inquiry.

Know and apply the concepts, principles and processes of technological design.

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State Goal 12: Understand the fundamental concepts, principles and interconnections of the life, physical and earth/space sciences.

## Standards:

Know and apply concepts that explain how living things function, adapt and change.

Know and apply concepts that describe how living things interact with each other and with their environment.

Know and apply concepts that describe properties of matter and energy and the interactions between them.

Know and apply concepts that describe force and motion and the principles that explain them.

Know and apply concepts that describe the features and processes of the Earth and its resources.

Know and apply concepts that explain the composition and structure of the universe and Earth's place in it.

State Goal 13: Understand the relationships among science, technology and society in historical and contemporary contexts.

## Standards:

Know and apply the accepted practices of science.

Know and apply concepts that describe the interaction between science, technology and society.

## SOCIAL SCIENCE

State Goal 14: Understand political systems, with an emphasis on the United States.

## Standards:

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Understand and explain basic principles of the United States government.

Understand the structures and functions of the political systems of Illinois, the United States and other nations. (NOTE: Not applicable to kindergarten.)

Understand election processes and responsibilities of citizens.

Understand the roles and influences of individuals and interest groups in the political systems of Illinois, the United States and other nations.

Understand United States foreign policy as it relates to other nations and international issues. (NOTE: Not applicable to kindergarten.)

Understand the development of United States political ideas and traditions. (NOTE: Not applicable to kindergarten.)

State Goal 15: Understand economic systems, with an emphasis on the United States.

## Standards:

Understand how different economic systems operate in the exchange, production, distribution and consumption of goods and services.

Understand that scarcity necessitates choices by consumers.

Understand that scarcity necessitates choices by producers. (NOTE: Not applicable to kindergarten.)

Understand trade as an exchange of goods or services.

Understand the impact of government policies and decisions on production and consumption in the economy. (NOTE: Not applicable to kindergarten.)

State Goal 16: Understand events, trends, individuals and movements shaping the history of Illinois, the United States and other nations.

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## Standards:

Apply the skills of historical analysis and interpretation.

Understand the development of significant political events.

Understand the development of economic systems. (NOTE: Not applicable to kindergarten.)

Understand Illinois, United States and world social history. (NOTE: Not applicable to kindergarten.)

Understand Illinois, United States and world environmental history. (NOTE: Not applicable to kindergarten.)

State Goal 17: Understand world geography and the effects of geography on society, with an emphasis on the United States.

## Standards:

Locate, describe and explain places, regions and features on the Earth.

Analyze and explain characteristics and interactions of the Earth's physical systems. (NOTE: Not applicable to kindergarten.)

Understand relationships between geographic factors and society.

Understand the historical significance of geography.

State Goal 18: Understand social systems, with an emphasis on the United States.

## Standards:

Compare characteristics of culture as reflected in language, literature, the arts, traditions and institutions.

Understand the roles and interactions of individuals and groups in society.

Understand how social systems form and develop over time. (NOTE: Not

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applicable to kindergarten.)

## PHYSICAL DEVELOPMENT AND HEALTH

State Goal 19: Acquire movement skills and understand concepts needed to engage in health-enhancing physical activity.

## Standards:

Demonstrate physical competency in individual and team sports, creative movement and leisure and work-related activities.

Analyze various movement concepts and applications.

Demonstrate knowledge of rules, safety and strategies during physical activity.

State Goal 20: Achieve and maintain a health-enhancing level of physical fitness based upon continual self-assessment.

## Standards:

Know and apply the principles and components of health-related fitness.

Assess individual fitness levels.

Set goals based on fitness data and develop, implement and monitor an individual fitness improvement plan.

State Goal 21: Develop team-building skills by working with others through physical activity.

## Standards:

Demonstrate individual responsibility during group physical activities.

Demonstrate cooperative skills during structured group physical activity.

State Goal 22: Understand principles of health promotion and the prevention and treatment of illness and injury.

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## Standards:

Explain the basic principles of health promotion, illness prevention and safety.

Describe and explain the factors that influence health among individuals, groups and communities.

Explain how the environment can affect health.

State Goal 23: Understand human body systems and factors that influence growth and development.

## Standards:

Describe and explain the structure and functions of the human body systems and how they interrelate.

Explain the effects of health-related actions on the body systems.

Describe factors that affect growth and development.

State Goal 24: Promote and enhance health and well-being through the use of effective communication and decision-making skills.

## Standards:

Demonstrate procedures for communicating in positive ways, resolving differences and preventing conflict.

Apply decision-making skills related to the protection and promotion of individual health.

Demonstrate skills essential to enhancing health and avoiding dangerous situations.

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State Goal 25: Know the language of the arts.

Standards:

Understand the sensory elements, organizational principles and expressive qualities of the arts.

Understand the similarities, distinctions and connections in and among the arts.

State Goal 26: Through creating and performing, understand how works of art are produced.

Standards:

Understand processes, traditional tools and modern technologies used in the arts.

Apply skills and knowledge necessary to create and perform in one or more of the arts.

State Goal 27: Understand the role of the arts in civilizations, past and present.

Standards:

Analyze how the arts function in history, society and everyday life.  
(NOTE: Not applicable to kindergarten.)

Understand how the arts shape and reflect history, society and everyday life.  
(NOTE: Not applicable to kindergarten.)

(Source: Amended at 36 Ill. Reg. 8303, effective May 21, 2012)

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- 1) Heading of the Part: Evaluation of Certified Employees Under Articles 24A And 34 of the School Code
- 2) Code Citation: 23 Ill. Adm. Code 50
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
50.10	New Section
50.20	New Section
50.30	New Section
50.100	New Section
50.110	New Section
50.120	New Section
50.130	New Section
50.200	New Section
50.300	New Section
50.310	New Section
50.320	New Section
50.330	New Section
50.400	New Section
50.410	New Section
50.420	New Section
50.APPENDIX A	New Section
- 4) Statutory Authority: 105 ILCS 5/24A-7
- 5) Effective Date of Amendments: May 21, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? Yes, see Sections 50.100(d) and 50.Appendix A.
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 22, 2011; 35 Ill. Reg. 19467
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

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- 11) Differences between Proposal and Final Version: In the Table of Contents and in the body of the rules, the reference to Section 50.140 was corrected to state 50.130.

In Section 50.30, several of the definitions were modified to better explain their meaning (see "assessment", "formal observation", "joint committee", "measurement model", "performance evaluation rating", and "teacher").

In Sections 50.100(c) and 50.300(d), "start of the school term" is defined.

In Sections 50.110(a) and 50.310(a), a change was made to require any district (rather than only those with certain implementation dates) to consider student growth for at least 25 percent of a performance evaluation rating during the first two years of implementation of a performance evaluation system.

Section 50.110(b) was modified to better define Type III assessments and how those will be developed, in particular adding new subsections (b)(3)(A) and (B) and clarifying the intent of (b)(4).

Section 50.110(e) was removed.

In Sections 50.110(f) and 50.310(b)(1)(C), a statement was added to emphasize that City of Chicago School District 299 (CPS) must meet the requirements for choosing assessments set forth in the rules if it chooses to use results from assessments other than the State assessment to rate the performance of teachers or principals.

Several changes were made in Section 50.120: in subsection (c)(4)(A), the time in which a formal observation could occur was expanded to include a unit of instruction during a window of time rather than just on a single day; in subsection (c)(5), evidence from a formal evaluation must be in writing and from an informal evaluation, either oral or written; and in subsection (c)(5)(E), evidence that is documented in writing to the individual following an informal evaluation may be used in determining a performance evaluation rating.

Section 50.200(d) was modified to allow the joint committee in CPS to meet informally without consideration of the 90 days in which it must act, upon agreement of both the district and teacher representatives, similar to what is allowed for school districts located outside of Chicago.

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Section 50.300(b) now requires the board-appointed evaluator of a person who serves as both the principal and superintendent of a school district to be other than the “person whose performance is being evaluated”.

Changes made that are nontechnical or provide additional clarity can be found in Section 50.10(a), Section 50.20(g), Section 50.110(b)(4), Section 50.120(b), and Section 50.120(c)(1), and Section 50. Appendix A.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: P.A. 96-861, or the Performance Evaluation Performance Act of 2010 (PERA), became effective January 1, 2010, and amended Articles 24A and 34 of the School Code to transform the way in which the performance of teachers and principals in Illinois public schools is evaluated. Central to this transformation is the inclusion of data and indicators of student growth (in addition to consideration of professional practice) as a "significant" factor in determining a teacher's or principal's performance evaluation rating.

Amendments to PERA by P.A. 97-8 (SB 7), effective June 13, 2011, expanded the use of performance evaluations by holding nontenured teachers to similar standards of evaluation as tenured teachers. Similarly, P.A. 97-217, effective July 28, 2011, requires that assistant principals also be included in the performance evaluation system using both student growth and professional practice for rating performance (with the exception of assistant principals in CPS). Assistant principals working outside of the city of Chicago, like principals, must be evaluated every school year by no later than March 1. Principals in CPS must be evaluated by July 1 annually.

The rules set forth the minimum requirements for both student growth and professional practice that all school districts must meet when establishing their performance evaluation systems for teachers and principals/assistant principals (Subparts B and D, respectively). Additionally, PERA requires that the State Board establish a performance evaluation model for both teachers and principals/assistant principals. Use of the principal model is optional for school districts, which may choose to incorporate the entire model or portions of the model into their performance evaluation plans, so the

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model is not a subject of rulemaking. Use of the teacher model pertaining to data and indicators of student growth is required, however, in those instances where the school district and its teachers, using the process of a joint committee set forth in PERA, cannot agree on some or all of the aspects of student growth and those requirements are being placed in Subpart C.

The rules in Section 50.110 provide an outline for how student growth must be considered when rating student performance for teachers by:

- Designating that student growth must constitute at least 30 percent of the final performance evaluation rating assigned, which will be phased in using at least 25 percent for the first two years of implementation;
- Defining the type of assessments from which the joint committee may choose; and
- Allowing joint committees to determine locally how student characteristics will be considered relative to student growth.

The state model for considering student growth for teachers (Subpart C), applicable to all districts except for CPS, will continue to be fleshed out in future rulemakings in regards to special populations, identification of procedures for reaching agreement on the type of assessments to be used when the joint committee cannot agree, and for both assessments for nontested areas, such as career and technical education and the fine arts, and the measures tied to those assessments, such as student learning objectives.

The consideration of student growth for principals and assistant principals (see Section 50.310) also must be at least 30 percent of the final performance evaluation rating assigned, which will be phased in during a two-year period. The rules state when a student's score may be included as part of the student growth measure, ensuring that the results can be attributed to the principal or assistant principal being evaluated. The rules also recognize the unique role of assistant principals by allowing for consideration of other student outcomes that are tied to the individual's specific duties, such as attendance, when ascertaining the assistant principal's impact on student growth.

The rules for professional practice for teachers and principals/assistant principals (see Sections 50.120 and 50.320, respectively) define the characteristics of a formal observation, the number of observations that must be conducted, and requirements for the evaluator to meet with the individual being evaluated before the observation takes place and share information about the evidence collected after the observation is concluded. These requirements will help prepare both the evaluator and individual being evaluated for each observation and provide information in a timely manner so that the individual

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can work towards improvements in practice before the final performance evaluation rating is assigned.

Finally, PERA requires certain training of evaluators and allows school districts the option of either developing their own process or program for prequalification and retraining or using the programs to be developed by, or on behalf of, the State Board. Proposed Subpart E addresses requirements for any locally developed prequalification process or retraining program.

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

Vicki Phillips, Interim Division Administrator  
Division of Educator and School Development  
Illinois State Board of Education  
100 N. First Street, E-310  
Springfield, Illinois 62777

217/ 782-2948

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER b: PERSONNEL

PART 50  
EVALUATION OF CERTIFIED EMPLOYEES  
UNDER ARTICLES 24A AND 34 OF THE SCHOOL CODE

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SUBPART B: PERFORMANCE EVALUATION PLANS: TEACHERS

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SUBPART C: STATE PERFORMANCE EVALUATION MODEL FOR TEACHERS

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SUBPART D: PERFORMANCE EVALUATION PLANS:  
PRINCIPALS AND ASSISTANT PRINCIPALS

Section	
50.300	Plan Components Required for the Evaluation of Principals and Assistant Principals
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## SUBPART E: TRAINING FOR EVALUATORS

## Section

50.400	School District-Developed Prequalification Process or Retraining Program
50.410	Minimum Requirements for Prequalification Process and Retraining Program
50.420	Competencies of Qualified Evaluators

## 50.APPENDIX A Illinois Standards for Principal Evaluation

AUTHORITY: Implementing and authorized by Section 24A-7 of the School Code [105 ILCS 5/24A-7].

SOURCE: Old Part repealed at 29 Ill. Reg. 15902, effective October 3, 2005; new Part adopted at 36 Ill. Reg. 8330, effective May 21, 2012.

## SUBPART A: GENERAL REQUIREMENTS

**Section 50.10 Purpose**

This Part establishes the minimum requirements for the establishment of valid and reliable performance evaluation systems for certified employees, pursuant to Article 24A of the School Code [105 ILCS 5/Art. 24A], that assess both professional competence or practice and student growth. The purposes of this Part are to:

- a) identify the minimum components, including those that address the use of data and indicators of student growth as a significant factor in rating performance, of a teacher performance evaluation system and of a principal and, as applicable, assistant principal performance evaluation system that each school district must implement;
- b) provide a State model for the evaluation of teachers that addresses *the use of data and indicators on student growth as a significant factor in rating teacher performance*, some or all of which shall be required of a school district under certain circumstances outlined in Section 24A-4 of the School Code [105 ILCS 5/24A-4]; and
- c) establish criteria for locally developed programs to prequalify and retrain evaluators, pursuant to Section 24A-3 of the School Code [105 ILCS 5/24A-3].

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**Section 50.20 Applicability**

Sections 24A-2.5 and 24A-15 of the School Code [105 ILCS 5/24A-2.5 and 24A-15] establish the dates for specific groups of school districts (or for schools within certain districts) to implement performance evaluation systems, including both professional practice and data and indicators of student growth, for teachers, principals, and assistant principals that meet the requirements of this Part and Article 24A of the School Code and, for City of Chicago School District 299 (CPS), Sections 34-8 and 34-85c of the School Code [105 ILCS 5/34-8 and 34-85c].

- a) Each school district shall implement a performance evaluation system for principals by September 1, 2012. (See Section 24A-15 of the School Code.)
- b) Each school district located outside of the city of Chicago shall implement a performance evaluation system for assistant principals by September 1, 2012. (See Section 24A-15 of the School Code.)
- c) CPS shall implement a performance evaluation system for teachers *in at least 300 schools by September 1, 2012 and in the remaining schools by September 1, 2013.* (Section 24A-2.5 of the School Code)
- d) School districts that have received a grant under Section 1003(g) of Title I of the Elementary and Secondary Education Act (ESEA; 20 USC 6301 et seq.), as reauthorized by the No Child Left Behind Act of 2001 (PL 107-110), shall implement a performance evaluation system for teachers in those schools that are covered by Section 1003(g) funds by the date set forth in the approved grants. (See Section 24A-2.5 of the School Code.)
- e) School districts located outside of the City of Chicago whose student performance ranks in the lowest 20 percent among school districts of their type (i.e., unit, elementary or high school) shall implement a performance evaluation system for teachers by September 1, 2015. (See Section 24A-2.5 of the School Code.) For purposes of this subsection (e), "student performance" shall be determined based upon a school district's overall performance on the spring 2014 administration of the State assessments authorized under Section 2-3.64 of the School Code [105 ILCS 5/2-3.64].
- f) Any school district not subject to subsection (c) or (e) of this Section and schools located in school districts subject to subsection (d) of this Section that are not covered by a grant under Section 1003(g) of Title I of ESEA shall implement a

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performance evaluation system for teachers by September 1, 2016. (See Section 24A-2.5 of the School Code.)

- g) In accordance with the provisions of Section 24A-2.5 of the School Code, a school district and either its exclusive bargaining representative of teachers or its teachers, if the teachers are not represented by an exclusive bargaining representative, may jointly agree to an implementation date that is earlier than the date specified in this Section for their district type. When an earlier implementation date is agreed upon, the school district shall provide to the State Board of Education, within 30 days after an agreement is executed, a dated copy of the written agreement specifying the agreed upon implementation date and signed by the district superintendent and the exclusive bargaining representative or teachers, as applicable.

**Section 50.30 Definitions**

As used in this Part:

"Assessment" means any instrument that measures a student's acquisition of specific knowledge and skills. Assessments used in the evaluation of teachers, principals and assistant principals shall be aligned to one or more instructional areas articulated in the Illinois Learning Standards (see 23 Ill. Adm. Code 1. Appendix D) or Illinois Early Learning and Development Standards – Children Age 3 to Kindergarten Enrollment Age (see 23 Ill. Adm. Code 235. Appendix A), as applicable. For the purposes of this Part, assessments will be defined as the following types.

"Type I assessment" means a reliable assessment that measures a certain group or subset of students in the same manner with the same potential assessment items, is scored by a non-district entity, and is administered either statewide or beyond Illinois. Examples include assessments available from the Northwest Evaluation Association (NWEA), Scantron Performance Series, Star Reading Enterprise, College Board's SAT, Advanced Placement or International Baccalaureate examinations, or ACT's EPAS<sup>®</sup> (i.e., Educational Planning and Assessment System).

"Type II assessment" means any assessment developed or adopted and approved for use by the school district and used on a districtwide basis by all teachers in a given grade or subject area. Examples include

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collaboratively developed common assessments, curriculum tests and assessments designed by textbook publishers.

"Type III assessment" means any assessment that is rigorous, that is aligned to the course's curriculum, and that the qualified evaluator and teacher determine measures student learning in that course. Examples include teacher-created assessments, assessments designed by textbook publishers, student work samples or portfolios, assessments of student performance, and assessments designed by staff who are subject or grade-level experts that are administered commonly across a given grade or subject. A Type I or Type II assessment may qualify as a Type III assessment if it aligns to the curriculum being taught and measures student learning in that subject area (see Section 50.110(b)(2) of this Part).

"Assistant principal" means an administrative employee of the school district who is required to hold an administrative certificate issued in accordance with Article 21 of the School Code [105 ILCS 5/Art. 21] or a professional educator's license issued in accordance with Article 21B of the School Code [105 ILCS 5/21B] endorsed for either general administration or principal, and who is assigned to assist the principal with his or her duties in the overall administration of the school.

"Formal observation" means a specific window of time that is scheduled with the teacher, principal, or assistant principal for the qualified evaluator, at any point during that window of time, to directly observe professional practices in the classroom or in the school. (Also see Sections 50.120(c) and 50.320(c) of this Part.)

"Joint committee" means a committee composed of *equal representation selected by the district and its teachers or, when applicable, the exclusive bargaining representative of its teachers*, which shall have the duties set forth in this Part regarding the establishment of a performance evaluation plan that *incorporates data and indicators of student growth as a significant factor in rating teacher performance*. (Section 24A-4 of the School Code)

"Informal observation" means observations of a teacher, principal, or assistant principal by a qualified evaluator that are not announced in advance of the observation and not subject to a minimum time requirement.

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"Measurement model" means the manner in which two or more assessment scores are analyzed for the purpose of identifying a change in a student's knowledge or skills over time.

"Performance evaluation plan" means a plan to evaluate a teacher, principal, or assistant principal that includes data and indicators on student growth as a significant factor in judging performance, measures the individual's professional practice, and meets the requirements of Article 24A of the School Code and this Part.

"Performance evaluation rating" means the final rating of a teacher's, principal's, or assistant principal's performance, using the rating levels required by Sections 24A-5(e), 34-8, and 34-85c of the School Code [105 ILCS 5/24A-5(e), 34-8, and 35-85c], that includes consideration of both data and indicators of student growth, when applicable under Section 24A-2.5 of the School Code [105 ILCS 5/24A-2.5] and Section 50.20 of this Part, and professional practice.

"Qualified Evaluator" shall have the meaning set forth in Section 24A-2.5 or 24A-15 of the School Code and shall be an individual who has completed the prequalification process required under Section 24A-3 of the School Code or Subpart E of this Part, as applicable, and successfully passed the State-developed assessments specific to evaluation of teachers or principals and assistant principals. Each qualified evaluator shall maintain his or her qualification by completing the retraining required under Section 24A-3 of the School Code or Subpart E of this Part, as applicable.

"Student growth" means a demonstrable change in a student's or group of students' knowledge or skills, as evidenced by gain and/or attainment on two or more assessments, between two or more points in time.

"Teacher" means full-time or part-time professional employees of the school district who are required to hold a teaching certificate issued in accordance with Article 21 of the School Code or a professional educator's license endorsed for a teaching field issued in accordance with Article 21B of the School Code. For the purposes of the requirements specific to student growth outlined in Article 24A of the School Code and this Part, "teacher" shall not include any individual who holds a school service personnel certificate issued under Article 21 of the School Code or a professional educator license endorsed for school support personnel issued under Article 21B of the School Code and is assigned to an area designated

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as requiring this certificate or endorsement, including but not limited to school counselor, school psychologist, nonteaching school speech and language pathologist, school nurse, or school social worker.

## SUBPART B: PERFORMANCE EVALUATION PLANS: TEACHERS

**Section 50.100 Plan Components Required for the Evaluation of Teachers**

Each school district shall implement a performance evaluation plan for its teachers no later than the applicable date outlined in Section 50.20 of this Part. The plan shall address each of the components contained in this Section.

- a) The plan shall provide for an evaluation at least once every two years of each teacher in contractual continued service (i.e., tenured); however, a tenured teacher who has obtained a "needs improvement" or "unsatisfactory" rating on the previous year's evaluation shall be evaluated in the next school year after receiving that rating. (See Section 24A-5 of the School Code.)
- b) The plan shall provide for an evaluation at least once every year of each teacher not in contractual continued service (i.e., nontenured). (See Section 24A-5 of the School Code.)
- c) At the start of the school term (i.e., the first day students are required to be in attendance), the school district shall provide a written notice (either electronic or paper) that a performance evaluation will be conducted in that school term to each teacher affected or, if the affected teacher is hired after the start of the school term, then no later than 30 days after the contract is executed. The written notice shall include:
  - 1) a copy of the rubric to be used to rate the teacher against identified standards and goals and other tools to be used to determine a performance evaluation rating;
  - 2) a summary of the manner in which measures of student growth and professional practice to be used in the evaluation relate to the performance evaluation ratings of "excellent", "proficient", "needs improvement", and "unsatisfactory" as set forth in Sections 24A-5(e) and 34-85c of the School Code; and

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- 3) a summary of the district's procedures related to the provision of professional development in the event a teacher receives a "needs improvement" or remediation in the event a teacher receives an "unsatisfactory" rating, to include evaluation tools to be used during the remediation period.
- d) Any professional development provided as part of a professional development or remediation plan under Section 24A-5 of the School Code shall align to Standards for Professional Learning (2011) published by Learning Forward, 504 South Locust Street, Oxford, Ohio 45056 and posted at <http://www.learningforward.org/standards/index.cfm>. No later amendments to or editions of these standards are incorporated by this Section.

**Section 50.110 Student Growth Components**

Each school district, when applicable (see Section 50.20 of this Part), shall provide for the use in the performance evaluation plan *of data and indicators on student growth as a significant factor in rating teacher performance*. (Section 24A-4(b) of the School Code) For the purpose of this Subpart B, "significant factor" shall represent at least 30 percent of the performance evaluation rating assigned, except as otherwise provided in subsection (a) of this Section. In situations in which a joint committee cannot reach agreement on one or more aspects of student growth within the timeline established under Section 24A-4(b) of the School Code, the school district shall adopt the State model plan contained in Subpart C of this Part with respect to those aspects of student growth upon which no agreement was reached.

- a) Student growth shall represent at least 25 percent of a teacher's performance evaluation rating in the first and second years of a school district's implementation of a performance evaluation system under Section 50.20 of this Part (for example, 2012-13 and 2013-14 school years for a school district with a 2012-13 implementation date). Thereafter, student growth shall represent at least 30 percent of the rating assigned.
- b) The performance evaluation plan shall identify at least two types of assessments for evaluating each category of teacher (e.g., career and technical education, grade 2) and one or more measurement models to be used to determine student growth that are specific to each assessment chosen. The assessments and measurement models identified shall align to the school's and district's school improvement goals.

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- 1) The joint committee shall identify a measurement model for each type of assessment that employs multiple data points. The evaluation plan shall include the use of at least one Type I or Type II assessment and at least one Type III assessment. Assessments used for each data point in a measurement model may be different provided that they address the same instructional content.
- 2) The joint committee shall identify the specific Type I or Type II assessment to be used for each category of teacher.
- 3) The evaluation plan shall require that at least one Type III assessment be used for each category of teacher. If the joint committee determines that neither a Type I nor a Type II assessment can be identified, then the evaluation plan shall require that at least two Type III assessments be used.
  - A) The plan shall state the general nature of any Type III assessment chosen (e.g., teacher-created assessments, assessments designed by textbook publishers, student work samples or portfolios, assessments of student performance, and assessments designed by staff who are subject or grade-level experts that are administered commonly across a given grade or subject area in a school) and describe the process and criteria the qualified evaluator and teacher will use to identify or develop the specific Type III assessment to be used.
  - B) A school district required to use two Type III assessments for any category of teachers may delay the use of the second Type III assessment until the second year of implementation.
- 4) The plan shall identify student growth expectations consistent with the assessments and measurement model to be used, as appropriate.
- 5) Each plan shall identify the uniform process (to occur at the midpoint of the evaluation cycle) by which the teacher will collect data specific to student learning. The data to be considered under this subsection (b)(5) shall not be the same data identified for use in the performance evaluation plan to rate the teacher's performance.

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- A) The data the teacher collects shall not be used to determine the performance evaluation rating.
- B) The teacher should use the data to assess his or her progress and adjust instruction, if necessary.
- c) The joint committee shall consider how certain student characteristics (e.g., special education placement, English language learners, low-income populations) shall be used for each measurement model chosen to ensure that they *best measure the impact that a teacher, school and school district have on students' academic achievement.* [105 ILCS 5/24A-7]
- d) If the rating scale to be used for student growth does not correspond to the performance evaluation ratings required under Section 24A-5(e) or 34-85c of the School Code, then the plan shall include a description of the four rating levels to be used and how these are aligned to the required performance evaluation ratings.
- e) CPS may adopt, when applicable, one or more State assessments administered pursuant to Section 2-3.64 of the School Code *as its sole measure of student growth for purposes of teacher evaluations.* (Section 24A-7 of the School Code) In circumstances in which the school district determines that the State assessment is not appropriate for measuring student growth for one or more grade levels or categories of teachers, it shall identify other assessments to be used in the manner prescribed in this Section.

**Section 50.120 Professional Practice Components for Teachers**

Each school district, when applicable (see Section 50.20 of this Part), shall implement the requirements of this Section regarding the evaluation of a teacher's professional practice.

- a) In order to assess the quality of the teacher's professional practice, the evaluation plan shall include an instructional framework developed or adopted by the school district that is based upon research regarding effective instruction; addresses at least planning, instructional delivery, and classroom management; and aligns to the Illinois Professional Teaching Standards (23 Ill. Adm. Code 24).
  - 1) The instructional framework shall align to the roles and responsibilities of each teacher who is being evaluated.

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- 2) The evaluation plan shall contain a rubric to be used in rating professional practice that aligns to the instructional framework developed or adopted under this subsection (a).
  - 3) If the rating scale to be used for each indicator of professional practice does not correspond to the performance evaluation ratings required under Section 24A-5(e) or 34-85c of the School Code, then the framework shall include a description of the four rating levels to be used and how these are aligned to the required performance evaluation ratings. In addition, the district shall quantify the relative importance of each portion of the framework to the final professional practice rating.
- b) As required under Section 24A-5 of the School Code, the evaluation plan shall consider the teacher's attendance and his or her competency in the subject matter taught, as well as specify the teacher's strengths and weaknesses and the reasons for identifying the areas as such.
  - c) Evidence of professional practice shall be collected through the use of multiple observations that include formal and informal observations. For the purpose of this subsection (c), a formal observation shall allow the qualified evaluator to acquire evidence of the teacher's planning, instructional delivery, and classroom management skills and shall involve one of the following activities: an observation of the teacher in his or her classroom for a minimum of 45 minutes at a time; or an observation during a complete lesson; or an observation during an entire class period. The qualified evaluator may designate another person to conduct the observation in situations in which he or she cannot complete all of the observations, or the observations cannot be completed in a timely manner, provided the individual so designated is a qualified evaluator, thus having completed the prequalification process and any retraining, as applicable, required under Section 24A-3 of the School Code.
- 1) For each tenured teacher who received either an "excellent" or "proficient" performance evaluation rating in his or her last performance evaluation, a minimum of two observations are required during the cycle in which the current evaluation is conducted, one of which must be a formal observation.
  - 2) For each tenured teacher who received a "needs improvement" or "unsatisfactory" performance evaluation rating in his or her last

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performance evaluation, a minimum of three observations shall be required in the school year immediately following the year in which the "needs improvement" or "unsatisfactory" rating was assigned, of which two must be formal observations.

- 3) For each nontenured teacher, a minimum of three observations shall be required each school year, of which two must be formal observations.
- 4) Each formal observation shall be preceded by a conference between the qualified evaluator and the teacher.
  - A) In advance of this conference, the teacher shall submit to the qualified evaluator a written lesson or unit plan and/or other evidence of planning for the instruction that will be conducted during the window of time when the formal observation may occur and make recommendations for areas on which the qualified evaluator should focus during the observation.
  - B) The qualified evaluator and the teacher shall discuss the lesson or unit plan or instructional planning and any areas on which the qualified evaluator should focus during the observation, if applicable.
- 5) Following a formal observation, the qualified evaluator shall meet with the teacher to discuss the evidence collected about the teacher's professional practice. The qualified evaluator shall provide feedback following a formal evaluation to the teacher in writing (electronic or paper). Following an informal observation, the qualified evaluator shall provide feedback to the teacher either orally or in writing (electronic or paper) and if the feedback is in a written format, also provide the teacher with an opportunity to have an in-person discussion with the evaluator.
  - A) The teacher shall consider (that is, reflect upon) his or her instruction and, if applicable, may provide to the qualified evaluator additional information or explanations about the lesson presented.
  - B) The qualified evaluator shall provide feedback to the teacher about the individual's professional practice, including evidence specific

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to areas of focus designated during the conference preceding the observation (see subsection (c)(4) of this Section).

- C) If the qualified evaluator determines that the evidence collected to date may result in the teacher receiving either a "needs improvement" or "unsatisfactory" performance evaluation rating, then the qualified evaluator shall notify the teacher of that determination.
  - D) The teacher shall work with the qualified evaluator or others (e.g., professional learning team, department head), as determined in the plan, to identify areas for improvement.
  - E) Evidence gathered during the informal observations may be considered in determining the performance evaluation rating, provided it is documented in writing.
- d) Evidence of Professional Practice
- 1) Any evidence collected during an observation shall be consistent with the rubric developed under subsection (a) of this Section.
  - 2) The qualified evaluator shall share with the teacher any evidence collected and judgments made about the evidence during the conference held following the observation (see subsection (c)(5) of this Section).
  - 3) The evaluation plan shall define how the evidence to be collected will be used to determine a final professional practice rating.

**Section 50.130 Reporting**

- a) By no later than June 30 of each year, the State Board of Education shall identify the manner and timeline for the submission of data and other information relative to performance evaluations that each school district must submit. These data and information shall include, but not be limited to, data regarding the performance evaluation rating given to each tenured and nontenured teacher and data about teacher retention, as well as other information specific to the locally adopted performance evaluation plan that will assist the State Board of Education in determining whether performance evaluation systems are reliable and valid,

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improve student achievement, and contribute to the development of staff. (See Section 24A-20 of the School Code.)

- b) A school district shall not be required to submit its performance evaluation plan for teachers to the State Board of Education for review, comment, or approval, unless specifically requested by the State Board of Education.

## SUBPART C: STATE PERFORMANCE EVALUATION MODEL FOR TEACHERS

**Section 50.200 Implementation Requirements**

- a) A school district, in conjunction with the joint committee established under Section 24A-4(b) of the School Code, shall be required to adopt those aspects of the State model contained in this Subpart C regarding data and indicators of student growth about which the joint committee is unable to agree within 180 calendar days after the date on which the joint committee held its first meeting.
- b) The first meeting of a joint committee shall occur no later than November 1 of the school year immediately preceding the school district's implementation date specified in Section 24A-2.5 of the School Code (see Section 50.20 of this Part). For purposes of this subsection (b), the 180-day deadline set forth in subsection (a) of this Section does not preclude the members of the joint committee from meeting, either as a committee or with other administrators and teachers, provided that the district representatives and the union representatives on the joint committee formally agree to the date on which the 180-day clock will begin.
- c) The student growth component of the plan shall conform to the requirements of Section 50.110 of this Part and shall comprise 50 percent of the performance evaluation rating assigned. (See Section 24A-7 of the School Code.)
- d) The requirements of this Subpart C do not apply to CPS, except that the district's joint committee may meet to discuss student growth without triggering its 90-day clock for action, provided the procedures set forth in subsection (b) of this Section are followed.

SUBPART D: PERFORMANCE EVALUATION PLANS:  
PRINCIPALS AND ASSISTANT PRINCIPALS

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**Section 50.300 Plan Components Required for the Evaluation of Principals and Assistant Principals**

Each school district shall implement a performance evaluation plan for its principals and assistant principals no later than September 1, 2012. (See Sections 24A-15 and 34-8 of the School Code.) Assistant principals employed by CPS shall not be subject to the performance evaluations system established under Article 24A of the School Code and this Part.

- a) A school district may choose to develop its own performance evaluation plan or adopt or adapt the State model authorized under Section 24A-7 of the School Code.
  - 1) The plan shall *consider the principal's or, as applicable, assistant principal's specific duties, responsibilities, management and competence as a principal or assistant principal.* (Sections 24A-15(c)(1) and (c-5)(1) and 34-8 of the School Code)
  - 2) The plan shall consider *the principal's or, as applicable, assistant principal's strengths and weaknesses, with supporting reasons.* (Sections 24A-15(c)(2) and (c-5)(2) and 34-8 of the School Code)
  - 3) The plan shall consider the performance goals developed pursuant to Sections 10-23.8a and 34-8.1 of the School Code [105 ILCS 5/10-23.8a and 34-8.1] for any principal or, as applicable, assistant principal who has a performance-based contract.
- b) The plan shall identify the person who will evaluate the principal or assistant principal. For a principal who also serves as the district superintendent, the evaluator shall be appointed by the local board of education, and the board's appointment shall not be the person whose performance as principal is being evaluated. The evaluator so appointed shall hold a current and valid administrative certificate or professional educator license endorsed for superintendent issued under Article 21 or Article 21B of the School Code, respectively, and have completed the prequalification process and any retraining, as applicable, required under Section 24A-3 of the School Code or Subpart E of this Part.
- c) The plan shall provide for the completion of the evaluation (i.e., collection of data and information on student growth and conducting observations) no later than

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March 1 annually for a principal or assistant principal (Section 24A-15 of the School Code) for school districts located outside of the City of Chicago, or by July 1 annually for a principal employed by CPS. (See Section 34-8 of the School Code.)

- d) At the start of the school term (i.e., the first day students are required to be in attendance), the school district shall provide a written notice (either electronic or paper) to each principal and, as applicable, assistant principal that a performance evaluation will be conducted, or, if the principal or assistant principal is hired or assigned to the position after the start of the school term, then no later than 30 days after the contract is signed or the assignment is made. The written notice shall include:
  - 1) a copy of the rubric to be used to rate student growth and professional practice of the principal or assistant principal; and
  - 2) a summary of the manner in which student growth and professional practice measures to be used in the evaluation relate to the performance evaluation ratings of "excellent", "proficient", "needs improvement", and "unsatisfactory".
- e) On or before October 1 of each year, the qualified evaluator and principal or assistant principal shall meet to set the student growth measurement models and targets to be used. If the qualified evaluator and principal or assistant principal fail to agree on the student growth measures and targets to be included, then the qualified evaluator shall determine the goals to be considered.
- f) On or before October 1 of each year, the qualified evaluator and principal or assistant principal shall establish professional growth goals, which shall be based on the results of the performance evaluation conducted in the previous school year, if any. If the qualified evaluator and principal or assistant principal fail to agree on the professional growth goals to be included, then the qualified evaluator shall determine the goals to be considered.
- g) When the performance evaluation is completed, the qualified evaluator shall meet with the principal or assistant principal to inform the principal or assistant principal of the rating given for the student growth and professional practice components of the evaluation and of the final performance evaluation rating received, and discuss the evidence used in making these determinations. The

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qualified evaluator shall discuss the strengths demonstrated by the principal or assistant principal and identify specific areas of growth.

**Section 50.310 Student Growth Components**

Each school district shall provide for the use in the performance evaluation plan *of data and indicators on student growth as a significant factor in rating principal or, as applicable, assistant principal performance.* (Sections 24A-15 and 34-8 of the School Code) For the purpose of this Subpart D, "significant factor" shall represent at least 30 percent of the performance evaluation rating assigned, except as otherwise provided in subsection (a) of this Section.

- a) Student growth shall represent at least 25 percent of a principal's or assistant principal's performance evaluation rating in the first and second years of a school district's implementation of a performance evaluation system under Section 50.20 of this Part (for example, 2012-13 and 2013-14 school years for a school district with a 2012-13 implementation date). Thereafter, student growth shall represent at least 30 percent of the rating assigned.
- b) No later than October 1 of each school year, the qualified evaluator shall inform the principal or assistant principal of the assessments and, for the assessments identified, the measurement models and targets to be used. The qualified evaluator shall specify the weights of each assessment and target to be used.
  - 1) The school district shall identify at least two assessments, either from Type I or Type II, which are able to provide data that meet the definition of student growth as set forth in Section 50.30 of this Part.
    - A) A State assessment administered under Section 2-3.64 of the School Code may be one of the assessments to be used for determining student growth and shall be considered to be a Type I assessment.
    - B) Type III assessments may be used for schools serving a majority of students who are not administered a Type I or Type II assessment. In these situations, the qualified evaluator and principal may identify at least two Type III assessments to be used to determine student growth.

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- C) CPS may adopt the State assessments administered pursuant to Section 2-3.64 of the School Code *as its sole measure of student growth for purposes of principal evaluations*. (Section 24A-7 of the School Code) In circumstances in which the school district determines that the State assessment is not appropriate for measuring student growth, it shall identify other assessments to be used in the manner prescribed in this Section.
- 2) Individual assessment results of any student shall be included in the student growth measurement model, provided that the student has been enrolled in the school for a period of time sufficient for him or her to have results from at least two points in time on a comparable assessment. For instance, a student would be included if he or she had results from the two most recently administered State assessments or results from an assessment administered at the beginning of a school term and again at mid-year.
- 3) The results from the most recent administration of a selected assessment shall be used as the ending point at which the level of student growth is calculated.
- c) For an assistant principal, a qualified evaluator may select student growth measures that align to the individual's specific duties (e.g., improvements in attendance, decrease in disciplinary referrals).
- d) The school district shall consider how certain student characteristics (e.g., special education placement, English language learners, low-income populations) shall be used for each assessment and target chosen to ensure that they *best measure the impact that a principal, school and school district have on students' academic achievement*. (Section 24A-7 of the School Code)

**Section 50.320 Professional Practice Components for Principals and Assistant Principals**

Consideration of the professional practice of a principal and, as applicable, assistant principal shall comprise a minimum of 50 percent of the performance evaluation rating and include each of the following elements.

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- a) Any instruments and rubric used to evaluate the professional practice of a principal or assistant principal shall align to the Illinois Standards for Principal Evaluation (see Appendix A of this Part).
  - 1) The rubric shall state the indicators for each standard and provide a clear description of at least four performance levels to be considered for each indicator.
  - 2) A school district may choose to adopt the rubric contained in the State performance evaluation model for principals, developed pursuant to Section 24A-7 of the School Code, or it may develop its own rubric. Any school district that uses a rubric other than the rubric contained in the State model shall establish a process to ensure that all principals, assistant principals, and principal evaluators are familiar with and understand the content of the rubric, the different levels of performance used for professional practice, and how the overall professional practice rating will be determined.
- b) No later than February 1 of each year, or June 1 of each year for schools located in CPS, each principal or, as applicable, assistant principal shall complete a self-assessment that is aligned to the rubric to be used to evaluate professional practice. The self-assessment shall be used as one input in determining a principal's or assistant principal's professional practice rating.
- c) Observations
  - 1) The plan shall provide for a minimum of two formal observations at the school in which the principal or assistant principal is employed.
    - A) The qualified evaluator shall observe school practices and may directly observe the principal's or assistant principal's interactions and activities during his or her work day.
    - B) The formal observation shall be scheduled in advance and shall include at least one objective for the observation (e.g., reviewing classrooms, observing leadership team meetings).
    - C) Feedback from the formal observations shall be provided in writing (electronic or paper) to the principal or assistant principal

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no later than 10 principal work days after the day on which the observation occurred. For the purpose of this subsection (c)(1)(C), a "principal work day" is any day in which the principal or assistant principal is contractually obligated to work, regardless of whether students are present.

- D) Other evidence and information received by the qualified evaluator that would have a negative impact on the evaluator's rating of the principal (e.g., parent complaints) shall be shared with the principal within the timeline established in subsection (c)(1)(C) of this Section.
- 2) There is no limit on the number of informal observations that a qualified evaluator may conduct, provided that he or she deems the informal evaluations necessary to fully assess the performance of the principal or assistant principal being evaluated. Evidence gathered during informal observations may be considered in determining the performance evaluation rating, provided it is documented in writing.
- d) If a district chooses to use professional practice ratings that do not correspond to the performance evaluation ratings required to be used under Section 24A-15 or 34-8 of the School Code, then it shall ensure that the four levels chosen align to the required performance evaluation ratings.
  - e) The school district or qualified evaluator shall inform the principal or assistant principal how evidence of professional practice collected will be used to determine a professional practice rating.

**Section 50.330 Reporting**

- a) By no later than June 30 of each year, the State Board of Education shall identify the manner and timeline for the submission of data and other information relative to performance evaluations that each school district must submit. These data and information shall include, but not be limited to, data regarding the performance evaluation ratings given to each principal and, as applicable, assistant principal, as well as other information specific to the locally adopted model that will assist the State Board of Education in determining whether performance evaluation systems are reliable and valid, improve student achievement, and contribute to the development of staff. (See Section 24A-20 of the School Code.)

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- b) A school district shall not be required to submit its performance evaluation plan for principals or assistant principals to the State Board of Education for review, comment, or approval, unless specifically requested by the State Board of Education.

## SUBPART E: TRAINING FOR EVALUATORS

**Section 50.400 School District-Developed Prequalification Process or Retraining Program**

Section 24A-3 of the School Code requires that an individual who conducts evaluations of teachers, principals, or assistant principals after September 1, 2012 be prequalified before undertaking any evaluations and participates in a regularly scheduled retraining program, either of which must be developed or approved by the State Board of Education. In order to ensure that a school district-developed prequalification process or retraining program meets the rigor of the State Board of Education-developed trainings, any prequalification process or retraining program developed and used by a school district shall, at a minimum, meet the requirements of this Subpart E.

- a) Prequalification Process
  - 1) Beginning September 1, 2012, an evaluator shall not conduct a performance evaluation of a teacher, principal, or assistant principal unless he or she has successfully completed the prequalification process and passed the State-developed assessment specific to rating professional practice.
  - 2) Beginning on a school district's applicable implementation date, as set forth in Section 50.20 of this Part, or by an earlier implementation date as determined by the school district and its teachers, or exclusive bargaining representative, as applicable (see Section 50.20(g) of this Part), an evaluator shall not conduct a performance evaluation of a teacher, principal, or assistant principal that addresses student growth unless he or she has successfully completed the prequalification process for student growth and passed the State-developed assessment specific to the consideration of data and indicators of student growth.

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- b) A school district offering its own retraining program shall ensure that each qualified evaluator completes the program at least once during each five-year certificate or licensure renewal cycle. (See Section 24A-3 of the School Code.)
- 1) An individual who has not completed the retraining program, as required, during any applicable five-year cycle shall be ineligible to conduct evaluations until the retraining program is completed.
  - 2) An individual who will be evaluating teachers in a school district that implements a performance evaluation system beginning September 1, 2015 or later shall be required to successfully complete a retraining program specific to professional practice of teachers before conducting any performance evaluations of teachers.
- c) A school district developing its own prequalification process or retraining program shall notify the State Board of Education no later than July 1 immediately preceding the school year in which the process or program will be implemented. The notification shall at least include the type of training to be offered, names of the individuals presenting the training, and date upon which each school district-designated trainer completed the "train-the-trainers" program offered by, or on behalf of, the State Board of Education.

**Section 50.410 Minimum Requirements for Prequalification Process and Retraining Program**

A school district-developed prequalification process or retraining program shall contain each of the elements listed in this Section. A school district is not required to develop both a prequalification process and retraining program, nor is it required to address both teachers and principals. Similarly, a locally developed prequalification process or retraining program may address professional practice only, student growth only, or both. Any school district not offering a unified course of study (i.e., professional practice and student growth) either for teachers or principals shall ensure that those individuals successfully complete the State-developed prequalification process or retraining program in those areas not being covered by the locally developed process or program.

- a) Each individual who will present a prequalification process or retraining program shall complete the "train-the-trainer" program offered by, or on behalf of, the State Board of Education.

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- b) Individual course modules shall address each of the following areas:
- 1) Use of student growth data and indicators to evaluate teachers;
  - 2) Use of student growth data and indicators to evaluate principals;
  - 3) Methods and strategies for evaluating the professional practice of teachers;  
and
  - 4) Methods and strategies for evaluating the professional practice of principals.
- c) Each course module shall outline course goals, objectives, and participant outcomes and include training materials that align to the school district's evaluation plan.
- d) Each course module shall include "field practice" in a variety of virtual, simulated, or live contexts in order to allow evaluators to apply their understanding to actual situations.
- e) Standards
- 1) Course modules for teachers shall be aligned to the Illinois Professional Teaching Standards (23 Ill. Adm. Code 24); and
  - 2) Course modules for principals shall be aligned to the Illinois Standards for Principal Evaluation contained in Appendix A of this Part.
- f) Course Content  
Course modules shall address the following content:
- 1) State statutory and regulatory requirements for evaluating certified staff, including the use of the required performance evaluation ratings of "excellent", "proficient", "needs improvement", and "unsatisfactory";
  - 2) Protocols and best practices for conducting classroom observations for teachers or observations of school practices for principals;
  - 3) Case studies that exemplify collaborative learning environments;

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- 4) Skills for engaging teachers or principals in high-quality opening conferences, feedback sessions, and end-of-year evaluation discussions;
  - 5) Methods for developing and supporting individualized professional development plans for tenured teachers rated as "needs improvement";
  - 6) Methods for developing and supporting individualized remediation plans for tenured teachers rated as "unsatisfactory";
  - 7) Methods for developing and supporting individual and school-level growth and development goals and plans for principals;
  - 8) Methods for analyzing multiple measures of student growth;
  - 9) Methods for constructing performance evaluation ratings from disparate, variously subjective indicators; and
  - 10) Strategies for evaluating certified staff in specialized disciplines (e.g., special education; bilingual education; career and technical education; skill-based subject areas, such as art and music).
- g) Any individual who completes the school district-developed prequalification process but who fails the State-developed assessment shall be required to participate in the State-developed prequalification program before retaking the assessment.
  - h) A school district shall include remediation for individuals who did not successfully complete one or more courses of the retraining program. The remediation shall include content or approaches that are different than what was provided in the initial course module to assist the individual in mastering the material.
  - i) Course modules may be presented in-person or through distance-learning or video-conferencing technology or through a configuration that best accommodates the content.

**Section 50.420 Competencies of Qualified Evaluators**

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Any prequalification process or retraining program shall ensure that a qualified evaluator demonstrates the competencies set forth in this Section.

- a) Evaluating Student Growth for Teachers  
Each qualified evaluator:
  - 1) Uses assessments and measurement models identified by the joint committee in determining the student growth attributable to individual teachers and understands how different types of assessments are used for measuring growth;
  - 2) Uses data from the evaluation rubric, other evidence collected, and best practices relative to evaluating student growth to link teacher and school-level professional development plans to evaluation results;
  - 3) Creates, in collaboration with teachers, supportive, targeted professional development plans that consider past results, contribute to professional growth, and assist teachers in aligning professional development and goal-setting to school improvement goals; and
  - 4) Communicates evaluation outcomes and findings in constructive and supportive ways that enable teachers to set goals and improve practice.
  
- b) Evaluating Professional Practice of Teachers  
Each qualified evaluator:
  - 1) Demonstrates a high rate of inter-rater reliability using the required performance evaluation ratings (i.e., "excellent", "proficient", "needs improvement", and "unsatisfactory");
  - 2) Observes instruction competently in multiple subject areas provided to varied and multiple student populations (e.g., English language learners, students with Individualized Education Programs, students in career and technical education programs);
  - 3) Uses data from the evaluation rubric, other evidence collected, and best practices relative to evaluating professional practice to link teacher and school-level professional development plans to evaluation results;

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- 4) Creates, in collaboration with teachers, supportive, targeted professional development plans that consider past results, contribute to professional growth, and assist teachers in aligning professional development and goal-setting to school improvement goals;
  - 5) Communicates evaluation outcomes and findings in constructive and supportive ways that enable teachers to set goals and improve professional practice; and
  - 6) Understands sources of personal bias and is able to recognize and control for bias when conducting an evaluation and determining results.
- c) Evaluating Principals and Assistant Principals  
Each qualified evaluator:
- 1) Demonstrates a high rate of inter-rater reliability using the required performance evaluation ratings (i.e., "excellent", "proficient", "needs improvement", and "unsatisfactory");
  - 2) Uses student growth measures effectively in evaluating both principals and assistant principals, including the use of multiple measures of student growth (e.g., assessments, attendance, graduation rates) and understands how different types of assessments are used for measuring growth;
  - 3) Understands the Illinois Standards for Principal Evaluation (see Appendix A of this Part), including the review of evidence and its use to determine professional competence relative to each of the standards' indicators;
  - 4) Uses data from the evaluation rubric, other information collected, and best practices for evaluating principals or assistant principals effectively to link administrative and school-level professional development plans to evaluation results;
  - 5) Creates, in collaboration with principals or assistant principals, supportive, targeted professional development plans that consider past results, contribute to professional and personal growth, and assist principals or assistant principals in aligning professional development and goal-setting to school improvement goals;

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- 6) Reviews, analyzes, and incorporates into the evaluation process indicators about the instructional environment within a school;
- 7) Communicates evaluation outcomes and findings in constructive and supportive ways that enable principals and assistant principals to set goals and improve practice; and
- 8) Understands sources of personal bias and is able to recognize and control for bias when conducting an evaluation and determining results.

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**Section 50.APPENDIX A Illinois Standards for Principal Evaluation**

The Illinois Standards for Principal Evaluation align to the Educational Leadership Policy Standards: Interstate School Leaders Licensure Consortium (ISLLC) 2008, adopted by the National Policy Board for Educational Administration and posted at <http://www.npbea.org/projects.php> (no later amendments to or editions of these standards are incorporated by this Part). The Illinois Standards for Principal Evaluation are intended to guide the process used in evaluating the professional practice of principals; therefore, any rubric used to formulate a performance evaluation rating shall be aligned to the standards set forth in this Appendix.

**Standard I: Living a Mission, Vision and Beliefs for Results**

The principal works with the staff and community to build a shared mission, vision and beliefs of high expectations that ensures all students are on the same path to college and career readiness and holds staff accountable for results.

Indicator a: Coordinates efforts to create and implement a vision for the school and defines desired results and goals that align to the overall school vision and lead to student improvement for all learners.

Indicator b: Ensures that the school's identity, vision, and mission drive school decisions.

Indicator c: Conducts difficult but crucial conversations with individuals, teams, and staff based on student performance data in a timely manner for the purpose of enhancing student learning and results.

**Standard II: Leading and Managing Systems Change**

The principal creates and implements systems to ensure a safe, orderly, and productive environment for student and adult learning toward the achievement of school and district improvement priorities.

Indicator a: Develops, implements, and monitors the outcomes of the school improvement plan and schoolwide student achievement data results to improve student achievement.

Indicator b: Creates a safe, clean, and orderly learning environment.

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Indicator c: Collaborates with staff to allocate personnel, time, materials, and adult learning resources appropriately to achieve school improvement plan targets.

**Standard III: Improving Teaching and Learning**

The principal works with the school staff and community to develop a research-based framework for effective teaching and learning that is refined continuously to improve instruction for all students.

Indicator a: Works with staff to develop a consistent framework for effective teaching and learning that includes a rigorous and relevant standards-based curriculum and research-based instructional practice, and high expectations for student performance.

Indicator b: Creates a continuous improvement cycle that uses multiple forms of data and student work samples to support individual, team, and schoolwide improvement goals; identifies and addresses areas of improvement; and celebrates successes.

Indicator c: Implements student interventions that differentiate instruction based on student needs.

Indicator d: Selects and retains teachers with the expertise to deliver instruction that maximizes student learning.

Indicator e: Evaluates the effectiveness of instruction and of individual teachers by conducting frequent formal and informal observations providing timely feedback on instruction, preparation, and classroom environment as part of the district's teacher appraisal system.

Indicator f: Ensures the training, development, and support for high-performing instructional teacher teams to support adult learning and development to advance student learning and performance.

Indicator g: Develops systems and structures for staff professional development and sharing of effective practices, including providing and protecting staff time allotted for development.

**Standard IV: Building and Maintaining Collaborative Relationships**

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The principal creates a collaborative school community in which the school staff, families, and community interact regularly and share ownership for the success of the school.

Indicator a: Creates, develops, and sustains relationships that result in active student engagement in the learning process.

Indicator b: Utilizes meaningful feedback of students, staff, families, and community in the evaluation of instructional programs and policies.

Indicator c: Proactively engages families and communities in supporting their children's learning and the school's learning goals.

Indicator d: Demonstrates an understanding of the change process and uses leadership and facilitation skills to manage it effectively.

**Standard V: Leading with Integrity and Professionalism**

The principal works with the school staff and community to create a positive context for learning by ensuring equity, fulfilling professional responsibilities with honesty and integrity, and serving as a model for the professional behavior of others.

Indicator a: Treats all people fairly, equitably, and with dignity and respect.

Indicator b: Demonstrates personal and professional standards and conduct that enhance the image of the school and the educational profession. Protects the rights and confidentiality of students and staff.

Indicator c: Creates and supports a climate that values, accepts, and understands diversity in culture and point of view.

**Standard VI: Creating and Sustaining a Culture of High Expectations**

The principal works with staff and the community to build a culture of high expectations and aspirations for every student by setting clear staff and student expectations for positive learning behaviors and by focusing on students' social and emotional learning.

Indicator a: Builds a culture of high aspirations and achievement for every student.

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Indicator b: Requires staff and students to demonstrate consistent values and positive behaviors aligned to the school's vision and mission.

Indicator c: Leads a school culture and environment that successfully develops the full range of students' learning capacities – academic, creative, social and emotional, behavioral, and physical.

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- 1) Heading of the Part: School Technology Program
- 2) Code Citation: 23 Ill. Adm. Code 575
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
575.500	Amendment
575.600	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.117a
- 5) Effective Date of Amendments: May 21, 2012
- 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: February 10, 2012; 36 Ill. Reg. 2052
- 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 changes were requested by JCAR, and no agreements letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: The Technology Revolving Loan Fund was created in 1998 as a mechanism for school districts to access resources to be used to purchase technology hardware for students and staff. The Technology Revolving Loan Program is popular among eligible applicants, as evidenced by the fact that the loan amounts requested in applications that are approved often exceed the amount of funding available in the revolving loan fund by the final loan determination date, which is

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December 15. While the agency has spending authority of up to \$5 million for the fund, the actual amount of funds that are available at any given time varies depending on the number of outstanding loans and the amount of payments being made. For instance, for FY 2012, only six of the 28 applications approved for loan awards were funded. If an application is not funded by December 15, then the eligible applicant must reapply the following year if it still wishes to receive a loan.

In order to maximize the ability of the agency to make loan awards, two changes have been made in the current rules.

- The number of loan determination dates has been expanded by three (see Section 575.500(b)). Currently, loan determinations are made on or before October 15, for applicants other than recognized nonpublic schools, and on or before December 15 for remaining approved applications. It is proposed that loan determinations also be made on September 15, March 15 and May 15 of each fiscal year. The September 15 loan determination date will encourage certain eligible applicants to submit applications for loans sooner in the process, while the two additional spring loan determination dates will allow the agency to continue to make loan awards if sufficient funds remain in the revolving loan fund.
- The number of payment due dates has been expanded by two (see Section 575.600(b)). Loan payments are required to be made on December 1 and June 1. Two additional loan payment opportunities (March 1 and September 1) for those recipients receiving loans in March and September will increase the amount of money available for loans, both at the start of the funding cycle in the fall and again in the spring when approved applications not yet funded will be considered for loans.

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

David Andel, Division Administrator  
Special Education Services  
Illinois State Board of Education  
100 North First Street, N-253  
Springfield, Illinois 62777

217/782-5589

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

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## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER 6: MISCELLANEOUS

## PART 575

## SCHOOL TECHNOLOGY PROGRAM

## SUBPART A: SCHOOL TECHNOLOGY GRANTS

## Section

575.10	Purpose (Repealed)
575.20	Eligible Expenditures (Repealed)
575.30	Application Procedure and Content (Repealed)
575.40	Matching Requirements (Repealed)
575.50	Proposal Review and Approval (Repealed)
575.60	Terms of the Grant (Repealed)

## SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

## Section

575.100	Purpose
575.200	Use of Funds
575.300	Maximum Amount of Loan
575.400	Application Procedures
575.500	Review of Application and Notification of Loan Award
575.600	Repayment Procedures
575.700	Terms and Conditions of Loan Agreement

AUTHORITY: Implementing and authorized by Section 2-3.117a of the School Code [105 ILCS 5/2-3.117a].

SOURCE: Adopted at 20 Ill. Reg. 3522, effective February 13, 1996; emergency amendment at 22 Ill. Reg. 9591, effective May 22, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19770, effective November 2, 1998; amended at 23 Ill. Reg. 8370, effective July 12, 1999; amended at 25 Ill. Reg. 8167, effective June 21, 2001; amended at 26 Ill. Reg. 915, effective January 15, 2002; amended at 28 Ill. Reg. 13227, effective September 17, 2004; amended at 29 Ill. Reg. 18474, effective October 31, 2005; amended at 32 Ill. Reg. 8773, effective May 27,

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2008; amended at 33 Ill. Reg. 11639, effective July 22, 2009; amended at 35 Ill. Reg. 3770, effective February 17, 2011; amended at 36 Ill. Reg. 8366, effective May 21, 2012.

## SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

**Section 575.500 Review of Application and Notification of Loan Award**

- a) Applications shall be reviewed for completeness. If an application is incomplete, then State Board of Education staff shall request the needed information from the applicant no later than 20 calendar days after receipt of the application. Applications will not be processed until all requested information is received.
- b) All complete applications that demonstrate compliance with Section 2-3.117a of the School Code and this Subpart shall be approved for funding.
  - 1) Approved applications from school districts, charter schools, area vocational centers and laboratory schools received on or before September ~~130~~ of each fiscal year shall receive a loan on a first-come, first-served basis, as long as funds appropriated for a given fiscal year remain available. Applications from recognized nonpublic schools shall not be considered in this round regardless of date of receipt. Loan award determinations under this subsection (b)(1) shall be made no later than ~~September~~~~October~~ 15 of each fiscal year.
  - 2) Approved applications from school districts, charter schools, area vocational centers and laboratory schools received between September 1 and on or after October 1 ~~and applications from any recognized nonpublic school~~ shall receive a loan on a first-come, first-served basis, as long as funds appropriated for a given fiscal year remain available after funding any loans awarded pursuant to subsection (b)(1) of this Section. Applications from recognized nonpublic schools shall not be considered in this round regardless of date of receipt. Loan award determinations under this subsection (b)(2) shall be made no later than ~~October~~~~December~~ 15 of each fiscal year.
  - 3) Approved applications from school districts, charter schools, area vocational centers and laboratory schools received on or after October 1 and applications from any recognized nonpublic school shall receive a loan on a first-come, first-served basis, as long as funds appropriated for a

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given fiscal year remain available after funding any loans awarded pursuant to subsection (b)(2) of this Section. Loan award determinations under this subsection (b)(3) shall be made no later than December 15 of each fiscal year.

4) If funds appropriated for a given fiscal year remain after the December 15 loan determination date specified in subsection (b)(3) of this Section, then the State Board of Education, at its option, may fund additional loan requests received by the December 1 due date specified in Section 575.400(d) on a first-come, first-served basis. Loan award determinations under this subsection (b)(4) shall be made no later than March 15 or no later than May 15 of each fiscal year.

- c) Notification of a loan award shall be made no later than 15 calendar days after the applicable award determination date established in subsection (b) of this Section. Applications not approved for funding on or before ~~May~~December 15 of the fiscal year in which the application was made shall expire.
- d) Applications received after the December 1 deadline in a given fiscal year shall not be considered for funding in that fiscal year and shall be returned to the applicant.
- e) School districts, charter schools, area vocational centers and laboratory schools otherwise eligible but not receiving loans due to insufficiency of the appropriation shall receive first consideration in the next fiscal year in which the grade levels specified on the application shall be eligible for funding. Otherwise eligible but not funded recognized nonpublic schools shall receive first consideration among all applications received on or after October 1 in that fiscal year.

(Source: Amended at 36 Ill. Reg. 8366, effective May 21, 2012)

**Section 575.600 Repayment Procedures**

Loans shall be repaid within three years (see Section 2-3.117a of the School Code).

- a) The rate of interest shall be stipulated on the loan application and *shall not be greater than 50% of the rate for the most recent date shown in the 20 G.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York* (Section 2-3.117a(a) of the

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School Code). Interest shall be computed semi-annually.

- b) Payments on the loan (principal and interest) shall be made by check twice annually in six equal installments.
- 1) Due dates for loan~~Loan~~ payments shall be based on the date on which the recipient's loan determination was due on December 1 and June 1, with the first payment under each loan due on June 1 of the fiscal year in which the loan is made.
- A) For recipients with loan determination dates of September 15 or October 15, loan payments shall be due on September 1 and March 1, with the first payment under each loan due on March 1 of the fiscal year in which the loan is made.
- B) For recipients with a loan determination date of December 15, loan payments shall be due on December 1 and June 1, with the first payment under each loan due on June 1 of the fiscal year in which the loan is made.
- C) For recipients with a loan determination date of March 15, loan payments shall be due on March 1 and September 1, with the first payment under each loan due on September 1 of the fiscal year following the fiscal year in which the loan is made.
- D) For recipients with a loan determination date of May 15, loan payments shall be due on December 1 and June 1, with the first payment under each loan due on December 1 of the fiscal year following the fiscal year in which the loan is made.
- 2) Checks shall be made payable to the "ISBE-School Technology Revolving Loan Fund" and mailed to the Fiscal and Procurement Division, Illinois State Board of Education, 100 North First Street, W-380, Springfield, Illinois 62777-0001.
- 3) Payments not received within 15 calendar days after the due date shall be assessed a penalty of 5 percent of the payment due; however, the late payment penalty shall be waived when either:

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- A) the postmark date on the envelope used to submit the payment is dated five days or more before the end of the 15-day grace period;  
or
- B) the payment is not received at the State Board's office within 60 days after the due date, but the participant provides to the State Superintendent of Education no later than 70 days beyond the due date the following:
  - i) a copy of the original check, dated at least five days before the end of the 15-day grace period;
  - ii) a copy of the stop payment order placed on the original check; and
  - iii) a new check issued in the amount due.
- c) A participant may prepay the balance due on the loan in its entirety on any scheduled payment date or at the midpoint between any two scheduled payment dates, provided that the participant first contacts the State Superintendent's designee to obtain the total amount of the principal and interest due at that time.
- d) A participant may prepay a portion of the balance due on the loan on any scheduled payment date or at the midpoint between any two scheduled payment dates, provided that the participant first contacts the State Superintendent's designee for instructions. The remaining payments shall be recalculated to account for any early repayment, and the participant shall be notified accordingly.

(Source: Amended at 36 Ill. Reg. 8366, effective May 21, 2012)

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- 1) Heading of the Part: Pledging Requirements for Illinois Trust Companies
- 2) Code Citation: 38 Ill. Adm. Code 398
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
398.5	New Section
398.10	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 5-10 and 6-13.5 of the Corporate Fiduciary Act [205 ILCS 620/5-10 and 6-13.5]
- 5) Effective Date of Rulemaking: June 1, 2012
- 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 principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 36 Ill. Reg. 3612; March 9, 2012
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all 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: P.A. 97-492, effective January 1, 2012, amends Section 6-13.5 of the Corporate Fiduciary Act [205 ILCS 620/6-13.5] to increase from \$1 million to \$2 million the amount the Department may require a trust company to pledge to cover costs incurred in the event of a receivership. This proposal will reflect this

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statutory increase. It is also amended to clarify that a trust company may combine a surety bond pledge and securities pledge to meet the \$ 2 million.

The Department has also taken this opportunity to make numerous non-substantive changes to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Banking.

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

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

217/785-0813      Fax: 217/557-4451

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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## TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
~~OFFICE OF BANKS AND REAL ESTATE~~

## PART 398

PLEDGING REQUIREMENTS FOR ILLINOIS TRUST COMPANIES  
~~CORPORATE FIDUCIARY RECEIVERSHIP ACCOUNT~~

## Section

398.5Definitions

## 398.10

## Pledging Requirements for Illinois Trust Companies

AUTHORITY: Implementing and authorized by Sections 5-10 and 6-13.5 of the Corporate Fiduciary Act [205 ILCS 620/5-10 and 6-13.5].

SOURCE: Adopted at 28 Ill. Reg. 778, effective December 29, 2003; amended at 36 Ill. Reg. 8374, effective June 1, 2012.

**Section 398.5 Definitions**

"Act" means the Corporate Fiduciary Act [205 ILCS 620/5].

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

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

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

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

(Source: Added at 36 Ill. Reg. 8374, effective June 1, 2012)

**Section 398.10 Pledging Requirements for Illinois Trust Companies**

- a) Pursuant to Section 6-13.5 of the ~~Corporate Fiduciary Act [205 ILCS 620/6-13.5]~~ ~~(the Act)~~, each Illinois trust company holding a certificate of authority under

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Article II of the Act shall pledge to the ~~Secretary Commissioner either~~ a surety bond running to the ~~Secretary Commissioner~~ or securities or combination thereof in the amount of ~~\$2,000,000~~\$1,000,000. ~~The Such~~ surety bond or pledged securities must be reducible to cash by the ~~Secretary Commissioner~~ without regard to any priorities, preferences or adverse claims in order to cover costs associated with a receivership of the Illinois trust company. The surety bond or pledged securities shall be utilized only to cover costs associated with a receivership of the pledging Illinois trust company.

- b) ~~To the extent~~If the trust company ~~pledges~~chooses to pledge a surety bond, the surety bond shall be issued by a bonding company authorized to do business in the State of Illinois that has a rating in one of the top three rating categories as determined by a national rating service. The surety bond must clearly show that it runs to the benefit of the ~~Secretary Commissioner~~. The surety bond must also state that, if the trust company is placed in receivership and the ~~Secretary Commissioner~~ acts as receiver or appoints a receiver, the ~~Secretary Commissioner~~ may reduce the bond to cash in order to pay for any costs associated with the receivership. The trust company may not obtain a surety bond from any entity in which the trust company has a financial interest or of which the trust company is an affiliate. Any fees associated with obtaining and maintaining a surety bond shall be the responsibility of the trust company.
- c) ~~To the extent~~If the trust company ~~pledges~~chooses to pledge securities, the securities shall be held at a Federal Reserve Bank or at a depository institution that is a state or national bank, a state or federal savings bank, or a state or federal savings and loan association approved by the ~~Secretary Commissioner~~. The trust company shall not be an affiliate of, or have a financial interest in, the depository institution. The securities pledged pursuant to this subsection shall be securities that qualify as authorized investments for public agencies under Section 2 of the Public Funds Investment Act [30 ILCS 235/2]. Securities pledged pursuant to this subsection shall be in addition to any securities required as part of the trust company's capital. Any fees associated with holding securities pursuant to this subsection shall be the responsibility of the trust company. A trust company choosing to pledge securities shall enter into a single deposit agreement with the ~~Secretary Commissioner~~ and the Federal Reserve Bank or depository institution that is holding the securities. ~~The Such~~ deposit agreement shall contain provisions requiring the depository institution and the trust company to meet the requirements set forth in subsections (c)(1) ~~through~~ (3):

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- 1) The depository institution shall segregate on its books and records all accounts of the trust company as assets that the trust company pledges as a part of the assets to be kept by the trust company in Illinois pursuant to the required pledge amount. These accounts shall be held by the depository institution in trust in the name of the ~~Secretary~~ Commissioner;
- 2) The depository institution shall provide the ~~Secretary~~ Commissioner with reports, receipts, confirmation or other documentation that the ~~Secretary~~ Commissioner may request of the depository institution to determine the trust company's compliance with the requirements of Section 6-13.5 of the Act and this Section; and
- 3) The trust company shall pledge the securities required under Section 6-13.5 of the Act exclusively to the ~~Secretary~~ Commissioner.
- d) ~~No trust company shall engage in the trust business under the Act unless it is in compliance continuously with this Section. Each trust company shall be in compliance with the provisions of this Section by January 1, 2004, or, for new trust companies, upon being issued a certificate of authority under Article II of the Act, and continuously thereafter.~~
- e) For purposes of this Section, a trust company is an "affiliate of" or has a "financial interest" in:
  - 1) any company that controls the trust company and any other company that is controlled by the company that controls the trust company;
  - 2) a subsidiary of the trust company; or
  - 3) any company:
    - A) controlled, directly or indirectly, by a trust or otherwise, by or for the benefit of shareholders who beneficially or otherwise control, directly or indirectly, by trust or otherwise, the trust company or any company that controls the trust company; or
    - B) a majority of the directors or trustees of which constitute a majority of the persons holding any such office with the trust company or any company that controls the trust company.

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f) For purposes of this Section, a company or shareholder has control over another company if:

- 1) ~~thesueh~~ company or shareholder, directly or indirectly, or acting through one or more other persons, owns, controls, or has power to vote 25% or more of any class of voting securities of the other company;
- 2) ~~thesueh~~ company or shareholder controls in any manner the election of a majority of the directors or trustees of the other company; or
- 3) the ~~SecretaryCommissioner~~ determines, after notice and opportunity for hearing, that ~~thesueh~~ company or shareholder, directly or indirectly, exercises a controlling influence over the management or policies of the other company.

(Source: Amended at 36 Ill. Reg. 8374, effective June 1, 2012)

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- 1) Heading of the Part: Health and Hazardous Substances Registry Code
- 2) Code Citation: 77 Ill. Adm. Code 840
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
840.10	Amended
840.20	Amended
840.30	Amended
840.40	Amended
840.60	Amended
840.210	Amended
840.220	Amended
840.230	New
840.300	Amended
840.305	Amended
840.310	Amended
840 APPENDIX C	Repealed
840.APPENDIX C.EXHIBIT A	Repealed
840.APPENDIX C.EXHIBIT B	Repealed
840.APPENDIX C.ILLUSTRATION A	Repealed
840.APPENDIX C.ILLUSTRATION B	Repealed
- 4) Statutory Authority: Illinois Health and Hazardous Substances Registry Act [410 ILCS 525], Section 2310-365 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-365], the Developmental Disability Prevention Act [410 ILCS 250] and the Lead Poisoning Prevention Act [410 ILCS 45]
- 5) Effective Date of Rulemaking: May 18, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted 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: 36 Ill. Reg. 84; January 6, 2012

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- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No changes were made and no comments were received during the first notice or public comment period.

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

1. Section 840.10, definition of "Institutional review board" change "Insitutional" to "Institutional".
2. Section 840.310(g), change "IDOH" to "IDPH".

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments in Subpart B pertaining to the Illinois State Cancer Registry clarify the methods of determining whether data are confidential and meet thresholds for data release.

The amendments in Subpart C pertaining to the Adverse Pregnancy Outcomes Reporting System provide the mechanism for referral of cases to service-providing agencies and to clarify reporting requirements.

The amendments in Subpart D pertaining to the Occupational Disease Registry lower the threshold for reporting adult cases of elevated blood lead to reflect the federal requirements for reporting and update operational processes for data collection. Appendix C is being repealed. The Department will be initiating an electronic reporting system, and reportable information is being added to the main portion of the rules.

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

Susan Meister

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Division of Legal Services  
Department of Public Health  
535 West Jefferson, 5<sup>th</sup> Floor  
Springfield, Illinois 62761

e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCES

PART 840

~~ILLINOIS~~ HEALTH AND HAZARDOUS SUBSTANCES REGISTRY CODE

SUBPART A: GENERAL REGISTRY PROVISIONS

- Section
- 840.5 Purpose
- 840.10 Definitions
- 840.20 Incorporated and Referenced Materials
- 840.30 Availability of Registry Information
- 840.40 Administrative Hearings
- 840.50 Quality Control
- 840.60 Fee Assessment

SUBPART B: ILLINOIS STATE CANCER REGISTRY

- 840.100 Entities Required to Submit Information
- 840.110 Information Required to be Reported
- 840.115 Methods of Reporting Cancer Registry Information
- 840.120 Quality Control (Repealed)

SUBPART C: ADVERSE PREGNANCY OUTCOMES REPORTING SYSTEM

- 840.200 Adverse Pregnancy Outcome
- 840.210 Newborn Infant Case Reporting
- 840.215 Methods of Reporting APORS Information (Repealed)
- 840.220 Birth Defect Surveillance of Young Children
- 840.230 Referral of APORS Cases

SUBPART D: OCCUPATIONAL DISEASE REGISTRY

- 840.300 Entities Required to Submit Information
- 840.305 Information Required to be Reported
- 840.310 Methods of Reporting Occupational Disease

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- 840.APPENDIX A ISCR Incidence Report Form (Repealed)
- 840.APPENDIX B Instructions for APORS Reporting (Repealed)
- 840.EXHIBIT A Instructions for Completing Infant Discharge Record (Repealed)
- 840.ILLUSTRATION A Infant Discharge Record (Repealed)
- 840.EXHIBIT B Instructions for Completing Maternal Supplement (Repealed)
- 840.ILLUSTRATION B Maternal Supplement Abstract (Repealed)
- 840.APPENDIX C Forms and Instructions for Occupational Disease Registry (Repealed)
- 840.EXHIBIT A Instructions for completing The Laboratory Based Report of Adult Blood Lead Analysis (Repealed)
- 840.EXHIBIT B Instructions for completing the Health Department Follow-Up Report of Adult Blood Lead Level Analysis For Results of 25 mcg/dl and Above (Local Health Authorities will use this form) (Repealed)
- 840.ILLUSTRATION A Health Department Laboratory Report of Adult Elevated Blood Lead Analysis 25 mcg/dl and Above (Repealed)
- 840.ILLUSTRATION B Health Department Follow-up Report of Adult Blood Lead Level Analysis For Results of 25 mcg/dl and Above (Repealed)
- 840.ILLUSTRATION C Occupational Disease Registry Abstract Information from the Illinois Health Care Cost Containment Council (Repealed)

AUTHORITY: Implemented and authorized by the Illinois Health and Hazardous Substances Registry Act [410 ILCS 525], Section 2310-365 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-365], the Developmental Disability Prevention Act [410 ILCS 250], and the Lead Poisoning Prevention Act [410 ILCS 45].

SOURCE: Adopted at 10 Ill. Reg. 7842, effective May 19, 1986; amended at 12 Ill. Reg. 13173, effective August 1, 1988; amended at 14 Ill. Reg. 5495, effective April 1, 1990; amended at 17 Ill. Reg. 2319, effective February 10, 1993; amended at 24 Ill. Reg. 3685, effective February 16, 2000; amended at 31 Ill. Reg. 12207, effective August 2, 2007; amended at 36 Ill. Reg. 8380, effective May 18, 2012.

## SUBPART A: GENERAL REGISTRY PROVISIONS

**Section 840.10 Definitions**

"Act" means the Illinois Health and Hazardous Substances Registry Act [410 ILCS 525].

*"Adverse pregnancy outcomes" includes but is not limited to birth defects, fetal*

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*loss, infant mortality, low birth weight, selected life-threatening conditions, and other developmental disabilities as defined in Section 840.200 of this Part. (Section 3(1) of the Act)*

"Adverse Pregnancy Outcomes Reporting System" or "APORS" means the Illinois Department of Public Health program established to compile a registry of adverse pregnancy outcomes.

"Ambulatory Surgical Treatment Center" means any facility subject to licensure pursuant to the Ambulatory Surgical Treatment Center Act [210 ILCS 5] ~~and any other institution, place, or building devoted primarily to the maintenance and operation of facilities for the performance of surgical procedures that is maintained by the State or local government bodies.~~

~~"APORS" means Adverse Pregnancy Outcomes Reporting System.~~

"Birth center" means a facility as defined under the Alternative Health Care Delivery Act and licensed by the Department under the Birth Center Demonstration Program Code (77 Ill. Adm. Code 265) to provide birth services.

"Birth defect" means a condition of abnormal development related to body structure, body function, body metabolism, or an error of body chemistry that typically is identified at birth but can be diagnosed during pregnancy or following birth. ~~Birth defects~~A birth defect can originate in a number of ways, including having abe of genetic and/or metabolic origin.

~~"CPT Coding Index" means the Current Procedural Terminology Coding Index, Version 2007, developed by the American Medical Association.~~

*"Cancer" means all malignant neoplasms, regardless of the tissue of origin, including malignant lymphoma and leukemia. (Section 3(e) of the Act)*

"Cancer-confirming report" means the simple biopsy, excision biopsy or surgical pathology ~~report~~reports that confirms the morphologic (histologic) type of cancer, primary site, and the stage or extent of disease.

*"Cancer incidence" means a medical diagnosis of cancer, consisting of a record of cases of cancer and specified cases of tumorous or precancerous diseases which occur in Illinois, and such other information concerning these cases as the*

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*Department deems necessary or appropriate in order to conduct thorough and complete epidemiological surveys of cancer and cancer-related diseases in Illinois.* (Section 3(f) of the Act) Other information concerning cancer incidence may include, but is not limited to, diagnosis, staging, treatment, follow-up and survival information.

"Cancer surveillance" ~~means~~ the ongoing and systematic collection and analysis of information on new cancer cases, cancer deaths, extent of disease at diagnosis, treatment, clinical management, and survival.

"Clinical laboratory" means any clinical laboratory as defined in the Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25].

*"Company profile" includes but is not limited to the name of any company operating in the State of Illinois which generates, uses, disposes of or transports hazardous substances, identification of the types of permits issued in such company's name relating to transactions involving hazardous substances, inventory of hazardous substances handled by ~~the~~ company, and the manner in which ~~the~~ hazardous substances are used, disposed of, or transported by the company.* (Section 3(j) of the Act)

"Confidential data" means Health and Hazardous Substances Registry data containing identifiers or variables that, alone or in combination, can lead to identification of individuals, physicians, or facilities (see Section 840.30(h)).

"Congenital" means present at birth, referring to certain mental or physical traits, anomalies, malformations, diseases, etc., that may be either hereditary or caused by an influence occurring during fetal development or pregnancy, up to the moment of birth.

*"Council" means the Health and Hazardous Substances Coordinating Council created by ~~the~~ Act.* (Section 3(c) of the Act)

"Current Procedural Terminology" or "CPT" or "Coding Index Version 2007" means the coding index developed by the American Medical Association (see Section 840.115).

"Death certificate clearance" means the process by which incident cases are added to the database through review of the cause of death on death certificates and

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subsequent follow-up with medical providers.

*"Department" means the Illinois Department of Public Health. (Section 3(a) of the Act)*

*"Director" means the Director of the Illinois Department of Public Health. (Section 3(b) of the Act)*

"Elevated blood lead level" means a concentration of lead in whole blood equal to or in excess of 1025 micrograms per deciliter.

"Ethnicity" means the group of human kind to which an individual belongs, either Hispanic (Latino) or not Hispanic (not Latino).

"Facility" ~~means~~ is a hospital, clinical laboratory, ambulatory surgical treatment center, independent radiation therapy center, independent pathology laboratory, reference pathology laboratory, nursing home, physician's office and/or any other diagnostic or treatment center or other entity that is required by this Part to make reports to the Department. "Facility" also includes any other institution, place or building devoted primarily to the performance of medical care or surgical procedures that is maintained by the State or local government bodies.

"Facility-identifying information" means any information, collection or grouping of data from which the identity of the facility to which it relates may be discerned, e.g., name, address or Department-assigned facility identification number ~~Facility I.D.~~

"Fetal death" means the demise of a fetus at gestation greater than 20 weeks; the death is indicated ~~if by the fact that~~ the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles at delivery.

"Follow-up" means the reporting of or Registry-initiated obtainment of patient's survival information after the first diagnosis of the medical conditions defined by the Registry ~~and/or~~.

"Follow-up services" means medical, educational, social and family support services provided to infants and children with adverse pregnancy outcomes.

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*"Hazardous nuclear material" means:*

*any source or special nuclear material intended for use or used as an energy source in a production or utilization facility as defined in Sec. 11.v. or 11.cc. of the Federal Atomic Energy Act of 1954 as amended;*

*any fuel which has been discharged from such a facility following irradiation, the constituent elements of which have not been separated by reprocessing; or*

*any by-product material resulting from operation of such a facility.  
(Section 3(k) of the Act)*

*"Hazardous substances" means a hazardous substance as defined in Section ~~3.2153~~ of the Environmental Protection Act [415 ILCS 5]. (Section 3(h) of the Act)*

*"Hazardous substances incident" includes but is not limited to spill, fire or accident involving hazardous substances, illegal disposal, transportation, or use of hazardous substances, and complaints or permit violations involving hazardous substances. (Section 3(i) of the Act)*

*"Hospital" means any facility subject to licensure pursuant to the Hospital Licensing Act [210 ILCS 85], ~~and any other institution, place or building devoted primarily to the maintenance and operation of facilities for the performance of medical or surgical care that is maintained by the State or local government bodies.~~*

*"Hospital Cancer Registry" ~~means~~ is a data collection system that monitors all types of cancer diagnosed or treated at that facility by collecting case identification, a description of the patient and the cancer, treatment, and follow-up data.*

*~~"ICD-9-CM" means International Classification of Diseases, 9<sup>th</sup> Revision Clinical Modification, World Health Organization, Geneva, Switzerland.~~*

*~~"ICD-10-CM" means International Classification of Diseases, 10<sup>th</sup> Revision Clinical Modification, World Health Organization, Geneva, Switzerland.~~*

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~~"ICD-O 3" means International Classification of Diseases for Oncology, Third Edition, World Health Organization, Geneva, Switzerland.~~

"Infant discharge record" ~~means documentation of one or more identified~~ is a form provided by the Department for identifying and reporting adverse pregnancy outcomes reported by a ~~reporting~~ facility to the Department.

~~"InsitutionalIRB" means institutional~~ review board" or "IRB" means, which is a specially constituted review body established or designated by an institution to protect the welfare of human subjects participating in research.

"Lead hazard" means a lead-bearing substance that, because of its accessibility, poses a health hazard to humans.

"Local health authority" means the full-time official health department or board of health, as recognized by the Department, that has jurisdiction over a particular geographical area.

"mcg/dl" means micrograms per deciliter.

"Morphology" means a concise diagnostic description of a tumor that includes the kind of tumor, the behavior of the tumor (e.g., benign, in-situ, malignant, or malignant uncertain, whether primary or metastatic), and the grade or degree of differentiation of the cells.

~~"NAACCR Standard for Cancer Registries" means the standards set forth by the North American Association of Central Cancer Registries (NAACCR) that measure a central registry's data completeness, quality and timeliness.~~

"National Birth Defects Prevention Network" means a national organization dedicated to improving the quality of birth defect surveillance and providing technical assistance for the development of uniform methods of data collection.

"Neonatal" means related to the period immediately succeeding birth and continuing through the first 28 days of life.

"Neonate" means an infant less than 28 days of age.

"Newly diagnosed" means a condition or disease first discovered or diagnosed by

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a licensed physician or dentist in a resident of the State of Illinois or a non-resident receiving medical diagnosis or treatment in the State of Illinois.

"North American Association of Central Cancer Registries" or "NAACCR" means the organization that sets standards that measure a central registry's data completeness, quality and timeliness.

*"Occupational disease" includes but is not limited to all occupational diseases covered by the Workers' Occupational Diseases Act [820 ILCS 310]. (Section 3 (g) of the Act)*

"Other facility" means any person, organization, institution, corporation, partnership or other entity not required to be licensed as a health care facility by the State of Illinois, which maintains and operates facilities for the performance of diagnostic, laboratory or therapeutic services for the identification and treatment of cancer.

"Patient contact" means contacting patients based on collected Registry data.

"Patient-identifying information" means any information or collection or grouping of data from which the identity of the person to whom it relates may be discerned, e.g., name, address and social security number.

*"Perinatal" means the period of time between the conception of an infant and the end of the first month of life. (Section 2(a) of the Developmental Disability Prevention Act)*

*"Perinatal center" means a referral facility intended to care for the high risk patient before, during or after labor and delivery and characterized by sophistication and availability of personnel, equipment, laboratory, transportation techniques, consultation and other support services. (Section 2(e) of the Developmental Disability Prevention Act)*

"Prenatal" means preceding birth.

"Primary site" means the anatomic location in a cancer patient that identifies the site of origin of a tumor (i.e.e.g., where the cancer first began).

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"Public health surveillance" means the ongoing systematic collection, analysis and interpretation of health data for purposes of improving health and safety.

"Race" means the major group of human kind to which an individual belongs, having distinct physical characteristics. These groups include, but are not limited to: American Indian or Alaska Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; and White.

"Rapid case ascertainment" means special case-finding procedures that require early or preliminary reporting of certain types of cancer cases. The procedure may include the review of patient medical records, pathology report forms, radiology reports, ~~laboratory~~lab reports and other diagnostic tests.

"Record uniqueness" means the quantification of the risk of a breach of confidentiality of electronic health databases, including the identifiability of cases through triangulation of information or linkage with other electronic databases.

"Regional Perinatal Network" means any number and combination of hospitals providing maternity and newborn services at a designated level~~hospital-based maternity and newborn facilities functioning at one of three levels~~ of perinatal care.

*"Registry" means the Illinois Health and Hazardous Substances Registry established by the Department of Public Health under Section 6 of the Act. (Section 3(d) of the Act)*

"Work" ~~meansis defined as~~ duties, activities, or tasks that produce a product or result; that are done in exchange for money, goods, services, profit, benefit, or as a volunteer; and that are legal activities in the United States.

"Work-related injury or illness" ~~meansis defined as~~ an event or exposure in the work environment that caused or contributed to the condition or significantly aggravated a preexisting condition. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the workplace.

"Workplace fatality" ~~meansis~~ a fatality that occurs to an employee (working for pay, compensation, or profit) or volunteer (exposed to the same work hazards and performing the same duties or functions as paid employees) while engaged in a legal work activity, or present at the site of the incident as a requirement of his or

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her job. A work relationship exists if an event or exposure results in a fatal injury to a person: on or off the employer's premises and the person was there to work; or ~~if off the employer's premises and the person was there to work; or~~ the event or exposure was related to the person's work or status as an employee.

"Workplace nonfatal injury or illness" means an occupational injury resulting from a work-related event or from exposure in the work environment. Injuries or illnesses are reported if they result in lost work time; if they require medical treatment (other than first aid); or if the worker experiences loss of consciousness, restriction of work activities or motion, or is transferred to another job.

(Source: Amended at 36 Ill. Reg. 8380, effective May 18, 2012)

**Section 840.20 Incorporated and Referenced Materials**

- a) The following materials are ~~incorporated and~~ referenced in this Part:
  - 1) State of Illinois Statutes
    - A) Illinois Health and Hazardous Substances Registry Act [410 ILCS 525]
    - B) Developmental Disability Prevention Act [410 ILCS 250]
    - C) Section 2310-365 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-365]
    - D) Lead Poisoning Prevention Act [410 ILCS 45]
    - E) Ambulatory Surgical Treatment Center Act [210 ILCS 5]
    - F) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]
    - G) Hospital Licensing Act [210 ILCS 85]
    - H) Freedom of Information Act [5 ILCS 140]
    - I) Part 21 of Article 8 of the Code of Civil Procedure, commonly known as the Medical Studies Act [735 ILCS 5/Art. 8, Part 21]

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- J) State Records Act [5 ILCS 160]
- K) Vital Records Act [410 ILCS 535]
- L) Environmental Protection Act [415 ILCS 5]
- M) Workers' Occupational Diseases Act [820 ILCS 310]
- N) Alternative Health Care Delivery Act [210 ILCS 3]

## 2) State of Illinois Rules:

- A) Freedom of Information Code (2 Ill. Adm. Code 1126)
- B) ~~Rules of~~ Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- C) Hospital Licensing Requirements (77 Ill. Adm. Code 250)
- D) Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640)
- E) Birth Center Demonstration Program Code (77 Ill. Adm. Code 265)

~~3) Federal Regulations~~

- ~~A) Protection of Identity—Research Subjects, 42 CFR 2A, pars. 4a-j, 6a-b, 7a-b1—(Revised October 1, 2004)~~
- ~~B) Occupational Safety and Health Standards, 29 CFR 1910.1025 (amended April 23, 1998)~~

~~3)4) Federal Statutes~~

- A) Occupational Safety and Health Act of 1970 [29 USC 15], ~~PL 91-596~~
- B) The Birth Defects Prevention Act of 1998 [42 USC 201], ~~PL 105-~~

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C) Public Health Service Act, ~~[42 USC 247b-4]~~

D) Federal Atomic Energy Act of 1954 [42 USC 2011]

b) The following materials are incorporated by reference in this Part:

1) Federal Regulations

A) Protection of Identity – Research Subjects, 42 CFR 2a.4(a)-(j), 2a.6(a)-(b) and 2a.7(a)-(b)(1) (October 1, 2009)

B) Occupational Safety and Health Standards, 29 CFR 1910.1025 (July 1, 2009)

2) Other Guidelines and Materials

A) International Classification of Diseases, 9th Revision Clinical Modification ~~(1986)~~, World Health Organization, Avenue Appia 20, 1211 Geneva ZT, Geneva, Switzerland ~~(1986)~~

B) International Classification of Diseases for Oncology (ICD-O), Third Edition (2000), World Health Organization, Avenue Appia 20, 1211 Geneva ZT, Geneva, Switzerland

C) International Classification of Diseases, 10<sup>th</sup> Revision ~~(1992)~~, World Health Organization, Avenue Appia 20, 1211 Geneva ZT, Geneva, Switzerland ~~(1992)~~

D) NAACCR Standards for Cancer Registries, Volume II, Data Standards and Data Dictionary, 11<sup>th</sup> Edition, April 2006 (effective January 2007), North American Association for Central Cancer Registries, 2121 W. White Oaks Dr., Suite C, Springfield, ~~IL~~Illinois 62704

E) NAACCR Standards for Cancer Registries, Volume III, Standards for Completeness, Quality, Analysis, and Management of Data, October 2004, North American Association of Central Cancer

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Registries, 2121 W. White Oaks Dr., Suite C, Springfield,  
[IL Illinois](#) 62704

- F) NAACCR Standards for Cancer Registries, Volume V, Pathology Laboratory Electronic Reporting, Version 2.0, November 2005, North American Association of Central Cancer Registries, 2121 W. White Oaks Dr., Suite C, Springfield, [IL Illinois](#) 62704
- G) Current Procedural Terminology (CPT) Coding Index, 2007 Version, American Medical Association, P.O. Box 930876, Atlanta, [GA Georgia](#) 31193
- H) National Birth Defects Prevention Network (NBDPN), Guidelines for Conducting Birth Defects Surveillance, [June 2004](#), Sever, LE, ed., 1600 Clifton Rd., Atlanta, [GA Georgia](#) 30333: [National Birth Defects Prevention Network, Inc., June 2004.](#)
- I) [NAACCR/NPCR Disk 7 of Fundamentals of Registry Operations: Data Collection and Coding: Race and Ethnicity Procedures for Central Registries, May 2005, North American Association of Central Cancer Registries, 2121 W. White Oaks Dr., Suite C Springfield IL 62704](#)
- J) [NAACCR Record Uniqueness Analysis Software Version 1.5, May 2004, North American Association of Central Cancer Registries, 2121 W. White Oaks Dr., Suite C, Springfield IL 62704](#)
- K) [Public Health Reporting and National Notification for Elevated Blood Lead Levels, Position Statement 09-OH-02, June 2009, Council of State and Territorial Epidemiologists, 2872 Woodcock Blvd., Atlanta GA 30341](#)

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

(Source: Amended at 36 Ill. Reg. 8380, effective May 18, 2012)

**Section 840.30 Availability of Registry Information**

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- a) All reports issued by the Department that are aggregated or recorded to make it impossible to identify any patient or reporting physician or facility, including the annual report, shall be made available to the public pursuant to the Department's Freedom of Information ~~Code~~rules (2 Ill. Adm. Code 1126) and the Freedom of Information Act.
- b) All requests by medical or epidemiologic researchers for confidential Registry data ~~shall~~must be submitted in writing to the Department. The request ~~shall~~must include a study protocol that contains: objectives of the research; rationale for the research, including scientific literature justifying the current proposal; overall study methods, including copies of study forms, questionnaires, and consent forms used by researchers to contact facilities, physicians or study subjects; methods for documenting compliance with 42 CFR 2a.4(a)-(j), 2a.6(a)-(b), and 2a.7(a)-(b)(1); methods for processing data; storage and security measures taken to ensure confidentiality of patient-identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); and the curriculum vitae of the principal investigator and collaborators. In addition, the research request ~~shall~~must include a copy of the current IRB approval from the researcher's institution, signed assurance forms for all parties participating in the project and a completed application for the Department's internal IRB review process.
- c) All requests to conduct research and modifications to approved research proposals involving the use of data that ~~include~~includes patient- or facility- identifying information shall be subject to a review by the Department before approval to determine compliance with the following conditions:
- 1) The request for patient or facility-identifying information contains stated goals or objectives.
  - 2) The request documents the feasibility of the study design in achieving the stated goals and objectives.
  - 3) The request documents the need for the requested data or interventions to achieve the stated goals and objectives.
  - 4) The requested data can be provided within the time frame set forth in the request.

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- 5) The request documents that the researcher has qualifications relevant to the type of research being conducted.
- ~~6) The research will not duplicate other research already underway using the same registry data when both require the contact of a patient, reporting facility or physician about an individual patient involved in the previously approved concurrent research.~~
- ~~6)7) The request includes~~Other such conditions relevant to the patient's confidentiality rights and the need for the patient- or facility- identifying information. ~~The and the patient's confidentiality rights because the~~ Department will ~~only~~ release only the patient- or facility- identifying information that is necessary for the research.
- ~~7)8) Appropriate exemptions, IRB approvals and waivers have been obtained.~~
- ~~8)9) The request documents the researcher's commitment to provide updated status reports.~~
- d) Research Agreements
- 1) The Department will enter into research agreements for all approved research requests. ~~The agreement~~These agreements shall specify the exact~~exactly what~~ information that is being released and how it can be used in accordance with the ~~conditions~~standards in subsection (c). In addition, the researcher shall include an assurance that:
- A) ~~Use~~Use of data is restricted to the specifications of the protocol;
- B) ~~Any and all~~ data that may lead to the identity of any patient, research subject, physician, other person, or hospital ~~are~~is strictly privileged and confidential. ~~The researcher shall agree and agrees~~ to keep ~~this~~all such data strictly confidential at all times;
- C) ~~All~~all officers, agents and employees will keep all ~~such~~ data strictly confidential; ~~will~~ communicate the requirements of this Section to all officers, agents, and employees; ~~will~~ discipline all persons who may violate the requirements of this Section; ~~and will~~

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notify the Department in writing within 48 hours after any violation of this Section becomes known to the researcher or officers, agents and employees of the institution, including full details of the violation and corrective actions to be taken;

- D) All data provided by the Department pursuant to the agreement shall be used only for the purposes named in the agreement, and ~~that~~ any other or additional use of the data will result in immediate termination of the agreement by the Department and the violation will be reported to federal authorities if HIPAA is applicable;
- E) All data provided by the Department pursuant to the agreement are the sole property of the Department and shall not be copied, ~~or~~ reproduced or re-released in any form or manner. If required by the Department, the researcher shall agree and agrees to return all data and all copies and reproductions of the data to the Department upon termination of the agreement.
- 2) Any departures from the approved protocol shall be submitted in writing and approved by the Director in accordance with subsection (c) prior to initiation. A researcher shall not release any patient- or facility-identifying information ~~may be released by a researcher~~ to a third party.
- e) The Department will disclose individual patient or facility information to the reporting facility that originally supplied that information to the Department, upon written request of the facility.
- f) The Department, by signed and reciprocating agreement, will disclose individual patient information concerning residents of another state to the registry in the individual's state of residence only if the recipient of the information is legally required to hold the information in confidence and provides protection from disclosure of patient-identifying information equivalent to the protection afforded by the Illinois law.
- g) The patient-identifying information submitted to the Department by those entities required to submit information under the Act and this Part will be used in the

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course of medical study under Part 21 of Article 8 of the Code of Civil Procedure. Therefore, this information is privileged from disclosure by Part 21 of Article 8 of the Code of Civil Procedure.

- h) *The identity, or any group of facts that tends to lead to the identity, of any facility or of any person whose condition or treatment is submitted to the Illinois Health and Hazardous Substances Registry is confidential and shall not be open to public inspection or dissemination and is exempt from disclosure under Section 7 of the Freedom of Information Act. The following data elements, alone or in combination, are confidential, shall not be open to public inspection or dissemination, and are exempt from disclosure under Section 7 of the Freedom of Information Act: name, social security number, street address, email address, telephone number, fax number, medical record number, certificate/license number, reporting source (unless permitted by the reporting facility), age (unless aggregated for 5 or more years), ZIP code (unless aggregated for 5 or more years), and diagnosis date (unless aggregated for one or more years for the entire State or for 3 or more years for a single county). Data defined by geographic areas that are smaller than ZIP code, such as census tract or census block groups, are considered confidential, and the Such information shall not be available for disclosure, inspection or copying under the Freedom of Information Act or the State Records Act. Information Information for specific research purposes may be released in accordance with procedures established by the Department in this Section. (Section 4(d) of the Act)*
- i) *Hospitals, laboratories, other facilities or physicians shall not be held liable for the release of information or confidential data in accordance with the Act. The Department shall protect any information made confidential or privileged under law. (Section 4(e) of the Act)*
- j) *Every reporting facility shall provide the Department or entities authorized to represent the Department with access to information from all medical, pathological, and other pertinent records and logs related to reportable Registry registry information in order for the Department to conduct rapid case ascertainment; death certificate clearance; patient follow-up; or any other review that is required to ensure data completeness, quality, and timeliness. The mode of access and the time during which this access will be provided shall be by mutual agreement between the facility and the Department (see Section 10 of the Act).*
- k) *Every reporting facility shall provide access to diagnostic, treatment, follow-up*

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and survival information ~~for regarding specified~~ patients with specific medical conditions identified through Department-approved research studies involving or other patients specified through rapid case ascertainment ~~for research studies conducted by the Department~~. The mode of access and the time during which this access will be provided shall be by mutual agreement between the facility and the Department (see Section 10 of the Act). ~~Any disputes as to access to information shall be resolved by the reporting facility in consultation with the Department within 30 days after requests for access have been denied.~~

- l) The Department ~~will release~~shall disclose individual patient or facility APORS information obtained from each Regional Perinatal Network facility to the Regional Perinatal Network's Administrative Perinatal Center, upon written request of that ~~Administrative~~particular Perinatal Center's Clinical Director. The patient- and facility-identifying information ~~released~~submitted to the Perinatal Center by the Department as required under this Part ~~shall is to~~ be used in the course of medical study under Part 21 of Article 8 of the Code of Civil Procedure and is, ~~therefore,~~ privileged from further disclosure. The Administrative Perinatal Center's request for APORS data ~~shall should~~ clearly indicate the purpose for which the data will be used. The Department ~~will shall~~ release data only for internal quality control or medical study for the purpose of reducing morbidity or mortality, or for improving patient care. The Department ~~will shall~~ provide a copy of the original request and the data that are released to the hospital that originally reported ~~the these~~ data.
- m) The Department ~~will release APORS~~shall disclose summary and statistical reports containing information that identifies individual patients or individual hospitals to the hospital that reported the patient, to the Administrative Perinatal Center with which ~~the hospital~~it is affiliated, and to the local health agency designated by the Illinois Department of Human Services~~Department~~ to provide follow-up services to patients. ~~The Such~~ reports may contain information provided by the referring hospital and information provided by the follow-up agency. ~~Data Patient and reporting facility specific data~~ provided ~~to the appropriate designee~~ under this Section that are specific to the patient and reporting facility are confidential and shall not be otherwise disclosed.

(Source: Amended at 36 Ill. Reg. 8380, effective May 18, 2012)

**Section 840.40 Administrative Hearings**

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All administrative hearings shall be conducted pursuant to ~~the Department's Rules of Practice and Procedure~~ ~~Procedures~~ in Administrative Hearings. (~~77 Ill. Adm. Code 100~~)

(Source: Amended at 36 Ill. Reg. 8380, effective May 18, 2012)

**Section 840.60 Fee Assessment**

The Department ~~will~~ charge persons or organizations, other than local health departments, State agencies or other units of State government, including the Illinois General Assembly and ~~staff~~ Staff, for requested summaries or analyses of data ~~that~~ which are not included in any report, survey or compilation of data prepared by the Department.

- a) All requests for summaries or analyses of data not included in any report, survey or compilation of data prepared by the Department shall be in writing and include a protocol ~~that~~ which meets the requirements of Section 840.30(b) of this Part.
- b) Fees shall be assessed based upon the following:
  - 1) Cost of data processing and programming;
  - 2) Cost of administrative and clerical processing;
  - 3) Cost of supplies and materials, if any; and
  - 4) Cost of postage.
- c) Upon receipt of the written request, the Department ~~will~~ estimate the amount of the fee calculated in accordance with subsection (b) and will issue a statement of fee assessment to the requestor. Payment of 50 percent of the estimated fee shall be rendered prior to initiating the project requested. All payments are nonrefundable.
- d) Full payment of the final assessed fee shall be rendered upon receipt of the final statement of fee assessment and prior to receipt of the requested data.
- e) Failure to submit the full assessed fee within 60 days after the receipt of the final statement of fee assessment ~~will~~ be deemed a withdrawal of the request. The Department ~~will~~ refuse future requests from a requestor who has not paid assessed fees.

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(Source: Amended at 36 Ill. Reg. 8380, effective May 18, 2012)

## SUBPART C: ADVERSE PREGNANCY OUTCOMES REPORTING SYSTEM

**Section 840.210 Newborn Infant Case Reporting**

- a) Entities required to report newborn infant cases:
- 1) The Department requires all hospitals and birth centers licensed by the State of Illinois to report adverse pregnancy outcome information for cases identified during ~~the~~ newborn infant hospitalization or care.
  - 2) The Department requests, but does not require, hospitals outside Illinois; ~~except the St. Louis perinatal centers;~~ and hospitals maintained by the federal government or other governmental agencies of~~with~~ the United States; to report adverse pregnancy outcome information identified during the newborn hospital stay of infants whose mothers were Illinois residents at the time of delivery concerning present or past residents of Illinois.
  - 3) The Department requires clinical laboratories licensed by the State of Illinois to report newborn infants~~newborns~~ who have positive toxicology for controlled substances ~~on a meconium test~~.
  - 4) The Department requires all hospitals and birth centers that are members of an Illinois Perinatal Network to report adverse pregnancy outcome information for cases identified during newborn infant hospitalization or care.
- b) Reporting newborn infant cases by hospitals:
- 1) ~~Hospital units providing perinatal and neonatal care are responsible for reporting adverse pregnancy outcome cases.~~
  - 1)2) Every hospital shall develop procedures and policies for identifying newborn infants who meet an APORS case criterion (see Section 840.200) and shall report these newborn infants to APORS.
  - 2)3) When a newborn infant meets a case criterion (see Section 840.200) and is

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transferred to another hospital for a higher level of care, the hospital providing the highest level of care shall report the case.

- 3)4) Hospitals are required to report newborn infant cases in the format ~~forms~~ provided by the Department.
- A) Hospitals ~~shall~~must use the Department's format for APORS reports and shall report the following information: ~~paper form (Infant Discharge Record):~~
- i) Reporting hospital four-digit facility identification number, name and city and state if not Illinois;
  - ii) Delivery hospital four-digit facility identification number, name and city and state if not Illinois; for births that do not occur in a hospital, the location should be provided by address or by description;
  - iii) Infant's patient identification number;
  - iv) Date the infant was admitted to the reporting hospital;
  - v) Infant's date of birth;
  - vi) Infant's discharge date from the reporting hospital;
  - vii) Infant's four-digit facility identification number and first and last name;
  - viii) Other names by which the infant may be known;
  - ix) Infant's sex;
  - x) Infant's race;
  - xi) Infant's ethnicity;
  - xii) Whether the infant was admitted to the Intensive Care Unit;

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- xiii) Whether the infant was exposed to drugs prenatally and, if applicable, what type;
- xiv) Birth mother's hepatitis B status;
- xv) Dates infant's hepatitis B immunizations were provided, if applicable;
- xvi) Infant's gestational age at delivery in whole weeks;
- xvii) Infant's birth weight in grams;
- xviii) Infant's birth order;
- xix) Pregnancy plurality;
- xx) Infant's diagnoses made prior to the newborn discharge;
- xxi) Birth mother's first and last name;
- xxii) Birth mother's maiden name;
- xxiii) Birth mother's address at delivery, including number, direction, street name, type of street, apartment number, city, state and ZIP code;
- xxiv) Birth mother's county of residence at delivery;
- xxv) Birth mother's medical record number;
- xxvi) Birth mother's social security number;
- xxvii) Birth mother's date of birth;
- xxviii) Birth mother's telephone number, including the area code;
- xxix) Father's first and last name;

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- xxx) Number of the birth mother's pregnancies, including the pregnancy resulting in this infant;
- xxxi) Number of pregnancies that produced: full-term infants, premature infants, abortions (spontaneous and induced), currently living children;
- xxxii) Infant's status on discharge: deceased, going home with parents or other family member, transferring to another hospital, transferring to a long-term care facility, being adopted, going to foster care, or in Department of Children and Family Services (DCFS) custody;
- xxxiii) Name, city and four-digit facility identification number of facility to which child was discharged, if applicable;
- xxxiv) Name and address of the person to whom the infant was discharged if the infant did not go home with the birth mother;
- xxxv) Delivery type, either vaginal or caesarean section;
- xxxvi) Feeding type, either breast, bottle or tube;
- xxxvii) If applicable, formula type, frequency and amount;
- xxxviii) Infant's discharge weight in grams;
- xxxix) Infant's head circumference, in centimeters, at the time of birth;
- xl) Infant's length, in centimeters, from crown to heel at the time of birth;
- xli) Treatments prescribed for the infant at discharge;
- xlii) Medication name, dosage and route of administration prescribed for the infant at discharge;

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- xliv) Other health, social and developmental concerns;
  - xliv) Name and telephone number (including area code) of registered nurse who can be contacted by the public health nurse making home visits to the infant;
  - xliv) Name, address and telephone number (including area code) of a relative, friend or other person who would know how to contact the infant's parents and the relationship of that person to the birth parents;
  - xlvi) Whether the infant's family has been informed that a local public health nurse will contact them to offer follow-up services in their home after the infant is discharged from the hospital;
  - xlvii) Name and the four-digit identification code of the local health agency that serves families in the county or city where the infant will be located;
  - xlviii) Indication of whether the infant or the infant's family is receiving services from a community social service agency, Division of Specialized Care For Children (DSCC), DCFS, or other agency;
  - xliv) Name of the infant's primary care physician;
  - l) Name and title of the person providing the information;
  - li) Date the report is completed.
- ~~B)~~ ~~When the Department provides an electronic system for hospitals to report birth related data, including APORS information, hospitals shall use the electronic system rather than the form referred to in subsection (b)(4)(A). If a hospital is technically unable to make electronic reports, it may submit case reports on a paper form provided by the Department.~~
- B)C) The Department will provide the hospitals with written instructions

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for completing an APORS report.

- 4)5) Hospitals are required to fully complete all sections of the report form and to send the report to the Department within seven days after the newborn infant's discharge or death.
- 5)6) When hospital-submitted reports are incomplete, the Department will contact the hospital within 30 days after receiving the report. The hospital shall supply the missing information to the Department within 30 days after receiving the request.~~returns incomplete forms, hospitals shall supply the missing information and return the form to the Department within 60 days.~~
- 6) When a newborn infant is discharged, the hospital shall notify the infant's parents or legal guardian that the infant was reported to the Department and that the infant will be referred to health agencies for services.
- 7) Hospitals shall provide the parents or legal guardian with materials provided by DHS that explain the follow-up services that will be offered to the family.
- 8) Hospitals shall provide copies of the report submitted to the Department to the parents or legal guardian if requested. All other requests for copies shall be denied.
- 9)7) Hospitals shall distribute the original report and three copies in the following manner:
  - A) The original report form shall be sent to the Department's Division of Epidemiologic Studies, ~~535605~~ West Jefferson, 3<sup>rd</sup> Floor, Springfield, Illinois 62761;
  - B) One copy shall be sent to the local health department or health agency in the county where the infant resides so that the infant's family can be offered follow-up public health services~~infant is referred for services provided by the High-risk Follow-up Program (77 Ill. Adm. Code 640.100);~~
  - C) One copy shall be sent to the infant's newborn's primary care

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physician; and

D) One copy shall be retained by the reporting hospital.

c) Reporting newborn infant cases by clinical laboratories:

1) Clinical laboratories are required to develop procedures and policies to report newborn infant cases of positive toxicology for controlled substances. Negative results are not reported to the Department.

2) Clinical laboratories are required to submit~~send~~:

A) Infant's~~The infant's~~ name (first and last);

B) Infant's date of birth;

C) Residential address, including street address, city, county, state and ZIP~~postal~~ code;

D) Unique identification number assigned by the submitting facility;

E) Name of the facility submitting the test;

F) Address of the facility submitting~~that submitted~~ the test;

G) Test results, including the type of controlled substance found ~~in the meconium~~; and

H) Date of the test~~;~~

~~I) Date of the laboratory results.~~

3) The clinical laboratory shall send the test results ~~are to be sent~~ to the Department within seven days after the laboratory completes ~~testing~~results.

(Source: Amended at 36 Ill. Reg. 8380, effective May 18, 2012)

**Section 840.220 Birth Defect Surveillance of Young Children**

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- a) Facilities required to provide data:
- 1) Hospitals;
  - 2) Prenatal and obstetric centers;
  - 3) Specialty health clinics that treat or provide services to children with birth defects;
  - 4) Genetics centers;
  - 5) Laboratories, including cytogenetic, prenatal diagnostic and metabolic; and
  - 6) Physicians who provide prenatal or pediatric care or treat young children ~~who have been discharged~~ with a birth defect diagnosis.
- b) Provision of data by hospitals:
- 1) All hospitals licensed by the State of Illinois shall provide to the APORS program reports of children up to two years of age who have been ~~diagnosed with a birth defect and~~ discharged from that hospital with a birth defect diagnosis.
    - A) Hospitals with perinatal designation levels of III, ~~II with extended neonatal capabilities~~, and II (see Section 640.40 of the Regionalized Perinatal Health Care Code, 77 Ill. Adm. Code 640.40) shall provide quarterly reports to the Department. The hospitals shall generate electronic reports from computerized hospital discharge data sets. The electronic reports ~~shall~~must be in the standard format required by the Department.
    - B) Hospitals with a perinatal designation level of I (see Section 640.40 of the Regionalized Perinatal Health Care Code, 77 Ill. Adm. Code 640.40) shall provide annual reports to the Department. The hospitals shall generate electronic reports from computerized hospital discharge data sets. The electronic reports ~~shall~~must be in the standard format required by the Department. If

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a hospital is technically unable to generate an electronic report, a paper report will be acceptable.

- C) Children's hospitals shall provide quarterly reports to the Department. The hospitals shall generate electronic reports from computerized hospital discharge data sets. The electronic reports ~~shall~~must be in the standard format required by the Department.
- c) Provision of data by cytogenetic laboratories and ~~genetic prenatal diagnostic~~ clinics:
- 1) All cytogenetic laboratories and ~~genetic prenatal diagnostic~~ clinics shall report ~~abnormal cytogenetic test results for prenatal and postnatal testing, birth defect diagnoses of genetic origin to the Department.~~ Negative results or normal results are not reported to the Department.
  - 2) The cytogenetic laboratories and prenatal diagnostic clinics shall ~~submit~~send:
    - A) ~~Patient's name~~Mother's name (first and last);
    - B) Date of birth;
    - C) Residential address, if available, including street address, city, county, state and postal code;
    - D) Unique identification number assigned by the submitting facility or physician;
    - E) Name of the facility or physician submitting the test;
    - F) Address of the facility or physician submitting the test;
    - G) Test results; and
    - H) Date of the test; ~~and~~
    - I) ~~Date of the laboratory results.~~

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- 3) The test results shall be sent to the Department within seven days after the testing is complete~~laboratory results~~.
- d) Provision of data by other medical facilities:
  - 1) Prenatal and obstetric centers; specialty health clinics that treat or provide services to children with birth defects; genetics centers; laboratories, including cytogenetic, prenatal diagnostic and metabolic; and physicians who provide prenatal or pediatric care or treat young children who have birth defects shall provide data about prenatally diagnosed birth defects and birth defects in young children up to two years of age.
  - 2) Upon the request of the Department, the facilities listed in subsections (a)(2)-(6) shall provide birth defects surveillance information to the Department.
- e) Availability of information for birth defect surveillance of young children:
  - 1) All ~~facilities~~hospitals listed in subsection (a)~~Section 840.220(b)~~ shall make medical records of mothers and children having a birth defect diagnosis or a risk factor for a birth defect available to the Department. The medical records will be reviewed by APORS staff to ascertain birth defect cases and collect pertinent data.
  - 2) The facilities shall make electronic medical records of children having a birth defect diagnosis or a risk factor for a birth defect available to the Department through remote computer access.~~The facilities shall make medical records of the affected mothers and children available to the Department. The medical records will be reviewed by APORS staff to ascertain birth defect cases and collect pertinent data.~~

(Source: Amended at 36 Ill. Reg. 8380, effective May 18, 2012)

**Section 840.230 Referral of APORS Cases**

Based on information reported pursuant to Section 840.210, infants diagnosed with the following conditions shall be referred for follow-up services and public health surveillance:

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- a) APORS staff will report infants diagnosed with the following craniofacial anomalies to the Department's Division of Oral Health, Craniofacial Anomaly Program, for referral to follow-up medical services:
- 1) Cleft lip;
  - 3) Cleft palate; and
  - 3) Cleft palate with cleft lip.
- b) Hospitals shall refer all infants meeting APORS reporting criteria (see Section 840.200) to the local health department or health agency in the county where the infant resides for services. The services provided by the local health department or health agency are not mandatory, and parents or legal guardians of the infant may decline follow-up services.
- c) APORS staff will refer infants diagnosed with selected conditions to DSCC. DSCC will determine these conditions in consultation with APORS. Referrals will be made at an interval and in a format that is agreed upon by APORS and DSCC. The services offered by DSCC are not mandatory, and parents or legal guardians of the infant may decline follow-up services. The conditions will include, but are not limited to:
- 1) Newborn metabolic disorders;
  - 2) Severe retinopathy of prematurity;
  - 3) Spina bifida;
  - 4) Congenital hydrocephalus;
  - 5) Cataracts;
  - 6) Ear defects causing hearing impairment;
  - 7) Transposition of the great vessels;
  - 8) Tetralogy of Fallot;

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- 9) Ventricular septal defects;
  - 10) Heart valve atresia or stenosis;
  - 11) Cleft lip or palate;
  - 12) Clubfoot; and
  - 13) Limb reduction defects.
- d) APORS staff will refer infants diagnosed with selected conditions to the DHS Early Intervention Program. The Early Intervention Program will determine these conditions in consultation with APORS. Referrals will be made at an interval and in a format that is agreed upon by APORS and the Early Intervention Program. The services provided (or offered) by the Early Intervention Program are not mandatory, and parents or legal guardians of the infant may decline follow-up services. The conditions will include, but are not limited to:
- 1) Newborn metabolic disorders;
  - 2) Retinopathy of prematurity;
  - 3) Spina bifida;
  - 4) Congenital hydrocephalus;
  - 5) Brain anomalies;
  - 6) Microphthalmos;
  - 7) Cataract;
  - 8) Cleft lip or palate; and
  - 9) Trisomy 13, 18 or 21.
- e) APORS staff will refer infants diagnosed with the following congenital infections to the Department's Division of Infectious Diseases within seven days after the information is entered into the APORS data system:

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- 1) Prenatal exposure to syphilis or a diagnosis of congenital syphilis;
- 2) Prenatal exposure to hepatitis B;
- 3) Prenatal exposure to chlamydia or a diagnosis of a chlamydial infection;
- 4) Prenatal exposure to herpes or a diagnosis of congenital herpes; or
- 5) Gonococcal conjunctivitis (neonatorum).

(Source: Added at 36 Ill. Reg. 8380, effective May 18, 2012)

## SUBPART D: OCCUPATIONAL DISEASE REGISTRY

**Section 840.300 Entities Required to Submit Information**

- a) The Department requires the following facilities to report ~~the case's~~ occupational disease incidence information:
  - 1) Clinical laboratories and hospital laboratories registered, permitted or licensed by the State of Illinois ~~and hospital laboratories~~ for ~~the~~ blood lead level testing and data collection. Clinical laboratories are required to submit:
    - A) Date of report, including month, day and year the report is completed, in the format mo/day/year, using two digits for month and day and four digits for year;
    - B) Last name of the case;
    - C) First name of the case;
    - D) Middle initial of the case;
    - E) Maiden name of the case, if applicable;
    - F) Complete address where the case resides on a permanent basis (refers to domicile, i.e., the address from which the case may

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lawfully register to vote if proper age is attained), including number, direction, street name, apartment number, type of street, city, state and ZIP code;

- G) County where the case currently resides;
- H) Telephone number of the case, including area code;
- I) Date of birth of the case, using two digits for the month, two digits for the day and four digits for the year;
- J) Gender: the appropriate number for the gender of the case, if available, as 1=male, 2=female, 3=other (includes persons with both male and female reproductive organs and persons who have undergone sex change) or 9=unknown;
- K) Social security number of the case;
- L) Name of submitting party, including the name of the person, industry, physician, hospital, laboratory, clinic or other facility submitting the blood lead sample to the laboratory to be analyzed;
- M) Title, if applicable, of the person submitting the blood lead sample to the laboratory to be analyzed;
- N) Telephone number of the submitting party (area code and seven digit number);
- O) Submitting party type: as either physician, industry (employer), hospital, laboratory (private or public), clinic or other (e.g., nurse, other health care professional, judge);
- P) Testing facility name: name of the laboratory analyzing the blood lead sample;
- Q) Testing facility address: address of the laboratory analyzing the blood lead sample, including number, street name, direction and type of street, city, state and ZIP code;

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- R) Testing facility phone number, including area code;
  - S) Test results: blood lead level of the sample in micrograms per deciliter (mcg/dL);
  - T) Date of sample collection, using two digits for month and day and four digits for year;
  - U) Date of sample receipt by the laboratory, using two digits for month and day and four digits for year;
  - V) Date of sample analysis by the laboratory, using two digits for month and day and four digits for year;
  - W) Specimen type provided to the laboratory, as either venous, capillary or unknown;
  - X) Methodology used to analyze the blood lead sample, as either delves cup, extraction-atomic absorption spectrometry, carbon rod-atomic absorption spectrometry, graphite furnace-atomic absorption spectrometry, anodic stripping voltammetry, hematofluorometry or other.
- 2) Local health authorities and other facilities for ~~the~~ blood lead level testing and data collection shall be required to provide information on cases of elevated blood lead levels as contracted by or upon request of the Department.
- 3) Physicians' offices or clinics shall be required to provide information on cases of elevated blood lead levels upon request of the Department.
- b) The Department requests ~~that~~ clinical or hospital laboratories maintained by the federal government or other facilities within the United States report all incidence of the occupational disease being collected from ~~the~~its facility or from other data base sources to the Department. An agreement will be established between the Department and ~~thesaid~~ facility for the purpose of collecting data on Illinois residents known to have the specified occupational disease determined by the Department to be reported or collected for the ~~Registry~~registry. These facilities, hospitals or clinical laboratories, include all those out-of-state certified by the

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Department or **by the** Occupational, Safety and Health Administration (OSHA) to conduct elevated blood lead levels.

(Source: Amended at 36 Ill. Reg. 8380, effective May 18, 2012)

**Section 840.305 Information Required to be Reported**

- a) The Occupational Disease Registry shall consist of information on the following occupational disease incidences:
  - 1) Elevated blood lead levels (lead poisoning);
  - 2) Workplace fatalities;
  - 3) Workplace nonfatal injuries and illnesses; and
  - 4) Other specific illnesses such as asbestosis, silicosis, and coal worker's pneumoconiosis.
- b) Information **onef** the occupational disease incidences shall be collected in four ways.
  - 1) Information concerning elevated blood lead levels (lead poisoning) shall be reported to the Department by the facilities specified in Section 840.300 of this Part.
    - A) The Department **will follow up with attending physicians or patients/cases or** will contract with the local health authorities that agree to conduct interviews with patients/cases, or attending physicians as needed, to assure the accuracy and completeness of reports. **The Department or contracted local health authority-and** will perform the activities or case follow-up for elevated blood lead levels equal to or in excess of **1025** mcg/dl set forth in subsection (b)(1)(B).
    - B) **The agreement with local health authoritiesThis agreement** will contain requirements for the performance of the following activities or patient follow-up:

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- i) ~~Trace~~Trace the patient or case;<sup>5</sup>
  - ii) ~~Counsel~~Counsel the patient or case;<sup>5</sup>
  - iii) ~~Educate~~Educate the patient or case;<sup>5</sup>
  - iv) ~~Interview~~Interview the patient or case for purposes of collecting, verifying or completing the information identified in subsection (b)(1) of this Section;<sup>5</sup> and
  - v) ~~Submit~~Submit completed reports to the Department within 30 business days after receipt of the laboratory report for adult elevated blood lead analysis ~~form~~.
- 2) Information concerning fatal occupational injuries and illnesses shall be collected from various reporting sources, including, but not limited to, death certificates, newspaper clipping services, ~~OSHA Occupational Safety and Health Administration~~ reports and coroner's reports.
  - 3) Information concerning nonfatal occupational injuries and illnesses shall be collected using the U.S. Department of Labor, Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses, an annual sample survey of Illinois companies and governmental units.
  - 4) Information concerning specific illnesses shall be collected from existing data sources such as the hospital discharge database or medical records.
- c) ~~Reports of elevated blood lead levels shall be reported by facilities to the information to be reported shall be provided upon forms supplied by the Department by manual submission (paper) or by electronic submission. The facility shall abstract information for the occupational disease case's record onto the standard forms supplied by the Department. (See Appendix C.) The information required in this Section does not apply to data supplied through existing data base sources.~~
  - d) All completed ~~elevated blood lead level submissions~~forms are to be mailed to the Illinois Department of Public Health, Division of Epidemiologic Studies, Occupational Disease Registry, ~~535605~~ West Jefferson Street, 3<sup>rd</sup> floor, Springfield, Illinois 62761 or submitted electronically.

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- e) Each case's ~~elevated blood lead level~~~~occupational disease~~ incidence report ~~form~~ shall be sent/~~submitted~~ to the Department within seven days after the date of laboratory results. ~~A local health authority or other facility shall submit all~~ data received from a registered, permitted or licensed clinical laboratory or hospital laboratory ~~sent to a local health authority in Illinois or other facility shall be submitted~~ to the Department within three business days after the date ~~the data are received~~~~it is received by the local health authority or other facility~~.
- f) Every hospital, clinical or hospital laboratory, or other facility shall provide representatives of the Department with access to information including specified occupational disease cases or other cases specified for research studies related to occupational disease prevention and control. The Department will conduct studies of all medical, pathological, or other pertinent records and logs related to occupational disease incidence.
- g) Every hospital, clinical or hospital laboratory, or other facility shall provide the Department representatives with ~~the~~ patient's name and attending physician's name for the ~~purpose~~~~purposes~~ of follow-up on all laboratory and existing data base reports received by the Department.
- h) The mode of access and the time during which this access will be provided shall be by mutual agreement between the hospital, other reporting facilities and the Department. The Department ~~will~~~~shall~~ not require hospitals and other reporting facilities to provide information on cases that are dated more than two years before the Department's request for further information. ~~Any disputes regarding access shall be resolved by the hospital and the Department within 30 days after requests for access have been denied.~~

(Source: Amended at 36 Ill. Reg. 8380, effective May 18, 2012)

**Section 840.310 Methods of Reporting Occupational Disease**

- a) All registered, permitted, or licensed hospital laboratories, clinical laboratories, local health authorities or other facilities shall provide the Department with information on elevated blood lead level cases within ~~seven~~~~7~~ business days ~~after~~~~of~~ receipt of ~~the~~ results.

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- b) Physicians' offices shall provide the Department with information on elevated blood lead level cases upon request of the Department or local health department.
- c)b) Any person, clinical or hospital laboratory, hospital, or other facility required to report to the Department the ~~specified~~ occupational diseases specified in this Section, shall use the ~~terminology the Department has established. Otherwise, the following terminology to indicate shall be interpreted as indicating~~ a reportable occupational disease:
- 1) Probable;
  - 2) Consistent with;
  - 3) Compatible with;
  - 4) Suspected;
  - 5) Extension or invasion "to", "onto", "into", "out onto" ~~'to', 'onto', 'into', 'out onto'~~.
- d)e) If the following terminology would be used to report an occupational disease specified by the Department to be collected and submitted ~~on forms in Appendix C~~, the disease shall be interpreted as ~~being of a nature that is not~~ being necessary for reporting to the Department:
- 1) Questionable;
  - 2) Possible;
  - 3) Suggests;
  - 4) Equivocal;
  - 5) Rule out;
  - 6) Very close to;
  - 7) Worrisome.

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~~e)~~d) Determination of whether ~~or not~~ a given condition is reportable shall be made by the use of the International Classification of Diseases – 9<sup>th</sup> Revision – Clinical Modification (ICD-9-CM) codes.

~~f)~~e) The specified ~~diagnoses~~ diagnosis of occupationally related diseases ~~that~~ which shall be collected from existing ~~IDPH databases~~ sources data base are:

- 1) Asbestosis, ICD-9-CM code 501;
- 2) Coal Worker's Pneumoconiosis, ICD-9-CM code 500;
- 3) Lead Poisoning - (Elevated Blood Lead Level), ICD-9-CM code 984.0 - 984.9; and
- 4) Silicosis, ICD-9-CM code 502.

~~g)~~f) All existing ~~IDPH databases will~~ reporting sources data base provided to the Department shall use ~~the~~ these ICD-9-CM codes specified in subsection (f) for ~~the purpose in~~ consistency of data collection.

(Source: Amended at 36 Ill. Reg. 8380, effective May 18, 2012)

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**Section 840.APPENDIX C Forms and Instructions for Occupational Disease Registry  
(Repealed)****Section 840.EXHIBIT A Instructions for completing The Laboratory Based Report of  
Adult Blood Lead Analysis (Repealed)**

~~The Adult Elevated Blood Lead Analysis form should be completed for all blood lead test with concentrations 25 mcg/dl or greater on all persons 16 years of age and older. All laboratories in Illinois certified by the Illinois Department of Public Health and Occupational Safety and Health Administration (OSHA) to conduct a blood lead analysis are required to complete the Adult Elevated Blood Lead Analysis form.~~

- ~~1. THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH CASE NUMBER: The case number will be completed by the Illinois Department of Public Health.~~
- ~~2. DATE OF REPORT: Enter the month, day and year the form is being completed. Use two digits, e.g., 08/03 for month and date. For example, use four digits for year 1989.~~

**CASE DATA**

- ~~3. Complete the following information on the case's complete name (if unknown enter slashes in the space provided):~~
  - ~~• LAST NAME: Enter the case's complete last name.~~
  - ~~• FIRST NAME: Enter the case's complete first name.~~
  - ~~• MIDDLE INITIAL: Enter the case's middle initial.~~
  - ~~• MAIDEN NAME: If applicable, enter the case's complete maiden name.~~

~~ADDRESS OF CASE: If information is available, complete the following elements on the form. Slashes should be entered in the space provided if unknown. All elements refer to domicile, i.e., the address from which the case may lawfully register to vote if proper age is attained.~~

- ~~• NUMBER: Enter the number of case's current street address.~~
- ~~• DIRECTION: Enter the direction which appears in the case's current street address, e.g. North, West.~~

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- ~~STREET NAME: Enter the name of the case's current street address.~~
  - ~~APARTMENT NUMBER: If applicable, enter the apartment number of the case's domiciled address.~~
  - ~~TYPE: Enter the applicable type of street address, e.g. avenue, street, boulevard.~~
  - ~~CITY: Enter the complete name of the city in which the case currently is domiciled.~~
  - ~~STATE: Enter the state where the case currently is domiciled. Use the standard two-digit abbreviations.~~
  - ~~ZIP CODE: Enter the five digit zip code where the case currently is domiciled.~~
4. ~~COUNTY: Enter the complete name of the county where the case currently is domiciled.~~
- ~~CODE: The Illinois Department of Public Health will complete the code.~~
5. ~~TELEPHONE NUMBER: If available, enter the case's telephone number (area code and seven digit number). If unknown, enter slashes in boxes provided.~~
6. ~~DATE OF BIRTH: If available, enter the data of birth for the case. Use two digits for the month and the date. Use four digits for the year. If unknown, enter slashes in boxes provided.~~
7. ~~SEX: If available, enter the appropriate number for the sex of case in the box provided. Record 1 for a male, 2 for a female, 3 for other (includes hermaphrodites and instances of definitive sex change) and a 9 for unknown.~~

**SUBMITTING PARTY DATA**

8. ~~NAME: Enter the name of the person, industry, physician, hospital, laboratory, clinic or other submitting the elevated blood lead sample to the laboratory to be analyzed.~~

~~TITLE: Enter the title if applicable of person submitting the elevated blood lead sample to the laboratory to be analyzed.~~

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9. ~~TELEPHONE NUMBER: Enter the telephone number of the submitting party (area code and seven digit number).~~
10. ~~TYPE: Enter the type of party submitting the sample in the box provided. If a physician submits the elevated blood lead sample indicate by marking 1 in box. For industry mark 2 in box; for a hospital mark 3 in box; for a laboratory (private or public) mark 4 in box; for a clinic mark 5 in box; for other, e.g., nurse, other health care professional, judge; mark 6 in box and specify on the line provided.~~

~~TESTING FACILITY DATA~~

11. ~~NAME OF LABORATORY: Enter the name of the laboratory analyzing the blood lead sample. The laboratory code number will be completed by the Illinois Department of Public Health.~~
12. ~~ADDRESS: Enter the address of the laboratory analyzing the blood lead sample including street number, direction and name.~~
- ~~CITY: Enter the complete name of the city of laboratory analyzing the blood lead sample.~~
- ~~STATE: Enter the two digit abbreviation of the state of the laboratory analyzing the blood lead sample.~~
- ~~ZIP CODE: Enter the five digit zip code of the laboratory analyzing the blood lead sample.~~
13. ~~LABORATORY TELEPHONE NUMBER: Enter the telephone number of the laboratory analyzing the blood lead sample.~~
14. ~~TEST RESULTS: Enter the blood lead level of the sample in micrograms per deciliter (meg/dl).~~
15. ~~DATE SAMPLE COLLECTED: Enter the month, day and year the blood lead sample was collected, e.g., 08/03/1989. Use two digits for month and day. Use four digits for the year.~~

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16. ~~DATE SAMPLE RECEIVED: Enter the month, day and year the blood lead sample was received by the laboratory, e.g., 08/03/1989. Use two digits for month and day. Use four digits for the year.~~
17. ~~DATE SAMPLE ANALYZED: Enter the month, day and year the blood lead sample was analyzed by the laboratory, e.g., 08/03/1989. Use two digits for month and day. Use four digits for the year.~~
18. ~~SPECIMEN TYPE: Enter a 1 in the box provided if the specimen type is venous; and 2 if capillary and a 9 if unknown.~~
19. ~~METHODOLOGY: Enter appropriate methodology used. Enter a 1 in the box for delves cup; a 2 for extraction AAS; a 3 for carbon rod AAS; a 4 for graphite furnace AAS; a 5 for anodic stripping voltammetry; a 6 for hematoflourometry; a 7 for other methodology used and specify on the line provided.~~

~~On the line provided on the form, the signature of the person (first & last name), completing the form should be affixed. Enter the title of the person completing the form. Enter the date the completed form is mailed.~~

~~Mail completed report within 7 business days to:~~

~~Illinois Department of Public Health  
Division of Epidemiologic Studies  
Occupational Disease Registry  
605 West Jefferson Street  
Springfield, IL 62761~~

(Source: Repealed at 36 Ill. Reg. 8380, effective May 18, 2012)

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**Section 840.APPENDIX C Forms and Instructions for Occupational Disease Registry  
(Repealed)****Section 840.EXHIBIT B Instructions for completing the Health Department Follow-up Report of Adult Blood Lead Level Analysis For Results of 25 mcg/dl and Above (Local Health Authorities will use this form) (Repealed)**

~~The follow-up form should be completed for all persons 16 years of age and older having had a blood lead test done and analyzed at 25 mcg/dl or higher. Information from this form will be matched with the laboratory report of adult elevated blood lead level analysis form.~~

- ~~1. ILLINOIS DEPARTMENT OF PUBLIC HEALTH CASE NUMBER: The case number will be completed by the Illinois Department of Public Health.~~
- ~~2. DATE OF REPORT: Enter the month, day and year the form is being completed, e.g., 08/03/1989. Use two digits for month and date and four digits for the year.~~
- ~~3. HEALTH DEPARTMENT FOLLOW-UP: If not already computer printed, enter the name of the health department completing the report, e.g., Cook County Health Department.~~

**CASE DATA**

- ~~4. NAME: Information for the case name will be extracted from the Laboratory Based Report of Adult Blood Lead Analysis form. The health department conducting the follow-up activities should verify, correct or complete the information at the time of the case interview.~~

- ~~• LAST NAME: Enter the complete last name of the case.~~
- ~~• FIRST NAME: Enter the complete first name of the case.~~
- ~~• MIDDLE INITIAL: Enter the middle initial of the case.~~
- ~~• MAIDEN NAME: If applicable, enter the maiden name of the case.~~

~~ADDRESS: Information for the case address will be extracted from the Laboratory Based Report of Adult Blood Lead Analysis form. The health department conducting the follow-up activities should verify, correct, or complete the information at the time of the~~

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~~case interview. All elements refer to domicile, i.e., the address from which the case may lawfully register vote if proper age is attained.~~

- ~~• NUMBER: Enter the number of case's current street address.~~
- ~~• DIRECTION: Enter the direction which appears in the case's current street address, e.g., North, West.~~
- ~~• STREET NAME: Enter the name of the case's current street address.~~
- ~~• APARTMENT NUMBER: If applicable, enter the apartment number of the case's current address.~~
- ~~• TYPE: Enter the applicable type of street address, e.g. avenue, street, boulevard.~~
- ~~• LOCATION: If applicable, enter the location of the street address, e.g., N.E., N.W.~~
- ~~• CITY: Enter the complete name of the city where the case currently is domiciled.~~
- ~~• STATE: Enter the two digit state abbreviation where the case currently is domiciled.~~
- ~~• ZIP CODE: Enter the five digit zip code where the case's currently domiciled address applies.~~
- ~~• COUNTY NAME AND CODE: Enter the name of county where the case is domiciled. The Illinois Department of Public Health will enter the county code of the case's current address.~~

~~PERSONAL DATA~~

- ~~5. PHONE NUMBER: Enter the case's telephone number (area code and seven digit number). Enter slashes if unknown.~~
- ~~6. SOCIAL SECURITY NUMBER: Enter the case's nine digit social security number. If unknown, enter slashes in the boxes provided.~~
- ~~7. DATE OF BIRTH: Enter the case's month, day and year of birth, e.g., 08/03/1989. Use~~

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~~2-digits for month & date and 4 digits for year.~~

~~8. SEX: Enter the case's sex in the box. Mark 1 if male, 2 if female, and 3 if other (includes hermaphrodites and instances of definitive sex changes), and 9 if unknown.~~

~~9. RACE: Enter the case's race in the box. Mark 1 if White, 2 if Black, 3 if Asian American/Pacific Islander, 4 if American Indian/Alaskan Native, 5 if other and identify what type on the line provided and box 9 if unknown.~~

~~Black is defined as a person having origins in any of the black racial groups of the original people of Africa, and is not of Hispanic origin.~~

~~Asian American or Pacific Islander is defined as a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, i.e., China, Korea, the Philippine Islands or Samoa.~~

~~American Indian or Alaskan Native is defined as a person having origins in any of the original peoples of North America and who maintains culture identification through tribal affiliation or community organization.~~

~~White is defined as a person who is considered to be Caucasian.~~

~~10. HISPANIC ORIGIN: Hispanic is not considered a race. It is an ethnicity. Enter the appropriate number in the box identifying whether or not case is Hispanic. Mark 1 for yes, if yes, specify ancestry on line provided, mark 2 for no, and mark 9 for unknown. Hispanic Origin includes all Mexican, Puerto Rican, Cuban, South or Central America, and other Spanish people. Brazilians and Portuguese are not considered of Hispanic origin.~~

~~11. NUMBER OF CHILDREN UNDER 16 YEARS OF AGE LIVING IN THE CASE'S HOUSEHOLD: Enter the appropriate number of children living in the case's household in the box provided.~~

~~12. CASE OR OTHER IN HOUSEHOLD PREGNANT AT TIME OF DIAGNOSIS: If the case or other in household is pregnant at the time the elevated blood level sample is taken indicate by entering a 0 for not appropriate (N/A), 1 for yes, if not pregnant enter a 2 for no, or if unknown enter a 9.~~

~~13. TRIMESTER OF PREGNANCY: If the case or other in household is pregnant at the~~

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~~time the elevated blood level sample is drawn enter the trimester by marking 1 for first, 2 for second, 3 for third. If not applicable, enter 0.~~

~~CASE OCCUPATION DATA~~

14. ~~OCCUPATION: Enter the type of occupation which the case is currently or most recently employed. The Illinois Department of Public Health will complete the code.~~
15. ~~INDUSTRY: Enter the type of industry which the case is currently or most recently employed. The Illinois Department of Public Health will complete the code.~~
16. ~~IF CASE OR OTHER IN HOUSEHOLD PREGNANT, LIST CASE'S OCCUPATION DURING: (If applicable)~~
- ~~Prior to 3 months: Enter type of occupation case held 3 months before pregnancy. The Illinois Department of Public Health will complete the code.~~
  - ~~1<sup>st</sup> Trimester: Enter the type of occupation case held at 1st trimester of pregnancy. The Illinois Department of Public Health will complete the code.~~
  - ~~2<sup>nd</sup> Trimester: Enter the type of occupation case held at 2nd trimester of pregnancy. The Illinois Department of Public Health will complete the code.~~
  - ~~3<sup>rd</sup> Trimester: Enter the type of occupation case held at 3rd trimester of pregnancy. The Illinois Department of Public Health will complete code.~~
17. ~~CASE REMOVED FROM WORK ENVIRONMENT: Enter 1 for yes—case was removed from work environment or 2 for no—case was not removed from work environment. Enter 9 if it is unknown whether case was removed from work environment.~~

~~CASE EMPLOYER DATA~~

18. ~~COMPANY NAME: Enter the name of the case's current or most recent employer at the time the blood test was drawn. The Illinois Department of Public Health will complete the code.~~

~~EMPLOYER'S ADDRESS (The work site of the case):~~

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- ~~NUMBER: Enter the number and direction of the case's current or most recent employer.~~
- ~~STREET NAME: Enter the street name of the case's current or most recent employer.~~
- ~~CITY: Enter the complete name of the city of the case's current or most recent employer.~~
- ~~STATE: Enter the two letter abbreviation of the state (see attached list) of the case's current or most recent employer.~~
- ~~ZIP CODE: Enter the five digit zip code of the case's current or most recent employer.~~
- ~~COUNTY NAME AND CODE: Enter the county name of the case's current or most recent employer. Illinois Department of Public Health will complete the county codes.~~

19. ~~EMPLOYER'S PHONE NUMBER: Enter the telephone number of the case's current or most recent employer (includes area code and seven digits).~~

~~SIGNATURE LINE: Enter the name (first and last) of the person completing the report. Enter the title of the person completing the report. Record on the line provided the date the completed report is mailed.~~

Mail completed form within 30 business days after receipt of the Adult Elevated Blood Lead Report to:

Illinois Department of Public Health  
Division of Epidemiologic Studies  
Occupational Disease Registry  
605 W. Jefferson Street  
Springfield, IL 62761

(Source: Repealed at 36 Ill. Reg. 8380, effective May 18, 2012)

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**Section 840.APPENDIX C Forms and Instructions for Occupational Disease Registry  
(Repealed)**

**Section 840.ILLUSTRATION A Health Department Laboratory Report of Adult Elevated  
Blood Lead Analysis 25 mcg/dl and Above (Repealed)**

**LABORATORY REPORT OF ADULT  
ELEVATED BLOOD-LEVEL ANALYSIS 25 mcg/dl AND ABOVE  
(Please PRINT Firmly)**

1.  IDPH Case Number 2. Reporting Date

**CASE DATA**

3. Name  
 Last Name  First Name   
 Maiden (If Applicable)   
 Number  Dir  Street Name  Apt  Type  Loc   
 City  State  Zip Code

4. County Name <input type="text"/> County Code <input type="text"/> 5. Phone Number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> 6. Date of Birth <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> FOR IDPH USE ONLY Follow-up LHO <input type="text"/> <input type="text"/> <input type="text"/> Occupation <input type="text"/> <input type="text"/> <input type="text"/> Industry <input type="text"/> <input type="text"/> <input type="text"/>	7. Sex <input type="checkbox"/> 1. Male 2. Female 3. Other 4. Unknown	<b>TESTING FACILITY DATA</b> 11. Laboratory Name <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> 12. Address <input type="text"/> City <input type="text"/> State <input type="text"/> Zip Code <input type="text"/> 13. Laboratory Telephone Number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> 14. Test Results <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> mcg/dl 15. Date Sample Collected <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> 16. Date Sample Received <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> 17. Date Sample Analyzed <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> 18. Specimen Type: 1. Venous <input type="checkbox"/> 2. Capillary <input type="checkbox"/> 3. Unknown <input type="checkbox"/> 19. Methodology: 1. Delves-cup <input type="checkbox"/> 2. Extraction-AAS <input type="checkbox"/> 3. Carbon-rod-AAS <input type="checkbox"/> 4. Graphite-furnace-AAS <input type="checkbox"/>
<b>SUBMITTING PARTY DATA</b> 8. Name <input type="text"/> Title <input type="text"/> 9. Phone Number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> 10. Type: <input type="checkbox"/> 1. Physician                      4. Lab 2. Industry                         5. Clinic 3. Hospital                         6. Other <input type="text"/>		
<b>MAIL TO:</b> ILLINOIS DEPARTMENT OF PUBLIC HEALTH		

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

OCCUPATIONAL DISEASE REGISTRY  
605 WEST JEFFERSON STREET  
SPRINGFIELD, IL 62761  
TELEPHONE: (217)785-1873

- 5. Anodic stripping voltammetry
- 6. Hematofluorometry
- 7. Other: \_\_\_\_\_

20. Signature of Person Completing Form

Title

Date

(Source: Repealed at 36 Ill. Reg. 8380, effective May 18, 2012)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 840.APPENDIX C Forms and Instructions for Occupational Disease Registry (Repealed)

Section 840.ILLUSTRATION B Health Department Follow-Up Report of Adult Blood Lead Levels Analysis for Results of 25 mcg/dl and Above (Repealed)

11/13/89 HEALTH DEPARTMENT FOLLOW-UP REPORT OF ADULT BLOOD LEAD LEVEL ANALYSIS FOR RESULTS OF 25 mcg/dl AND ABOVE (Please PRINT firmly or type) 1-IDPH case #

2. DATE OF REPORT: month / day / year

3. HEALTH DEPT. FOLLOW-UP:

CASE DATA

4. NAME: last-name first-name middle-initial maiden (if applicable) ADDRESS: number dir street-name apt type loc city state zip-code county

PERSONAL DATA

5. PHONE NUMBER 7. Sex 6. SOCIAL SECURITY NUMBER 1. Male 2. Female 3. Other 4. Unknown 8. Date of Birth month / day / year 9. RACE: 1. White 2. Black 3. Asian/Pacific Islander 4. American Native 5. Other 9. Unknown 10. HISPANIC ORIGIN: 1. Yes Specify 2. No 9. Unknown 11. NUMBER OF CHILDREN UNDER 16 YEARS OF AGE LIVING WITH CASE: 12. CASE OR OTHER IN HOUSEHOLD PREGNANT AT TIME OF DIAGNOSIS: 0. N/A 1. Yes 2. No 9. Unknown 13. TRIMESTER OF PREGNANCY: 1. First 2. Second 3. Third

CASE OCCUPATION DATA

14. OCCUPATION: IDPH only 15. INDUSTRY: 16. IF CASE OR OTHER IN HOUSEHOLD PREGNANT LIST THE CASE'S OCCUPATION DURING: Prior 3 months: 1st trimester: 2nd trimester: 3rd trimester: 17. CASE REMOVED FROM WORK ENVIRONMENT? 1. Yes 2. No

CASE EMPLOYER DATA

18. COMPANY NAME: number street-name city state zip-code county 19. EMPLOYER PHONE NUMBER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

<p><del>MAIL TO:</del> <del>ILL. DEPARTMENT OF PUBLIC HEALTH</del> <del>OCCUPATIONAL DISEASE REGISTRY</del> <del>605 West Jefferson</del> <del>Springfield, Illinois 62761</del> <del>TELEPHONE: (217)785-1873</del></p>	<hr/> <p><del>Signature of Person Completing Form</del></p> <hr/> <p><del>Title</del> <del>Date</del></p>
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(Source: Repealed at 36 Ill. Reg. 8380, effective May 18, 2012)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: John R. Justice Student Loan Repayment Program
- 2) Code Citation: 23 Ill. Adm. Code 2754
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2754.10	New Section
2754.15	New Section
2754.20	New Section
2754.30	New Section
- 4) Statutory Authority: Implementing Section 952 of the Higher Education Opportunity Act (42 USC 3797cc-21) and Section 20(b) of the Illinois Higher Education Student Assistance Act [110 ILCS 947] and authorized by Section 20(f) of that Act
- 5) Effective Date of Rules: June 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 13, 2012, 36 Ill. Reg. 541
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposed and final version: The only changes made were technical in nature.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Section 952 of the Higher Education Opportunity Act of 2008 [42 U.S.C. 3797cc-21] created the John R. Justice Student Loan Repayment

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

Program, a federal program that provides States with funds for loan repayment assistance to encourage qualifying individuals to pursue careers as state and federal public defenders and state prosecutors to protect the rights of a State's most vulnerable citizens or provide quality enforcement of State law. ISAC was designated by the Office of the Governor as the State administrative agency responsible for oversight of the program and distribution of funds in Illinois. Proposed rulemaking for the program set forth the applicant eligibility requirements and program procedures.

- 16) Information and questions regarding these Adopted Rules shall be directed to:

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

847/948-8500, ext. 2305  
email: [lynn.hynes@isac.illinois.gov](mailto:lynn.hynes@isac.illinois.gov)

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

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

## PART 2754

## JOHN R. JUSTICE STUDENT LOAN REPAYMENT PROGRAM

## Section

2754.10	Summary and Purpose
2754.15	Definitions
2754.20	Applicant Eligibility
2754.30	Program Procedures

**AUTHORITY:** Implementing Section 952 of the Higher Education Opportunity Act (42 USC 3797cc-21) and Section 20(b) of the Illinois Higher Education Student Assistance Act [110 ILCS 947] and authorized by Section 20(f) of that Act.

**SOURCE:** Emergency rules adopted at 36 Ill. Reg. 556, effective January 9, 2012, for a maximum of 150 days; adopted at 36 Ill. Reg. 8435, effective June 1, 2012.

**Section 2754.10 Summary and Purpose**

- a) The John R. Justice Student Loan Repayment Program provides loan repayment assistance to encourage qualifying individuals to pursue careers as state and federal public defenders and state prosecutors to protect the rights of this State's most vulnerable citizens or provide quality enforcement of State law.
- b) This Part governs the John R. Justice Student Loan Repayment Program. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

**Section 2754.15 Definitions**

"Eligible educational loans" – Federal student loans originated under the following programs:

Federal Stafford Loans;

Federal Graduate PLUS Loans;

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

Federal consolidation loan programs, including Federal Direct Consolidation Loans; and

Federal Perkins Loans.

"Non-eligible loans" – All private or nonfederal student loans and any loans originated under the following programs or conditions:

Federal Parent PLUS Loans;

Federal Direct PLUS Loans made to the parents of a dependent student; and

Any federal consolidation loan to the extent that loan was used to repay a Federal Parent PLUS or a Federal Direct PLUS Loan.

"Prosecutor" – A full-time employee of the State of Illinois or unit of local government within the State who is continually licensed to practice law and prosecutes criminal or juvenile delinquency cases at the State or local government level (including supervision, education, or training of other persons prosecuting such cases). (See 42 USC 3797cc-21(b)(1).)

"Public Defender" – An attorney who is continually licensed to practice law and is employed as any of the following:

a full-time employee of the State of Illinois or local government in Illinois who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education or training of other persons providing the representation);

a full-time employee of a nonprofit organization operating under a contract with the State of Illinois or local government in Illinois, who devotes substantially all of the employee's full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education or training of other persons providing the representation); or

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

employed as a full-time Federal defender attorney in a defender organization established pursuant to 18 USC 3006A(g) and located in Illinois that provides legal representation to indigent persons in criminal or juvenile delinquency cases. (See 42 USC 3797cc-21(b)(2).)

**Section 2754.20 Applicant Eligibility**

A qualified applicant for loan repayment shall be:

- a) a United States citizen or eligible noncitizen;
- b) a licensed attorney in good standing with the Illinois bar;
- c) a borrower who is not in default on a federal guaranteed educational loan;
- d) a borrower with an outstanding balance due on an eligible educational loan;
- e) employed as a public defender or prosecutor; and
- f) required to enter into a term of service of three years pursuant to a John R. Justice Student Loan Repayment Program Service Agreement (Service Agreement) that is prepared by the United States Department of Justice and that must be entered into by each applicant prior to the commencement of any term of service.

**Section 2754.30 Program Procedures**

- a) In order to receive benefits under this Part, a qualified applicant must complete a program application and, at the time of application, submit an executed Service Agreement. Applicants who previously executed a Service Agreement but have not yet completed the required term of service described in the Service Agreement must complete a renewal application.
  - 1) Program applications, renewal applications and the Service Agreement are available at ISAC's website and ISAC's Springfield, Deerfield and Chicago offices.
  - 2) If the applications or the Service Agreement are incomplete, the applicant will be provided an opportunity to furnish any missing information. Applications will be considered for processing only as of the date a

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

complete application and Service Agreement are received by ISAC in its Deerfield office. No applications will be considered for processing if received after the published date unless funds remain available for disbursement. ISAC reserves the right to request documentation to verify data reported on the application.

- 3) The application will require the applicant's employer (or future employer in the case of recruited attorneys) to certify the following:
  - A) The employer is an eligible employing entity under the John R. Justice Prosecutors and Defenders Incentive Act (42 USC 3797cc-21);
  - B) The applicant seeking benefits meets the definition of "prosecutor" or "public defender" under the Act; and
  - C) The employer employs or, in the case of a recruited attorney, has extended an offer of employment that has been accepted by the applicant.
- b) Each year, ISAC shall select individuals to receive repayment benefits from among individuals who have previously executed a Service Agreement with the Department of Justice but have not yet completed the required term of service described in the Service Agreement and all new applicants who have submitted a completed application and Service Agreement.
- c) Individuals who have previously executed a Service Agreement with the Department of Justice but have not yet completed the required term of service shall be selected once all information necessary to compute the amount of an award under this Part has been received by ISAC.
- d) Priority consideration in selecting individuals to receive benefits from among new applicants will be given to those applicants who have the least ability to repay their loans. Individuals not receiving benefits under another program that provides loan repayment assistance for eligible educational loans will be considered before those who are receiving those benefits.
- e) Any award of funds under this Part shall be made in accordance with the following:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

- 1) Individuals selected to receive benefits shall be assigned to one of the five districts of the Illinois Appellate Court on the basis of the zip code of the individual's employer or, for those individuals who are employed in a statewide capacity as a prosecutor, as a statewide prosecutor. Available benefits will be allocated to each district or to statewide prosecutors based on the ratio of the number of statewide prosecutors or prosecutors or public defenders within a district to the total population of prosecutors and public defenders in the state.
- 2) The amount of the benefit awarded will be calculated based on each individual's ability to repay his or her qualifying loan debt. ISAC shall determine an individual's ability to repay qualifying loan debt using the individual's Adjusted Gross Income (AGI) from the IRS Form 1040 during the previous calendar year, calculated exemptions to federal income tax claimed by the individual during the previous calendar year, the amount of qualifying student loan debt owed by the individual, and the cost of living in the appellate district in which the individual's employer is located, as determined by the Cost of Living Index published annually by the Illinois Appellate Court.
- 3) Priority consideration in awarding benefits will be given to individuals who have previously executed a Service Agreement with the Department of Justice but have not yet completed the required term of service, except that priority under this Section shall be limited to individuals who have not previously completed a term of service under a Service Agreement with the Department of Justice. Awards shall then be made in accordance with this Section to new applicants.
- 4) Once all the money allocated for a particular district or to individuals qualifying as statewide prosecutors has been exhausted, the awarding for that district or to statewide prosecutors will cease.
- 5) In the event that an insufficient number of individuals from a particular district apply for the program, the remaining dollars in that district's allocation would be awarded to the highest-ranked applicants who have not received an award, regardless of which district they are from.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

- 6) The total amount of funds allocated to prosecutors, regardless of the district to which they are assigned or their status as a statewide prosecutor, must equal the total amount of funds allocated to defenders, regardless of the district to which they are assigned.
- f) The amount of an award shall not exceed \$10,000 per year, up to a maximum of \$60,000 during an individual's career. The annual amount may be reduced in order to make more loan repayment assistance awards when funding is insufficient to provide benefits to all selected individuals.
- g) The loan proceeds shall be remitted to the holder of the loans to be repaid.
- h) While receiving benefits, an individual must notify ISAC of changes to his or her address, employment status or loan status (default) within 10 days after a change.
- i) While receiving benefits, the individual must remain a licensed attorney in good standing with the Illinois bar.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: College Planning Act
- 2) Code Citation: 23 Ill. Adm. Code 2774
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2774.10	New Section
2774.15	New Section
2774.20	New Section
2774.30	New Section
2774.40	New Section
- 4) Statutory Authority: Implementing the College Planning Act [110 ILCS 17 and authorized by Section 15(c) of that Act
- 5) Effective Date of Rules: June 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 13, 2012, 36 Ill. Reg. 543
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposed and final version: The only changes made were technical in nature.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter 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: Public Act 97-0289 created the College Planning Act, a program that provides low-income and first-generation students in Illinois with

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

targeted services administered by ISAC to promote college awareness and planning, including without limitation postsecondary and career counseling programs, college admission, scholarship, and financial aid applications, simplified admission or financial assistance application programs. Proposed rulemaking for the program will set forth the participant eligibility requirements, program procedures and participant agreements.

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

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

847/948-8500, ext. 2305  
email: [lynn.hynes@isac.illinois.gov](mailto:lynn.hynes@isac.illinois.gov)

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2774  
COLLEGE PLANNING ACT

## Section

2774.10	Summary and Purpose
2774.15	Definitions
2774.20	Participant Eligibility
2774.30	Program Procedures
2774.40	Participant Agreements

AUTHORITY: Implementing the College Planning Act [110 ILCS 17] and authorized by Section 15(c) of that Act.

Source: Adopted at 36 Ill. Reg. 8443, effective June 1, 2012.

**Section 2774.10 Summary and Purpose**

- a) The College Planning Program provides low-income and first-generation students in Illinois with targeted services administered by ISAC to promote college awareness and planning, including, without limitation, postsecondary and career counseling programs, college preparation programs to assist students with the completion of college admission, scholarship, and financial aid applications, simplified admission or financial assistance application programs, and other supporting activities as described in this Part.
- b) This Part establishes rules that govern the College Planning Program. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

**Section 2774.15 Definitions**

"College Illinois Corps!" – For purposes of implementing the College Planning Act [110 ILCS 17], the College Illinois Corps! shall be referred to as the ISACorps.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

"College Planning Program" or "Program" – Services or assistance administered by ISAC as described in the College Planning Program Agreement and in Section 25 of the College Planning Act.

"College Planning Program Agreement" or "Agreement" – An agreement, in writing, involving ISAC, participating students and the student's custodial parent or guardian.

"College Planning Counselor" – A staff member of ISAC's College Access and Outreach Division with primary responsibility for providing services to students within designated community college districts.

"Custodial guardian" – An individual, other than a natural or adoptive parent, that has been awarded or exercises custody over a student in the following ways:

Custody granted by order of a court of competent jurisdiction to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

Custody exercised under a statutory short-term guardianship, provided that, within 60 days after the pupil's enrollment, a court order is entered that establishes a permanent guardianship and grants custody to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

Custody exercised by an adult caretaker relative who is receiving aid under the Illinois Public Aid Code for the pupil who resides with that adult caretaker relative for purposes other than to have access to the educational programs of the district.

Custody exercised by an adult who demonstrates that, in fact, he or she has assumed and exercises legal responsibility for the pupil and provides the pupil with a regular fixed night-time abode for purposes other than to have access to the educational programs through ISAC.

"Nonpublic school" – For the purposes of this Part, an educational institution other than a public school that is recognized by the Illinois State Board of Education and provides enrollment to middle school or secondary school students.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

"Postsecondary degree" – A degree awarded as the result of a program of study at any postsecondary institution that is equivalent to a baccalaureate degree or higher and is awarded by a four-year university or college upon completion of a program of study of at least eight semesters of qualifying postsecondary coursework.

**Section 2774.20 Participant Eligibility**

- a) A student receiving benefits from the College Planning Program must:
  - 1) be a resident of Illinois;
  - 2) be enrolled in the 8<sup>th</sup> grade at a public school or a nonpublic school in Illinois at the time of application;
  - 3) not be in the custodial care at the time of application of a parent or guardian who has received a postsecondary degree or must qualify to participate in the free and reduced-price lunch program under the School Breakfast and Lunch Program Act at the time of application;
  - 4) together with his or her custodial parent or guardian, must enter into a written College Planning Program Agreement.
- b) At any time during a student's participation in the Program, should ISAC discover that the student fails to meet the requirements for participant eligibility, ISAC will notify the student and his/her custodial parent or guardian of the failure to comply with the terms of the Program Agreement. The student shall be afforded the opportunity to cure any failures to comply with the Program Agreement within 30 days. If the student thereafter fails to meet the requirements described in the Program Agreement, the student shall be disqualified from further participation in the Program. A student that has been disqualified from participation in the program is disqualified from all future receipt of Program services and benefits that are not available to all students in Illinois.
- c) ISAC may require students and their custodial parent or guardian to submit an annual certification of eligibility.

**Section 2774.30 Program Procedures**

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

- a) Eligible students shall submit the College Planning Program Application to ISAC no later than the last day of the student's enrollment in the 8<sup>th</sup> grade in a public or nonpublic school in Illinois. The Program Application and the Program Agreement are available at ISAC's website and ISAC's Springfield, Deerfield and Chicago offices.
- b) The Program Application will include:
  - 1) Basic information concerning the student and his or her custodial parents or guardians, including but not limited to name, address, school of attendance, and highest level of education achieved by the custodial parents or guardians;
  - 2) A certification that the student is eligible to participate in the free and reduced-price lunch program under the School Breakfast and Lunch Program Act [105 ILCS 125] or that the student is in the care of a custodial parent or guardian who has not earned a postsecondary degree;
  - 3) Information concerning the student's academic performance, including but not limited to grade point average, courses completed, and class rank; and
  - 4) The student's postsecondary goals.
- c) Should availability of program benefits be limited as a result of funding, priority shall be given to eligible students based on the student's date of application and timely execution of the College Planning Program Agreement.

**Section 2774.40 Participant Agreements**

- a) The College Planning Program Agreement and any application materials required by ISAC must be submitted to ISAC's Deerfield office prior to the student's completion of 8<sup>th</sup> grade at an Illinois public or an Illinois nonpublic school.
- b) To remain qualified to receive benefits of the Program, the students must:
  - 1) Be enrolled in a secondary public school or nonpublic school in Illinois by the time the student completes 8<sup>th</sup> grade;

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

- 2) Complete the course requirements specified in Section 27-22 of the School Code and graduate from a secondary school located in Illinois;
- 3) Not be convicted of a felony offense that would disqualify the student from receiving federal student aid;
- 4) Timely apply, during enrollment in the 12<sup>th</sup> grade, for admission to a postsecondary institution in Illinois approved to participate in the Monetary Award Program under Section 35 of the Higher Education Student Assistance Act and for any federal and State student financial assistance available to the student as the result of attending a postsecondary institution in Illinois;
- 5) Upon completing high school, achieve a cumulative grade point average for courses taken during 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> grades of at least a 2.5 on a 4.0 grading scale or its equivalent if another grading scale is used;
- 6) Update demographic and contact information required within the initial Program participation application and Program agreement at the start of the student's academic year;
- 7) Take a recognized standardized college entrance examination no later than the end of the 11<sup>th</sup> grade;
- 8) Participate in college planning and preparation activities required by ISAC as part of the administration of the Program;
- 9) Share academic and financial data with ISAC from enrollment in the program until the attainment of a bachelor's degree; and
- 10) Certify that the student and custodial parent or guardian will notify ISAC if the student no longer qualifies to receive the benefits of the Program at any time during the student's participation as a result of his or her failure to comply with the terms of the agreement.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of the Part: Conditions of Employment

Code Citation: 80 Ill. Adm. Code 303

Section Numbers: 303.165 303.166 303.175

Date Originally Published in the Illinois Register: 3/2/12  
36 Ill. Reg. 3153

At its meeting on May 15, 2012, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that the Department of Central Management Services be more timely adopting rules implementing new Public Acts. Its rulemaking titled Conditions of Employment (80 Ill. Adm. Code 303; 36 Ill. Reg. 3153) is implementing Public Acts that became effective in 2005 and 2009.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

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 May 15, 2012 through May 21, 2012 and have been scheduled for review by the Committee at its June 12, 2012 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>
6/28/12	<u>Secretary of State, Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)</u>	3/30/12 36 Ill. Reg. 4696	6/12/12
6/28/12	<u>Department of Natural Resources, Commercial Fishing and Musseling in Certain Waters of the State(17 Ill. Adm. Code 830)</u>	1/20/12 36 Ill. Reg. 722	6/12/12
6/28/12	<u>Department of Natural Resources, Commercial Fishing and Musseling in Certain Waters of the State(17 Ill. Adm. Code 830)</u>	11/18/11 35 Ill. Reg. 19033	6/12/12
6/28/12	<u>Chief Procurement Officer for Public Institutions of Higher Education, Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement (44 Ill. Adm. Code 4)</u>	3/9/12 36 Ill. Reg. 3373	6/12/12
6/30/12	<u>Chief Procurement Officer for General Services, Chief Procurement Officer for General Services Standard Procurement (44 Ill. Adm. Code 1)</u>	2/10/12 36 Ill. Reg. 1820	6/12/12

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PUBLIC INFORMATION

1. Statutory Authority: 5 ILCS 100/5-70(c)

2. Summary of information:

The Department of Healthcare and Family Services (HFS) is considering changes by which hospitals and nursing facilities are reimbursed for providing medical services, for dates of service on or after July 1, 2012.

For hospital inpatient and outpatient services, the HFS proposes to reduce reimbursement rates by twelve percent. These proposed reductions are estimated to reduce spending by \$497.0 million on an annual basis (\$300.7 million during State fiscal year 2013).

For nursing facilities services, the HFS proposed to reduce reimbursement rates by twelve percent. These proposed reductions are estimated to reduce spending by \$203.3 million on an annual basis (\$123.9 million in State fiscal year 2013).

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

Any interested party may submit comments, data, views, or arguments concerning these proposed changes. All comments must be in writing and should be addressed to:

Greg Wilson  
Illinois Department of Healthcare and Family Services  
Bureau of Program and Reimbursement Analysis  
201 South Grand Ave E. 2<sup>nd</sup> Fl  
Springfield, Illinois 62794  
E-mail address: [hfs.bpra@illinois.gov](mailto:hfs.bpra@illinois.gov)

This notice is being provided in accordance with federal requirements provided at 42 *CFR* 447.205. Hearings related to these proposed changes will be considered during legislative hearings. The time and locations of such hearings will be announced through the website of the Illinois General Assembly at: [www.ilga.gov](http://www.ilga.gov)

## DEPARTMENT OF LABOR

## NOTICE OF PUBLIC INFORMATION

LIST OF CONTRACTOR(S) PROHIBITED FROM AN AWARD  
OF A CONTRACT OR SUBCONTRACT  
FOR PUBLIC WORKS PROJECTS

Pursuant to 820 ILCS 130/11a of the Prevailing Wage Act the Director of the Illinois Department of Labor gives notice that the following contractors and subcontractors have been found to have disregarded their obligations to employees under the Prevailing Wage Act on two (2) separate occasions and that they, or any firm, corporation, partnership or association in which such contractors or subcontractors have an interest, are prohibited from being awarded any contract or subcontract for a public works project:

Dirt & Sod, Inc.  
c/o Pat Brandonisio, President  
964 Elizabeth Drive  
Elgin, IL 60120  
IDOL Case No.(s): 2008-PW-WJ02-0633 & 2010-PW-WJ09-0254  
November 29, 2010, and continuing through November 29, 2012

B & T Services of Monee, Inc.  
4922 W. Margaret Street  
Monee, IL 60449  
IDOL Case No.(s): 2007-PW-AP06-0839 & 2006-PW-RW06-0939  
May 21, 2010 and continuing through May 20, 2014

American Brick Paving, Inc.  
c/o John Biebrach, President  
825 Seegers Road  
Des Plaines, IL 60016  
IDOL Case No.: 2010-PW-WJ11-0557  
September 24, 2010 and continuing through September 23, 2014

Performance Paving, Ltd.  
c/o Larry Kennebeck, President  
520 Bonner Road  
Wauconda, IL 60084  
IDOL Case No.(s): 2008-PW-WJ01-0530 & 2010-PW-WJ08-0214  
November 29, 2010 and continuing through November 29, 2014

## DEPARTMENT OF LABOR

## NOTICE OF PUBLIC INFORMATION

Dem/Ex Group, Inc.  
c/o Daniel Saal  
805 S. Adams Street  
Manito, IL 61546  
IDOL Case No.(s): 2008-PW-RW09-0186 & 2010-PW-RDW09-0351  
July 29, 2011, and continuing through July 29, 2015

Gire Construction, Inc.  
aka Gire Roofing  
c/o Ed Gire  
712 S. Neil Street  
Champaign, IL 61820  
IDOL Case No.(s): 2010-PW-JD08-0104 & 2011-PW-JD07-0009  
December 16, 2011, and continuing through December 16, 2015

American Painting, Inc.  
c/o Gary Bens  
1820 S. Wallace, Unit 118  
St. Charles, IL 60174  
IDOL Case No.(s): 2010-PW-DA12-0578 & 2012-PW-DA09-0139  
February 3, 2012, and continuing through February 3, 2016

City Cottage Group, Inc.  
2907 South Wabash Avenue  
Chicago, IL 60616  
IDOL Case No.(s): 2008-PW-DA02-0631 & 2010-PW-DA08-0123  
March 30, 2012, and continuing through March 30, 2016

Champion Environmental Services, Inc.  
38 West End Drive  
Gilberts, IL 60136  
IDOL Case No.(s): 2009-PW-LL02-0743 & 2011-PW-RDW05-1039  
“this debarment is effective until 4 years have elapsed from the date of publication of the list containing the name of the contractor”.

Copies of the Prevailing Wage Act are available on the internet at

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

<http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor  
Conciliation and Mediation Division  
900 S. Spring Street  
Springfield, Illinois 62704

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

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